Drug Law Comparisons of Southern States
Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas
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### Schedule I

§ 20-2-22: (1) High potential for abuse; (2) no accepted med. use in U.S. or lacks accepted safety for use in treatment under med. supervision.

### Enumeration

§ 20-2-23: (1) **Opiates**
(2) **Opiate derivatives**: E.g., heroin, codeine compounds, morphine compounds, etc.
(3) **Hallucinogenic substances**: E.g., marijuana, MDMA, mescaline, DMT, peyote, LSD, psilocybin, etc.
(4) **Other synthetic chemical compounds** replicating the effects of Schedule I drugs (e.g., "bath salts", "Spice", etc.)
(5) **Controlled substance analogs** mimicking stimulant, depressant, or hallucinogenic effects of Schedule I or II drugs.

### Schedule II

§ 20-2-24: (1) High potential for abuse; (2) accepted med use in US with severe restrictions; (3) abuse of substance may lead to psychological or physical dependence.

### Enumeration

§ 20-2-25: (1) **substances extracted from vegetable origin or chemical synthesis**: e.g., opium, its derivatives, or its chemical equivalents; cocaine and other coca leaf derivatives.
(2) **Other opiates**: e.g., methadone, Demerol, other opioid painkillers.

### Schedule III

§ 20-2-26: (1) Potential for abuse less than the substances listed in schedules I and II; (2) accepted med. use in US; (3) abuse of substance may lead to moderate or low physical dependence or high psychological dependence.

### Schedule III enumeration

§ 20-2-27: (1) **materials containing potentially abusive quantities of certain stimulants**: e.g., Ritalin amphetamines, phenmetrazine, methamphetamine
(2) **materials containing potentially abusive quantities of certain depressants**: e.g., barbituric acid, PCP, etc.
(3) **Nalorphine**
(4) **materials with limited quantities of codeine, morphine, or opium**

### Schedule IV

§ 20-2-28: (1) low potential for abuse relative to schedule III substances; (2) accepted medical use in US; (3) abuse of substance may lead to limited physical or psychological dependence relative to schedule III substances.

### Schedule IV enumeration

§ 20-2-29: (1) **materials containing potential abusive quantities of certain depressants**: e.g., barbital, chloral hydrate, phenobarbital, etc.

### Schedule V

§ 20-2-30: (1) low potential for abuse relative to schedule IV substances; (2) accepted med use in US; (3) limited phys. or psych. Dependence relative to schedule IV substances.

### Schedule V enumeration

§ 20-2-31: (1) **compounds containing limited quantities of the following narcotics with proportionate nonnarcotic medicinal ingredients**: codeine, opium and their derivatives and dephenozylate.

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<td>Class B Felony: 2-20 yrs; $0-$30000</td>
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<td>13A-12-212(a)(1)</td>
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<td>(1) any amount for non-personal use</td>
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<td>(c) 500-1000 lbs</td>
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<td>(b) 500g-1kg</td>
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<td>(c) 1kg-10kg</td>
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<td>(d) 10kg or more</td>
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<td>13A-12-231(3) Illegal drug Trafficking (morphine, opium, heroine)</td>
<td>No probation or S.S.</td>
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<td>(a) 4-14g</td>
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<td>(b) 14-28g</td>
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<td>(b) 28-56g</td>
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<tr>
<td>(c) 56g or more</td>
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<td>13A-12-231(4) Trafficking Methaqualone:</td>
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<td>(b) 1000-4000 pills</td>
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<td>(c) 4000-10000 pills</td>
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<td>(a) 500-999 pills</td>
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<td>(b) 1000-4000 pills</td>
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<td>(c) 4000-10000 pills</td>
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<td>(c) 10000 or more pills</td>
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<td>(c) 1kg-10kg</td>
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<td>(d) 10kg or more</td>
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<td>(a) 28-500g</td>
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<td>(b) 500g-1kg</td>
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<td>(c) 1kg-10kg</td>
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<td>(a) 4-14g</td>
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<td>(b) 28-56g</td>
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<td>(c) 56g or more</td>
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<td>Trafficking lysergic acid diethylamide (LSD)</td>
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<td>(a) 4-14g</td>
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<td>(b) 14-28g</td>
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<td>(b) 28-56g</td>
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<td>(c) 56g or more</td>
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<td>(a) 28-500g</td>
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<td></td>
<td>(c) 1kg-10kg</td>
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<td>(d) 10kg or more</td>
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<tr>
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<td>(a) 28-500g</td>
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<td>(b) 500g-1kg</td>
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<td>(c) 1kg-10kg</td>
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<td></td>
<td>(d) 10kg or more</td>
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<td>13A-12-205</td>
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<td></td>
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<td>5) knowingly maintaining structure or vehicle used by persons to use, keep or sell controlled substances</td>
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</tr>
</tbody>
</table>
### Alabama Drug Statutes Chart

**Alabama Code: Title 13A Criminal Code**

| (2) Use of invalid registration number during manufacture/distribution | Class B Felony: 2-20 yrs; $0-$30000 |
| (3) Obtain possession of controlled substance by misrepresentation | Class C Felony 366 days-10 yrs; $0-$500 |
| (4) Furnishing false info on required records | Class B Felony: 2-20 yrs; $0-$30000 |
| (5) Possessing materials used to make counterfeit substances | Class B Felony: 2-20 yrs; $0-$30000 |

20-2-143 **Manufacture, distribution, possession, advertisement of imitation controlled substance**

| (a) manufacture, distribution, p.w.i. imitation controlled substance | Class A misdemeanor; 0-1 yr; $0-$600 |
| (b) distribution to a minor | Class C felony; 366 days-10 yrs; $0-$500 |
| (c) Possession | Class C misdemeanor; 0-3months; $0-$500 |
| (d) Advertisement | Class B misdemeanor; 0-6months; $0-$3,000 |
§ 13A-12-211. Unlawful distribution of controlled substances.

• (a) A person commits the crime of unlawful distribution of controlled substances if, except as otherwise authorized, he or she sells, furnishes, gives away, delivers, or distributes a controlled substance enumerated in Schedules I through V.

• (b) Unlawful distribution of controlled substances is a Class B felony.

• (c) A person commits the crime of unlawful possession with intent to distribute a controlled substance if, except as otherwise authorized by law, he or she knowingly possesses any of the following quantities of a controlled substance:
  o (1) More than eight grams, but less than 28 grams, of cocaine or of any mixture containing cocaine.
  o (2) More than two grams, but less than four grams, of any morphine, opium, or any salt, isomer, or salt of an isomer thereof, including heroin.
  o (3) More than eight grams, but less than 28 grams, of 3,4-methylenedioxy amphetamine, or of any mixture containing 3,4-methylenedioxy amphetamine.
  o (4) More than eight grams, but less than 28 grams, of 5-methoxy-3,4-methylenedioxy amphetamine, or of any mixture containing 5-methoxy-3,4-methylenedioxy amphetamine.
  o (5) More than eight grams, but less than 28 grams, of amphetamine or any mixture containing amphetamine, its salt, optical isomer, or salt of its optical isomer thereof.
  o (6) More than eight grams, but less than 28 grams, of methamphetamine or any mixture containing methamphetamine, its salts, optical isomers, or salt of its optical isomers thereof.

• (d) Unlawful possession with intent to distribute a controlled substance is a Class B felony.

§ 13A-12-212. Unlawful possession of a controlled substance.

• (a) A person commits the crime of unlawful possession of controlled substance if:
  o (1) Except as otherwise authorized, he or she possesses a controlled substance enumerated in Schedules I through V.
  o (2) He or she obtains by fraud, deceit, misrepresentation, or subterfuge or by the alteration of a prescription or written order or by the concealment of a material fact or by the use of a false name or giving a false address, a controlled substance enumerated in Schedules I through V or a precursor chemical enumerated in § 20-2-181.

• (b) Unlawful possession of a controlled substance is a Class C felony.

§ 13A-12-213. Unlawful possession of marihuana; first degree.

• (a) A person commits the crime of unlawful possession of marihuana in the first degree if, except as otherwise authorized:
  o (1) He possesses marihuana for other than personal use; or
  o (2) He possesses marihuana for his personal use only after having been previously convicted of unlawful possession of marihuana in the second degree or unlawful possession of marihuana for his personal use only.

• (b) Unlawful possession of marihuana in the first degree is a Class C felony.
§ 13A-12-214. Unlawful possession of marihuana; second degree.

• (a) A person commits the crime of unlawful possession of marihuana in the second degree if, except as otherwise authorized, he possesses marihuana for his personal use only.

• (b) Unlawful possession of marihuana in the second degree is a Class A misdemeanor.

§ 13A-12-214.1. Unlawful possession of certain chemical compounds; salvia.

• (a) The possession of salvia divinorum or salvinorin A, including all parts of the plant presently classified botanically as salvia divinorum, 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 shall be illegal in this state.

• (b) A violation of subsection (a) shall be subject to the same penalties as a violation § 13A-12-213 and -12-214.

§ 13A-12-215. Selling, furnishing or giving controlled substances to minor.

If the offender is over the age of 18 and the offense consists of selling, furnishing or giving such controlled substances as enumerated in Schedules I, II, III, IV and V to a person who has not attained the age of 18 years the offender shall be guilty of a Class A felony. The imposition or execution of sentence shall not be suspended and probation shall not be granted.

§ 13A-12-216. Schedules.

The Schedules I through V referred to in this division are the schedules contained in § 20-2-20 through -2-31, or in those schedules as revised and republished annually by the State Board of Health pursuant to § 20-2-32.

§ 13A-12-217. Unlawful manufacture of a controlled substance; second degree.

• (a) A person commits the crime of unlawful manufacture of a controlled substance in the second degree if, except as otherwise authorized in state or federal law, he or she does any of the following:
  o (1) Manufactures a controlled substance enumerated in Schedules I to V, inclusive.
  o (2) Possesses precursor substances as determined in § 20-2-181, in any amount with the intent to unlawfully manufacture a controlled substance.

• (b) Unlawful manufacture of a controlled substance in the second degree is a Class B felony.


• (a) A person commits the crime of unlawful manufacture of a controlled substance in the first degree if he or she violates § 13A-12-217 and two or more of the following conditions occurred in conjunction with that violation:
Alabama Drug Statutes

- (1) Possession of a firearm.
- (2) Use of a booby trap.
- (3) Illegal possession, transportation, or disposal of hazardous or dangerous materials or while transporting or causing to be transported materials in furtherance of a clandestine laboratory operation, there was created a substantial risk to human health or safety or a danger to the environment.
- (4) A clandestine laboratory operation was to take place or did take place within 500 feet of a residence, place of business, church, or school.
- (5) A clandestine laboratory operation actually produced any amount of a specified controlled substance.
- (6) A clandestine laboratory operation was for the production of controlled substances listed in Schedule I or Schedule II.
- (7) A person under the age of 17 was present during the manufacturing process.

- (b) Unlawful manufacture of a controlled substance in the first degree is a Class A felony.

§ 13A-12-219. Unlawful possession of anhydrous ammonia.

- (a) A person commits the crime of unlawful possession of anhydrous ammonia if he or she purchases, possesses, transfers, or distributes any amount of anhydrous ammonia, knowing, or under circumstances where one reasonably should know, that the anhydrous ammonia will be used to unlawfully manufacture a controlled substance.
- (b) Unlawful possession of anhydrous ammonia is a Class B felony.

§ 13A-12-231. Generally; repeat offenders; possession of firearm during commission of crime.

- Except as authorized in Chapter 2, Title 20:
  - (1) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, in excess of one kilo or 2.2 pounds of any part of the plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin including the completely defoliated mature stalks of the plant, fiber produced from the stalks, oil, or cake, or the completely sterilized samples of seeds of the plant which are incapable of germination is guilty of a felony, which felony shall be known as "trafficking in cannabis." Nothing in this subdivision shall apply to samples of tetrahydrocannabinols including, but not limited to, all synthetic or naturally produced samples of tetrahydrocannabinols which contain more than 15 percent by weight of tetrahydrocannabinols and which do not contain plant material exhibiting the external morphological features of the plant cannabis. If the quantity of cannabis involved:
    - a. Is in excess of one kilo or 2.2 pounds, but less than 100 pounds, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of twenty-five thousand dollars ($25,000).
    - b. Is 100 pounds or more, but less than 500 pounds, the person shall be sentenced to a mandatory minimum term of imprisonment
of five calendar years and to pay a fine of fifty thousand dollars ($50,000).

- c. Is 500 pounds or more, but less than 1,000 pounds, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of two hundred thousand dollars ($200,000).
- d. Is 1,000 pounds or more, the person shall be sentenced to a mandatory term of imprisonment of life without parole.

(2) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of cocaine or of any mixture containing cocaine, described in §20-2-25(1), is guilty of a felony, which felony shall be known as "trafficking in cocaine." If the quantity involved:

- a. Is 28 grams or more, but less than 500 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of fifty thousand dollars ($50,000).
- b. Is 500 grams or more, but less than one kilo, the person shall be sentenced to a mandatory minimum term of imprisonment of five calendar years and to pay a fine of one hundred thousand dollars ($100,000).
- c. Is one kilo, but less than 10 kilos, then the person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of two hundred fifty thousand dollars ($250,000).
- d. Is 10 kilos or more, the person shall be sentenced to a mandatory term of imprisonment of life without parole.

(3) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, four grams or more of any morphine, opium, or any salt, isomer, or salt of an isomer thereof, including heroin, as described in §20-2-23(2) or §20-2-25(1)a., or four grams or more of any mixture containing any such substance, is guilty of a felony, which felony shall be known as "trafficking in illegal drugs." If the quantity involved:

- a. Is four grams or more, but less than 14 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of fifty thousand dollars ($50,000).
- b. Is 14 grams or more, but less than 28 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 10 calendar years and to pay a fine of one hundred thousand dollars ($100,000).
- c. Is 28 grams or more, but less than 56 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and to pay a fine of five hundred thousand dollars ($500,000).
- d. Is 56 grams or more, the person shall be sentenced to a mandatory term of imprisonment of life without parole.

(4) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 1,000 or more pills or capsules of methaqualone, as described in §20-2-1, et seq., is guilty of a felony, which felony shall be known as "trafficking in illegal drugs." If the quantity involved:

- a. Is 1,000 pills or capsules, but less than 5,000 pills or capsules, the person shall be sentenced to a mandatory minimum term of
imprisonment of three calendar years and pay a fine of fifty thousand dollars ($50,000).
  - **b.** Is 5,000 capsules or more, but less than 25,000 capsules, that person shall be imprisoned to a mandatory minimum term of imprisonment of 10 calendar years and pay a fine of one hundred thousand dollars ($100,000).
  - **c.** Is 25,000 pills or more, but less than 100,000 pills or capsules, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and pay a fine of five hundred thousand dollars ($500,000).
  - **d.** Is 100,000 capsules or more, the person shall be sentenced to a mandatory term of imprisonment of life without parole.

(5) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of 500 or more pills or capsules of hydromorphone as is described in §20-2-1, et seq., is guilty of a felony which shall be known as "trafficking in illegal drugs." If the quantity involved:

  - **a.** Is 500 pills or capsules or more but less than 1,000 pills or capsules, the person shall be sentenced to a mandatory term of imprisonment of three calendar years and to pay a fine of fifty thousand dollars ($50,000).
  - **b.** Is 1,000 pills or capsules or more, but less than 4,000 pills or capsules, the person shall be sentenced to a mandatory term of imprisonment of 10 calendar years and to pay a fine of one hundred thousand dollars ($100,000).
  - **c.** Is 4,000 pills or capsules or more but less than 10,000 pills or capsules, the person shall be sentenced to a mandatory term of imprisonment of 25 calendar years and to pay a fine of one hundred thousand dollars ($100,000).
  - **d.** Is more than 10,000 pills or capsules, the person shall be sentenced to a mandatory term of life in prison without parole.

(6) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of 3,4-methylenedioxyamphetamine, or of any mixture containing 3,4-methylenedioxyamphetamine, is guilty of a felony which shall be known as "trafficking in illegal drugs." If the quantity involved:

  - **a.** Is 28 grams or more, but less than 500 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of fifty thousand dollars ($50,000).
  - **b.** Is 500 grams or more, but less than one kilo, the person shall be sentenced to a mandatory minimum term of imprisonment of five calendar years and to pay a fine of one hundred thousand dollars ($100,000).
  - **c.** Is one kilo, but less than 10 kilos, then the person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of two hundred fifty thousand dollars ($250,000).
  - **d.** Is 10 kilos or more, the person shall be sentenced to a mandatory term of imprisonment of life without parole.

(7) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of 5-methoxy-3, 4-methylenedioxyamphetamine, or of any mixture containing 5-methoxy-3, 4-methylenedioxyamphetamine is guilty of
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a felony, which felony shall be known as "trafficking in illegal drugs" if the quantity involved:

- **a.** Is 28 grams or more, but less than 500 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of fifty thousand dollars ($50,000).
- **b.** Is 500 grams or more, but less than one kilo, the person shall be sentenced to a mandatory minimum term of imprisonment of five calendar years and to pay a fine of one hundred thousand dollars ($100,000).
- **c.** Is one kilo, but less than 10 kilos, then the person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of two hundred fifty thousand dollars ($250,000).
- **d.** Is 10 kilos or more, the person shall be sentenced to a mandatory term of imprisonment of life without parole.

(8) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, four grams or more of phencyclidine, or any mixture containing phencyclidine, is guilty of a felony, which felony shall be known as "trafficking in illegal drugs." If the quantity involved:

- **a.** Is four grams or more, but less than 14 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of fifty thousand dollars ($50,000).
- **b.** Is 14 grams or more, but less than 28 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of five calendar years and to pay a fine of one hundred thousand dollars ($100,000).
- **c.** Is 28 grams or more, but less than 56 grams, then the person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of two hundred fifty thousand dollars ($250,000).
- **d.** Is 56 grams or more, the person shall be sentenced to a mandatory term of imprisonment of life without parole.

(9) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, four grams or more of lysergic acid diethylamide, of four grams or more of any mixture containing lysergic acid diethylamide, is guilty of a felony, which felony shall be known as "trafficking in illegal drugs." If the quantity involved:

- **a.** Is four grams or more, but less than 14 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of fifty thousand dollars ($50,000).
- **b.** Is 14 grams or more, but less than 28 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of five calendar years and to pay a fine of one hundred thousand dollars ($100,000).
- **c.** Is 28 grams or more, but less than 56 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of two hundred fifty thousand dollars ($250,000).
- **d.** Is 56 grams or more, the person shall be sentenced to a mandatory term of imprisonment of life without parole.

(10) Any person who knowingly sells, manufactures, delivers or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of amphetamine or any mixture containing
amphetamine, its salt, optical isomer, or salt of its optical isomer thereof, is
guilty of a felony, which felony shall be known as "trafficking in
amphetamine." If the quantity involved:

- **a.** Is 28 grams or more but less than 500 grams, the person
  shall be sentenced to a mandatory minimum term of imprisonment of
  three calendar years and to pay a fine of fifty thousand dollars ($50,000).
- **b.** Is 500 grams or more, but less than one kilo, the person
  shall be sentenced to a mandatory minimum term of imprisonment of five
  calendar years and to pay a fine of one hundred thousand dollars
  ($100,000).
- **c.** Is one kilo but less than 10 kilos, then the person shall be
  sentenced to a mandatory minimum term of imprisonment of 15 calendar
  years and to pay a fine of two hundred fifty thousand dollars ($250,000).
- **d.** Is 10 kilos or more, the person shall be sentenced to a
  mandatory term of imprisonment of life without parole.

o **(11)** Any person who knowingly sells, manufactures, delivers, or
  brings into this state, or who is knowingly in actual or constructive possession
  of, 28 grams or more of methamphetamine or any mixture containing
  methamphetamine, its salts, optical isomers, or salt of its optical isomers
  thereof, is guilty of a felony, which felony shall be known as "trafficking in
  methamphetamine." If the quantity involved:

- **a.** Is 28 grams or more but less than 500 grams, the person
  shall be sentenced to a mandatory minimum term of imprisonment of
  three calendar years and to pay a fine of fifty thousand dollars ($50,000).
- **b.** Is 500 grams or more, but less than one kilo, the person
  shall be sentenced to a mandatory minimum term of imprisonment of five
  calendar years and to pay a fine of one hundred thousand dollars
  ($100,000).
- **c.** Is one kilo but less than 10 kilos, then the person shall be
  sentenced to a mandatory minimum term of imprisonment of 15 calendar
  years and to pay a fine of two hundred fifty thousand dollars ($250,000).
- **d.** Is 10 kilos or more, the person shall be sentenced to a
  mandatory term of imprisonment of life without parole.

o **(12)** Any person who knowingly sells, manufactures, delivers, or
  brings into this state, or who is knowingly in actual or constructive possession
  of, 28 or more grams of a controlled substance analog, as described in 20-2-23,
  is guilty of a felony, which felony shall be known as "trafficking in
  controlled substance analogs." If the quantity involved:

- **a.** Is 28 grams or more, but less than 500 grams, the person
  shall be sentenced to a mandatory minimum term of imprisonment of
  three calendar years and to pay a fine of fifty thousand dollars ($50,000).
- **b.** Is 500 grams or more, but less than 1 kilo, the person shall
  be sentenced to a mandatory minimum term of imprisonment of 10
  calendar years and to pay a fine of one hundred thousand dollars
  ($100,000).
- **c.** Is one kilo, but less than 10 kilos, then the person shall be
  sentenced to a mandatory minimum term of imprisonment of 15 calendar
  years and to pay a fine of two hundred fifty thousand dollars ($250,000).
- **d.** Is 10 kilos or more, the person shall be sentenced to a
  mandatory term of imprisonment of life without parole.

o **(13)** The felonies of "trafficking in cannabis," "trafficking in cocaine,
"trafficking in illegal drugs," "trafficking in amphetamine," "trafficking in
methamphetamine," and "trafficking in controlled substance analogs" as
defined in subdivisions (1) through (12), above, shall be treated as Class A felonies for purposes of Title 13A, including sentencing under 13A-5-9. Provided, however, that the sentence of imprisonment for a defendant with one or more prior felony convictions who violates subdivisions (1) through (12) of this section shall be the sentence provided therein, or the sentence provided under 13A-5-9, whichever is greater. Provided further, that the fine for a defendant with one or more prior felony convictions who violates subdivisions (1) through (12) of this section shall be the fine provided therein, or the fine provided under 13A-5-9, whichever is greater.

(14) Notwithstanding any provision of law to the contrary, any person who has possession of a firearm during the commission of any act proscribed by this section shall be punished by a term of imprisonment of five calendar years which shall be in addition to, and not in lieu of, the punishment otherwise provided, and a fine of twenty-five thousand dollars ($25,000); the court shall not suspend the five-year additional sentence of the person or give the person a probationary sentence.

§ 13A-12-232. Suspension of sentence, parole, probation, work release, etc.

(a) Notwithstanding the provisions of Chapter 22, Title 15, or any other provision of law, with respect to any person who is found to have violated 13A-12-231, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for any type of parole, probation, work release, supervised intensive restitution program, release because of deduction from sentence for good behavior under corrections incentive time act or any other program, furlough, pass, leave, or any other type of early, conditional, or temporary release program, nor shall such person be permitted to leave the penitentiary for any reason whatsoever except for necessary court appearances and for necessary medical treatment, prior to serving the mandatory minimum term of imprisonment prescribed in this article or 15 years, whichever is less. Nothing contained in this section shall be construed in any way to render any inmate eligible for parole, probation, suspended sentence, furlough, pass, leave, or any type or early, conditional, or temporary release program of any type to which the inmate is not otherwise eligible under other provision of law. Nor shall anything in this section be construed to render any person sentenced to life imprisonment without parole under this or any other act eligible for parole, probation, suspended sentence, furlough, pass, leave, or any type of early, conditional, or temporary release program at any time.

(b) The prosecuting attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of 13A-12-231, except where the sentence is life imprisonment without parole, and who provides substantial assistance in the arrest, or in the conviction of any of his accomplices, accessories, coconspirators, or principals. The arresting agency shall be given an opportunity to be heard in aggravation or mitigation in reference to any such motion. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may reduce or suspend the sentence if he finds that the defendant rendered such substantial assistance. Under no circumstances may the judge reduce or suspend the sentence except upon motion of the prosecuting attorney.

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- **(a)** This section shall be known as the "Alabama Drug Trafficking Enterprise Act." For purposes of this section, a person is engaged in a criminal enterprise for the purpose of trafficking in illegal drugs if that person violates any provision of [13A-12-231](#), and such violation is:
  - (1) Undertaken by such person in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management, and
  - (2) From which such person obtains substantial income or resources.

- **(b)** For purposes of this section, "substantial income" means any amount exceeding the established minimum wage, as established by law.

- **(c)** Any person who engages in a criminal enterprise for the purpose of trafficking in illegal drugs shall be punished as follows:
  - (1) Upon the first conviction of violation of this section, he shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years or for any mandatory term of calendar years up to and including life without parole and to a fine of not less than $50,000.00 nor more than $500,000.00.
  - (2) Upon the second conviction of violation of this section, he must be sentenced to a mandatory term of imprisonment for life without parole and to a fine of not less than $150,000.00 nor more than $1,000,000.00.
  - (3) In no event shall the term of imprisonment or the amount of fine imposed under this section be less than the corresponding term of imprisonment or fine authorized [13A-12-231](#), for the underlying violation of that section, including application of the Habitual Felony Offender Act, as determined by the type and amount of the particular illegal drug involved.

- **(d)** The courts of Alabama shall have jurisdiction to enter such restraining orders or prohibitions, or to take such other actions, including the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to forfeiture under [20-2-93](#) as they shall deem proper.

§ 13A-12-250. Additional penalty.

In addition to any penalties heretofore or hereafter provided by law for any person convicted of an unlawful sale of a controlled substance, there is hereby imposed a penalty of five years incarceration in a state corrections facility with no provision for probation if the situs of such unlawful sale was on the campus or within a three-mile radius of the campus boundaries of any public or private school, college, university or other educational institution in this state.

§ 13A-12-270. Additional penalty.

In addition to any penalties heretofore or hereafter provided by law for any person convicted of an unlawful sale of a controlled substance, there is hereby imposed a penalty of five years incarceration in a state corrections facility with no provision for probation if the situs of such unlawful sale was within a three-mile radius of a public housing project owned by a housing authority.

§ 20-2-22. Schedule I; determinations.
The State Board of Health shall place a substance in Schedule I if it finds that the substance:
  1. Has high potential for abuse; and
  2. Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

§ 20-2-23. Schedule I; enumeration.

(a) The Legislature finds the following:
  1. New synthetic substances are being created which are not controlled under the provisions of existing state law but which have a potential for abuse similar to or greater than that for substances controlled under existing state law. These new synthetic substances are called 'controlled substance analogs,' and can be designed to produce a desired pharmacological effect and to evade the controlling statutory provisions. Controlled substance analogs are being manufactured, distributed, possessed, and used as substitutes for controlled substances.
  2. The hazards attributable to the traffic in and use of controlled substance analogs are increased because their unregulated manufacture produces variations in purity and concentration.
  3. Many new synthetic substances are untested, and it cannot be immediately determined whether they have useful medical or chemical purposes.
  4. The uncontrolled importation, manufacture, distribution, possession, or use of controlled substance analogs has a substantial and detrimental impact on the health and safety of the people of this state.
  5. Controlled substance analogs can be created more rapidly than they can be identified and controlled by action of the Legislature. There is a need for a speedy determination of their proper classification under existing law. It is therefore necessary to identify and classify new substances that have a potential for abuse, so that they can be controlled in the same manner as other substances controlled under existing state law.

(b) The controlled substances listed in this section are included in Schedule I:
  1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:
     a. Acetylmethadol;
     b. Allylprodine;
     c. Alphacetylmethadol;
     d. Alphameprodine;
     e. Alphamethadol;
     f. Benzethidine;
     g. Betacetylmethadol;
     h. Betameprodine;
     i. Betamethadol;
     j. Betaprodine;
     k. Clonitazene;
     l. Dextromoramide;
     m. Dextrophan;
     n. Diampromide;
     o. Diethylthiambutene;
     p. Dimenoxadol;
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- q. Dimepheptanol;
- r. Dimethylthiambutene;
- s. Dioxaphetyl butyrate;
- t. Dipipanone;
- u. Ethylmethylthiambutene;
- v. Etonitazene;
- w. Etoxeridine;
- x. Furethidine;
- y. Hydroxypethidine;
- z. Ketobemidone;
- aa. Levomoramide;
- bb. Levophenacylmorphan;
- cc. Morpheridine;
- dd. Noracymethadol;
- ee. Norlevorphanol;
- ff. Normethadone;
- gg. Norpipanone;
- hh. Phenadoxone;
- ii. Phenampramide;
- jj. Phenomorphan;
- kk. Phenoperidine;
- ll. Pirritramide;
- mm. Proheptazine;
- nn. Properidine;
- oo. Racemoramide;
- pp. Trimeperidine.

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

- a. Acetorphine;
- b. Acetyldihydrocodeine;
- c. Benzylmorphine;
- d. Codeine methylbromide;
- e. Codeine-N-Oxide;
- f. Cyprenorphine;
- g. Desomorphine;
- h. Dihydromorphine;
- i. Etorphine;
- j. Heroin;
- k. Hydromorphinol;
- l. Methyldesorphine;
- m. Methyldihydromorphine;
- n. Morphine methylbromide;
- o. Morphine methylsulfonate;
- p. Morphine-N-Oxide;
- q. Myrophine;
- r. Nicocodeine;
- s. Nicomorphine;
- t. Normorphine;
- u. Pholcodine;
- v. Thebacon.
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(3) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- a. 3,4-methylenedioxy amphetamine;
- b. 5-methoxy-3,4-methylenedioxy amphetamine;
- c. 3,4,5-trimethoxy amphetamine;
- d. Bufotenine;
- e. Diethyltryptamine;
- f. Dimethyltryptamine;
- g. 4-methyl-2,5-dimethoxy amphetamine;
- h. Ibogaine;
- i. Lysergic acid diethylamide;
- j. Marihuana;
- k. Mescaline;
- l. Peyote;
- m. N-ethyl-3-piperidyl benzilate;
- n. N-methyl-3-piperidyl benzilate;
- o. Psilocybin;
- p. Psilocyn;
- q. Tetrahydrocannabinols.

(4) Any of the following chemical compounds:

- a. 3,4-Methylenedioxymethcathinone (Methylone), some trade or other names: N-methycathinone.
- b. 3,4-Methylenedioxypyrovalerone (MDPV), some trade or other names: N-methycathinone.
- c. 4-Methylmethcathinone (Mephedrone), some trade or other names: N-methylcathinone.
- d. 4-Methoxymethcathinone, some trade or other names: PMMA.
- e. 3-Fluoromethcathinone, some trade or other names: 3-FMC.
- f. 4-Fluoromethcathinone, some trade or other names: 4-FMC.
- g. 1-[(5-fluoropentyl)-1H-indol-3-yl)-(2-iodophenyl)methanone, some trade or other names: AM-694.
- h. 1-[(5-fluoropentyl)-1H-indol-3-yl)-(naphthalen-1-yl)methanone, some trade or other names: AM-2201.
- i. 2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methylnonan-2-yl)phenol phenol, some trade or other names: Cannabicyclohexanol.
- j. (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, some trade or other names: HU-210.
- k. (6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, some trade or other names: HU-211, Dexanabinol.
- l. 1-Pentyl-2-methyl-3-(1-naphthyl)indole, some trade or other names: JWH-007.
- m. (2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone, some trade or other names: JWH-015.
- n. Naphthalen-1-yl-(1-pentylindol-3-yl)methanone, some trade or other names: JWH-018.
- o. 1-Hexyl-3-(naphthalen-1-oyl)indole, some trade or other names: JWH-019.
p. Naphthalen-1-yl-(butylindol-3-yl)methanone, some trade or other names: JWH-073.
q. 4-Methoxynaphthalen-1-yl-(1-pentylnindol-3-yl)methanone, some trade or other names: JWH-081.
r. 4-Methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)methanone, some trade or other names: JWH-098.
s. 4-Methylnaphthalen-1-yl-(1-pentylnindol-3-yl)methanone, some trade or other names: JWH-122.
t. (1-(2-Morpholin-4-yethyl)indol-3-yl)-naphthalen-1-ylmethanone, some trade or other names: JWH-200.
u. 2-(2-Chlorophenyl)-1-(1-pentylnindol-3-yl)ethanone, some trade or other names: JWH-203.
v. 4-Ethylnaphthalen-1-yl-(1-pentylnindol-3-yl)methanone, some trade or other names: JWH-210.
w. 2-(2-Methoxyphenyl)-1-(1-pentylnindol-3-yl)ethanone, some trade or other names: JWH-250.
x. 5-(2-fluorophenyl)-1-pentylnpyrrol-3-yl)-naphthalen-1-ylmethanone, some trade or other names: JWH-307.
y. 1-Pentyl-3-(4-Chloro-1-naphthoyl)indole, some trade or other names: JWH-398.
z. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, some trade or other names: CP 47, 497, and homologues.
aa. 2-(2-Methoxyphenyl)-1-[1-(2-cyclohexylethyl)indol-3-yl]ethanone, some trade or other names: RCS-8, SR-18.
bb. 2-(4-Methoxyphenyl)-1-(1-pentyl-indol-3-yl)methanone, some trade or other names: RCS-4.
c. (R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone, some trade or other names: WIN 55,212-2.
d. (4-Methoxyphenyl)-[2-methyl-1-(2-morpholin-4-yethyl)indol-3-yl]methanone, some trade or other names: WIN 48,098, Pravadoline.

(5) a. A controlled substance analog, being a material, mixture, or preparation that contains any chemical structure of which is chemically similar to the chemical structure of any other controlled substance in Schedule I or Schedule II and that satisfies any one of the following:

1. Has a stimulant, depressant, or hallucinogenic effect on the central nervous system that mimics or is similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or Schedule II.

2. With respect to a particular person, if the person represents or intends that the substance have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or Schedule II.

3. Has been demonstrated to have binding activity at one or more cannabinoid receptors.

4. Is capable of exhibiting cannabinoid-like activity.

5. Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl whether or not further
substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent.

6. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent.

7. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent.

8. Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent.

9. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not substituted in the cyclohexyl ring to any extent.

b. A controlled substance analog does not include any of the following:

1. Any substance for which there is an approved new drug application under the Federal Food, Drug, and Cosmetic Act.

2. With respect to a particular person, any substance, if an exemption is in effect for investigational use, for that person, as provided by U.S.C.S. § 355, and the person is registered as a controlled substance researcher as required under section 152.12, subdivision 3, to the extent conduct with respect to the substance is pursuant to the exemption and registration.

c. A controlled substance analog, to the extent intended for human consumption, is treated as a controlled substance in Schedule I.

d. After the Alabama Department of Forensic Sciences has determined a substance to be a controlled substance analog under this section, the department shall notify the Alabama Department of Public Health with information relevant to scheduling as provided by 20-2-20.


- The State Board of Health shall place a substance in Schedule II if it finds that:
  - (1) The substance has high potential for abuse;
  - (2) The substance has currently accepted medical use in treatment in the United States or currently accepted medical use with severe restrictions; and
  - (3) The abuse of the substance may lead to severe psychic or physical dependence.
§ 20-2-25. Schedule II; enumeration.

- The controlled substances listed in this section are included in Schedule II:
  o (1) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by combination of extraction and chemical synthesis:
    ▪ a. Opium and opiate and any salt, compound, derivative or preparation of opium or opiate.
    ▪ b. Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph a, but not including the isoquinoline alkaloids of opium.
    ▪ c. Opium poppy and poppy straw.
    ▪ d. Coca leaves and any salt, compound, derivative or preparation of coca leaves and any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.
  o (2) Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:
    ▪ a. Alphaprodine;
    ▪ b. Anileridine;
    ▪ c. Bezitramide;
    ▪ d. Dihydrocodeine;
    ▪ e. Diphenoxylate;
    ▪ f. Fentanyl;
    ▪ g. Isomethadone;
    ▪ h. Levomethorphan;
    ▪ i. Levorphanol;
    ▪ j. Metazocine;
    ▪ k. Methadone;
    ▪ l. Methadone -- Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
    ▪ m. Moramide -- Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-pro-pane-carboxylic acid;
    ▪ n. Pethidine;
    ▪ o. Pethidine -- Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
    ▪ p. Pethidine -- Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
    ▪ q. Pethidine -- Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
    ▪ r. Phenazocine;
    ▪ s. Piminodine;
    ▪ t. Racemethorphan;
    ▪ u. Racemorphan.

The State Board of Health shall place a substance in Schedule III if it finds that:

1. The substance has a potential for abuse less than the substances listed in schedules I and II;
2. The substance has currently accepted medical use in treatment in the United States; and
3. Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

§ 20-2-27. Schedule III; enumeration; exceptions.

(a) The controlled substances listed in this section are included in Schedule III:

1. Any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:
   a. Amphetamine, its salts, optical isomers and salts of its optical isomers;
   b. Phenmetrazine and its salts;
   c. Any substance which contains any quantity of methamphetamine, including its salts, isomers and salts of isomers;
   d. Methylphenidate.

2. Unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:
   a. Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules;
   b. Chlorhexadol;
   c. Glutethimide;
   d. Lysergic acid;
   e. Lysergic acid amide;
   f. Methyprylon;
   g. Phencyclidine;
   h. Sulfondiethylmethane;
   i. Sulfonethylmethane;
   j. Sulfonmethane.

3. Nalorphine.

4. Any material, compound, mixture or preparation containing limited quantities of any of the following narcotic drugs or any salts thereof:
   a. Not more than 1.8 grams of codeine or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
   b. Not more than 1.8 grams of codeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
   c. Not more than 300 milligrams of dihydrocodeinone or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;
   d. Not more than 300 milligrams of dihydrocodeinone or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit,
Alabama Drug Statutes

with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

- **e.** Not more than 1.8 grams of dihydrocodeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

- **f.** Not more than 300 milligrams of ethylmorphine or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;

- **g.** 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;

- **h.** Not more than 50 milligrams of morphine or any of its salts per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

- **(b)** The State Board of Health may except by rule any compound, mixture or preparation containing any stimulant or depressant substance listed in subdivisions (1) and (2) of subsection (a) of this section from the application of all or any part of this chapter if the compound, mixture or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.


- The State Board of Health shall place a substance in Schedule IV if it finds that:
  - **(1)** The substance has a low potential for abuse relative to substances in Schedule III;
  - **(2)** The substance has currently accepted medical use in treatment in the United States; and
  - **(3)** Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

§ 20-2-29. Schedule IV; enumeration; exceptions.

- **(a)** The controlled substances listed in this section are included in Schedule IV:
  - **(1)** Any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:
    - **a.** Barbital;
    - **b.** Chloral betaine;
    - **c.** Chloral hydrate;
    - **d.** Ethchlorvynol;
    - **e.** Ethinamate;
    - **f.** Methohexital;
    - **g.** Meprobamate;
    - **h.** Methylphenobarbital;
Alabama Drug Statutes

- i. Paraldehyde;
- j. Petrichloral;
- k. Phenobarbital.

(b) The State Board of Health may except by rule any compound, mixture or preparation containing any depressant substance listed in subsection (a) from the application of all or any part of this chapter if the compound, mixture or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

§ 20-2-30. Schedule V; determinations.

- The State Board of Health shall place a substance in Schedule V if it finds that:
  1. The substance has low potential for abuse relative to the controlled substances listed in Schedule IV;
  2. The substance has currently accepted medical use in treatment in the United States; and
  3. The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

§ 20-2-31. Schedule V; enumeration.

- The controlled substances listed in this section are included in Schedule V:
  1. Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs, which also contains 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 the narcotic drug alone:
     a. Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams;
     b. Not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams;
     c. Not more than 100 milligrams of ethylmorphine or any of its salts per 100 milliliters or per 100 grams;
     d. Not more than 2.5 milligrams of diphenozylate and not less than 25 micrograms of atropine sulfate per dosage unit;
     e. Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

§ 20-2-71. Pharmacies; dispensing violations.

- It is unlawful for any person:
  1. Who is subject to Article 3 of this chapter to distribute or dispense a controlled substance in violation of § 20-2-;
  2. Who is a registrant to manufacture a controlled substance not authorized by his registration or to distribute or
dispense a controlled substance not authorized by his
registration to another registrant or other authorized person;

   (3) To refuse or fail to make, keep or furnish any record,
notification, order form, statement, invoice or information
required under this chapter; provided, however, that upon the
first conviction of a violator under this provision said violator
shall be guilty of a Class A misdemeanor. Subsequent
convictions shall subject the violator to the felony penalty
provision set forth in subsection (b) of this section.

   (4) To refuse an entry into any premises for any
inspection authorized by this chapter; or

   (5) Knowingly to keep or maintain any store, shop,
warehouse, dwelling, building, vehicle, boat, aircraft or other
structure or place which is resorted to by persons using
controlled substances in violation of this chapter for the purpose
of using these substances or which is used for keeping or selling
them in violation of this chapter.

   (b) Any person who violates this section is guilty of a Class B
felony.

§ 20-2-72. Order forms -- False registration -- Fraudulent possession --
False information -- Illegal imprints.

   (a) It is unlawful for any person:

      (1) To distribute as a registrant a controlled substance
classified in Schedules I or II, except pursuant to an order form
as required by 20-2-;

      (2) To use in the course of the manufacture or
distribution of a controlled substance a registration number
which is fictitious, revoked, suspended, or issued to another
person;

      (3) To acquire or obtain possession of a controlled
substance or a precursor chemical enumerated in 20-2-181 by
misrepresentation, fraud, forgery, deception, or subterfuge;

      (4) To furnish false or fraudulent material information in
or omit any material information from any application, report, or
other document required to be kept or filed under this chapter or
any record required to be kept by this chapter; or

      (5) To make, distribute, or possess any punch, die, plate,
stone, or other thing designed to print, imprint, or reproduce the
trademark, trade name, or other identifying mark, imprint, or
device of another or any likeness of any of the foregoing upon
any drug or container or labeling thereof so as to render the
drug a counterfeit substance.
Alabama Drug Statutes

- (b) Any person who violates this section is guilty of a Class B felony, except that any person who violates subdivision (a)(3) of this section is guilty of a Class C felony.


- (a) Manufacture or distribution. -- It is unlawful for any person to manufacture, distribute, or possess with intent to distribute or sell an imitation controlled substance. Any person who violates this subsection shall be guilty of a Class A misdemeanor under Title 13A.
- (b) Distribution to a minor. -- Any person 18 years of age or older who violates subsection (a) of this section by distributing or selling an imitation controlled substance to a person under 18 years of age shall be guilty of a Class C felony under Title 13A.
- (c) Possession. -- It is unlawful for any person to use or possess with intent to use, an imitation controlled substance. Any person who violates this subsection shall be guilty of a Class C misdemeanor under Title 13A.
- (d) Advertisement. -- It is unlawful for any person to place in any newspaper, magazine, handbill or other publication, or to post or distribute in any public place, any advertisement or solicitation with reasonable knowledge that the purpose of the advertisement or solicitation is to promote the distribution or sale of an imitation controlled substance. Any person who violates this subsection shall be guilty of a Class B misdemeanor under Title 13A.
- (e) Immunity. -- No civil or criminal liability shall be imposed by virtue of this article on any person registered under Chapter 2 of Title 20 who manufactures, distributes, or possesses a placebo, or investigational new drug in the course of professional practice or research.
 Arkansas Drug Statutes Chart  
Arkansas Code Title 5 Criminal Code

<table>
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<th>Schedule</th>
<th>Control Substances and Schedule Assignments</th>
<th>Penalties</th>
<th>Enhancements/Benefit Restrictions</th>
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</thead>
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<tr>
<td>Schedule I</td>
<td>A.C.A. § 5-64-203</td>
<td>5-64-42(b). Possession of Sched I or II substance that is not methamphetamine or cocaine w/ purpose to deliver</td>
<td>5-64-426(b) Delivery of Sched I or II substance that is not methamphetamine or cocaine</td>
</tr>
<tr>
<td>SCHEDULE I</td>
<td>Criteria: (1) High potential for abuse; (2) No accepted med. Use in US; or (3) lacks accepted safety for med use</td>
<td>5-64-427(c) Manufacture of Sched I or II substance that is not methamphetamine or cocaine</td>
<td></td>
</tr>
<tr>
<td>SCHEDULE II</td>
<td>A.C.A. § 5-64-205</td>
<td>5-64-419(b)(2) Possession of Sched I or II substance that is not methamphetamine or cocaine</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(A) &lt;2g; 0-6 yrs; $0-$10,000</td>
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<tr>
<td></td>
<td></td>
<td>(B) 2g-28g; 3-10 yrs; $0-$10,000</td>
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<td></td>
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<td>(C) 28g-200g; 5-20 yrs; $0-$15,000</td>
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<tr>
<td></td>
<td></td>
<td>5-64-440(b)(1) Trafficking Sched I or II substance that is not methamphetamine or cocaine (Possession &gt;200g) 10-40 yrs</td>
<td>No probation or S.S.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5-64-440(b)(1) Trafficking methamphetamine or cocaine (Possession &gt;200g) 10-40 yrs</td>
<td>Increased penalty if already incarcerated</td>
</tr>
</tbody>
</table>
### Arkansas Drug Statutes Chart
Arkansas Code Title 5 Criminal Code

**Narcotics derived from vegetable origin or chemical synthesis:**
Opium and opiates: e.g., raw opium, codeine, morphine and derived painkillers
Opium poppies and poppy straws
Coca leaves and derivatives: e.g., cocaine

**Stimulants:** e.g., amphetamine, methamphetamine, Ritalin, Vyvanse

**Depressants:** e.g., PCP, amobarbital

**Hallucinogenic substances:** Nabilone

**Immediate Precursors:** e.g. phenylacetone, PCC

#### 5-64-420(b) Possession of methamphetamine or cocaine w/ purpose to deliver

| (1) | <2g; 3-10yrs; $0-$10,000 |
| (2) | 2g-10g; 5-20yrs; $0-$15,000 |
| (3) | 10g-200g; 6-30yrs; $0-$15,000 |

#### 5-64-422(b) Delivery of methamphetamine or cocaine

| (1) | <2g; 3-10yrs; $0-$10,000 |
| (2) | 2g-10g; 5-20yrs; $0-$15,000 |
| (3) | 10g-200g; 10-40yrs |

- no probation or suspended sentence (s.s.)

#### 5-64-423(a) Manufacture of methamphetamine

| (2)(A) | <2g; 3-10yrs; $0-$10,000 |
| (2)(B)(i) | >2g; 10-40 yrs |
| (2)(B)(ii) | >2g (personal use); 6-30yrs; $0-$15,000 |

Subsequent conviction will result in **(2)(B)(i)** penalty

- No probation or s.s.

#### 5-64-423 (b) Manufacture of cocaine

| (2)(A) | <2g; 3-10yrs; $0-$10,000 |
| (2)(B) | 2g-10g; 5-20yrs; $0-$15,000 |
| (3)(A) | 200g-400g; 6-30yrs; $0-$15,000 |

- No probation or s.s.

#### 5-64-407: Manufacture of methamphetamine in presence of minor, elderly, or incompetent person

- additional 10 yrs
- No probation or s.s. during additional term

### SCHEDULE III A.C.A. § 5-64-207
Criteria: (1) abuse potential less than Schedule I and II; (2) accepted med use in US; and (3) abuse may lead to moderate/low phys dependence or high psych dependence

#### 5-64-428 Possession of Sched III depressant, hallucinogenic or stimulant substance w/ purpose to deliver

| (1)(B)(C) | 40-80 units; 3-10yrs; $0-$10,000 |
| (2)(B)(C) | 80-160 units; 5-20yrs; $0-$15,000 |
| (3)(B)(C) | >160 units 6-30yrs; $0-$15,000 |

#### 5-64-428 Possession of other Sched III substances w/ purpose to deliver; 5-64-430 Delivery of Sched III substance; 5-64-431 Manufacture of Sched III substance

| (1)(A) | <28g; 3-10 yrs; $0-$10,000 |
| (2)(A) | 28g-200g; 5-20yrs; $0-$15,000 |
| (3)(A) | 200g-400g; 6-30yrs; $0-$15,000 |
| **Arkansas Drug Statutes Chart**  
**Arkansas Code Title 5 Criminal Code** |  |
<table>
<thead>
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<tbody>
<tr>
<td><strong>sedatives, anesthetics, Ketamine,</strong> <strong>GHA</strong></td>
<td><strong>31</strong></td>
</tr>
<tr>
<td><strong>Nalorphine</strong></td>
<td><strong>5-64-419(3) Possession of Sched III substance</strong></td>
</tr>
</tbody>
</table>
| **Limited narcotic drugs:** Compounds w/ limited percentages of codeine, hydrocodone, dihydrocodone, opium, morphine | (A) <2g; 0-1yr; $0-$2,500; Class A misdemeanor  
(B) 2g-28g; 0-6yrs; $0-$10,000  
(C) 28g-200g; 3-10yrs; $0-$10,000  
(D) 200g-400g; 5-20yrs; $0-$15,000 |  |
| **Anabolic Steroids and hormones** (except those exempted) | **5-64-440 Trafficking Sched III substance** |
| **Hallucinogenic substances:** e.g., synthetic dronabinol (THC) | (b)(3) >400g; 10-40yrs | No probation or s.s. |
| **SCHEDULE IV** A.C.A. § 5-64-209 |  |
| Criteria: (1) low abuse potential relative to Schedule III; (2) accepted med use in US; and (3) abuse may lead to limited phys dependence or psych dependence relative to Schedule III | **5-64-432(b) Possession of Sched IV or V hallucinogenic,** **depressant, or stimulant drug w/ purpose to deliver** |
| **Narcotic drugs:** e.g., compounds with limited quantities of difenoxin and dextropropoxyphene | (1)(B)/(C) 40-80 units; 0-6yrs; $0-$10,000  
(2)(B)/(C) 80-160 units; 3-10yrs; $0-$10,000  
(3)(B)/(C) 160 units – 200g; 5-20yrs; $0-$15,000 |  |
| **Depressants:** e.g., alprazolam, barbital, camazepam, sleep aids, muscle relaxants, sedatives, xanax, lunesta | **5-64-432(b) Possession of other Sched IV or V controlled substance w/ purpose to deliver** |
| **Fenfluramine** | (1)(A) <200g; 0-6yrs; $0-$10,000  
(2)(A) 200g-400g; 3-10yrs; $0-$10,000  
(3)(A) 400g-800g; 4-20yrs; $0-$15,000 |  |
| **Stimulants:** e.g., appetite suppressants | **5-64-434 Delivery of Sched IV or V controlled substance**  
**5-64-435 Manufacture of Sched IV or V controlled substance** |
| **Other substances:** e.g., pentazocine, butorphanol | (b)(1) <200g; 0-6yrs; $0-$10,000  
(b)(2) 200g-400g; 3-10yrs; $0-$10,000  
(b)(3) 400g-800g; 5-20yrs; $0-$15,000 |  |
| **SCHEDULE V** A.C.A. § 5-64-211 | **5-64-419(b)(4) Possession of a Schedule IV or V controlled substance** |
| Criteria: (1) low abuse potential relative to Schedule IV; (2) accepted med use is US; and (3) | (A) <28 g; 0-1yr; $0-$2,500  
(B) 28g-200g; 0-6yrs; $0-$10,000  
(C) 200g-400g; 3-10yrs; $0-$10,000  
(D) 400g-800g; 5-20yrs; $0-$15,000 |  |
| **5-64-440(b) Trafficking a Sched IV or V controlled substance** | (4) >800g; 10-40yrs | No probation or S.S. |
abuse may lead to limited phys
dependence or psych
dependence relative to Schedule
IV

<table>
<thead>
<tr>
<th>Narcotic Drugs</th>
<th>SCHEDULE VI: A.C.A. § 5-64-214</th>
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</thead>
<tbody>
<tr>
<td>Narcotics containing nonnarcotic active medicinal ingredients: e.g., limited percentages of codeine, opium, etc.</td>
<td>Criteria: (1) no accepted med use in US; (2) lack of accepted safety under med use; (3) relatively high psych and/or physe dependence; and (4) use presents definite risk to public health</td>
</tr>
<tr>
<td>Stimulants: e.g., ephedrine, pseudoephedrine</td>
<td>5-64-436(b) Possession of a Sched VI substance w/ purpose to deliver</td>
</tr>
<tr>
<td>Depressants: anti-seizure compounds</td>
<td>5-64-432(b) Delivery of a Sched VI controlled substance</td>
</tr>
<tr>
<td>Depressants: anti-seizure compounds</td>
<td>5-64-439(b) Manufacture of a Sched VI controlled substance</td>
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</tbody>
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Marijuana and THC
Synthetic Cannaboids and analogs: e.g, "Spice" and other herbal incenses
Salvia divinorum

<table>
<thead>
<tr>
<th>Marijuana and THC</th>
<th>5-64-419(b)(5) Possession of a Sched VI controlled substance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana and THC</td>
<td>(i) &lt;4oz; 0-1yr; $0-$2,500</td>
</tr>
<tr>
<td>Synthetic Cannaboids and analogs: e.g, &quot;Spice&quot; and other herbal incenses</td>
<td>(ii) 1-4oz w/ 2 prior convictions; 0-6yrs;$0-$10,000</td>
</tr>
<tr>
<td>Salvia divinorum</td>
<td>(iii) 4oz-10lbs; 0-6yrs; $0-$10,000</td>
</tr>
<tr>
<td></td>
<td>(iv) 10lbs-100lbs; 3-10yrs; $0-$10,000</td>
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<tr>
<td></td>
<td>(v) 25lbs-100lbs; 5-20yrs; $0-$15,000</td>
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<tr>
<td></td>
<td>(vi) 100lbs-500lbs; 6-30yrs; $0-$15,000</td>
</tr>
</tbody>
</table>

PROHIBITED ACTS; ALL SCHEDULES
Penalties

| 5-64-402 Refusing entry for inspections authorized by drug offense chapter. Knowingly maintaining premises resorted to by a person for the purpose of using, obtaining or keeping a controlled substance. | Enhancements/Benefit Restrictions |
| (b)(1) 3-10yrs; $0-$10,000 w/in 1000 ft of "drug free zone"; 5-20yrs; $0-$15,000 | |

| 5-64-403(a)(1-4) Fraudulently distributing, obtaining, manufacturing controlled substances | |
| (b)(1) 0-6yrs; $0-$10,000 | |

| 5-64-403(a)(5) Offer to distribute any controlled substance and then substitute non-controlled substance in lieu of controlled substance | |
| (b)(2)(A) Schedule I or II; 3-10yrs; $0-$10,000 | |
Arkansas Drug Statutes Chart
Arkansas Code Title 5 Criminal Code

<table>
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<tr>
<th>(b)(2)(B) Schedule III, IV, V; 0-6yrs; $0-$10,000</th>
<th>(b)(2)(C) Schedule VI; 0-1yr; $0-$2,500</th>
</tr>
</thead>
</table>

5-64-404 Use of a communication device in committing a felony drug offense
3-10 yrs; $0-$10,000

5-64-405 Engaging in a continuing criminal enterprise: (1) violation of any felony drug offense; and (2) that violation is a part of a continuing series of 2 or more felony drug offenses that are (A) undertaken by that person in concert w/ 5 or more person; and (B) from which that person obtained substantial income or resources
(b)(1) additional term of imprisonment up to 2x the sentence (c)(1) if previously convicted, additional term of 3x the sentence (e) No probation or S.S.

5-64-406 Delivery to minors – Enhanced penalties
(a) Schedule I, II, or methamphetamine Additional term of 2x the sentence
(b) Other controlled substances Additional term of 2x the sentence
(c) All others Additional term of 10 yrs

5-64-411 Proximity to certain facilities – Enhanced penalties
(a) additional term of 10 yrs Not eligible for early release on parole or community correction transfer

5-64-412 Violations by public officials or law enforcement officers – Enhanced penalties
(b) additional term of 10 yrs and additional fine >$10,000

5-64-415(g) Drug Precursors; Unlawful Acts
(A) Transfer to unauthorized licensee 0-6yrs; $0-$10,000
(B) use invalid license number for manufacture or transfer of drug precursor 0-6yrs; $0-$10,000
(C) obtain or attempt to obtain possession of a drug precursor by misrepresentation, fraud, forgery, deception or subterfuge 0-6yrs; $0-$10,000
(D) furnish false information in required record 0-6yrs; $0-$10,000
(E) have knowledge of unauthorized manufacture of drug precursor 0-6yrs; $0-$10,000
(F) refuse entry for inspection for drug precursor 0-6yrs; $0-$10,000
(G) manufacture, possess, transfer or transport drug precursor without appropriate license 0-6yrs; $0-$10,000

5-64-441 Possession of a counterfeit substance
(b)(1) Schedule I or II substance 0-6yrs; $0-$10,000
(b)(2) Other substance; or offense 0-1yr; $0-$2,500
(b)(3) Other substance or subsequent offense 0-6yrs; $0-$10,000

5-64-442 Delivery or manufacture of a counterfeit substance
(b)(1) Schedule I or II substance 3-10yrs; $0-$10,000
(b)(2) Schedule III 0-6yrs; $0-$10,000
(b)(3) Schedule IV-VI or not scheduled 0-1yr; $0-$2,500

5-64-443 Possession of drug paraphernalia
(a)(1) Paraphernalia for use 0-1yr; $0-$2,500
(a)(2) Paraphernalia for use of methamphetamine or cocaine 0-6yrs; $0-$10,000
(b) paraphernalia for production of methamphetamine or cocaine 5-20yrs; $0-$15,000
(c) paraphernalia for production of other controlled substances 0-6yrs; $0-$10,000
Arkansas Drug Statutes Chart  
Arkansas Code Title 5 Criminal Code

<table>
<thead>
<tr>
<th>5-64-444 Drug paraphernalia – Delivery to a minor</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) delivering drug paraphernalia to a minor at least 3 yrs younger in furtherance of a felony drug offense</td>
</tr>
<tr>
<td>(b) delivering drug paraphernalia to a minor at least 3 yrs younger</td>
</tr>
<tr>
<td>5-20yrs; $0-$10,000</td>
</tr>
<tr>
<td>0-1yr; $0-$2,500</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5-64-445 Advertisement of a counterfeit substance or drug paraphernalia</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-10yrs; $0-$10,000</td>
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<table>
<thead>
<tr>
<th>5-64-1101 Unlawful possession of ephedrine, pseudoephedrine or phenylpropanolamine</th>
</tr>
</thead>
<tbody>
<tr>
<td>&gt;5g of ephedrine; 9g of pseudoephedrine or phenylpropanolamine</td>
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<tr>
<td>0-6yrs; $0-$10,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5-64-1102 Possession of ephedrine, pseudoephedrine, or phenylpropanolamine with purpose to manufacture methamphetamine</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)(2)(A) quantity capable of producing &lt;10g of methamphetamine</td>
</tr>
<tr>
<td>(a)(2)(B) quantity capable of producing &gt;10g of methamphetamine</td>
</tr>
<tr>
<td>(b)(1) quantity capable of producing &gt;28g of Schedule I or II substance</td>
</tr>
<tr>
<td>(c)(1) sale or distribution of ephedrine, pseudoephedrine or phenylpropanolamine with knowledge that recipient will use product to manufacture methamphetamine or another controlled substance or with reckless disregard as to how product will be used</td>
</tr>
<tr>
<td>0-6yrs; $0-$10,000</td>
</tr>
<tr>
<td>5-20yrs; $0-$15,000</td>
</tr>
<tr>
<td>5-20yrs; $0-$15,000</td>
</tr>
<tr>
<td>0-6yrs; $0-$10,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5-64-1103 Sales limits on ephedrine, pseudoephedrine, or phenylpropanolamine</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) sale by unauthorized person</td>
</tr>
<tr>
<td>(d)(1) &gt;3 packages of a product containing ephedrine, pseudoephedrine, or phenylpropanolamine</td>
</tr>
<tr>
<td>(d)(2) A single package of any product that contains ephedrine, pseudoephedrine, or phenylpropanolamine, that contains more than 96 individual units or more than three grams (3g) of ephedrine, pseudoephedrine, or phenylpropanolamine</td>
</tr>
<tr>
<td>Violation of (a) or (d):</td>
</tr>
<tr>
<td>or offense: 0-1yr; $0-$2,500</td>
</tr>
<tr>
<td>offense: 0-6yrs; $0-$10,000</td>
</tr>
<tr>
<td>or subsequent offense: 3-10yrs; $0-$10,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5-64-1112 Unauthorized disclosure and access of confidential information collected regarding the sale of ephedrine, pseudoephedrine and phenylpropanolamine</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)(1) release or disclosure to unauthorized person</td>
</tr>
<tr>
<td>(a)(2) obtaining information for unauthorized person</td>
</tr>
<tr>
<td>0-1yr; $0-$2,500</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5-64-1201 Unlawful possession of nitrous oxide</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession with intent to inhale for intoxication</td>
</tr>
<tr>
<td>0-1yr; $0-$2,500</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5-64-1202 Unlawful distribution of nitrous oxide</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution of nitrous oxide for purpose of intoxication</td>
</tr>
<tr>
<td>0-1yr; $0-$2,500</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5-64-1301 Possession of anhydrous ammonia in unlawful container</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession in container that does not comply with regulations</td>
</tr>
<tr>
<td>5-20yrs; $0-$15,000</td>
</tr>
</tbody>
</table>
5-64-203. Criteria for Schedule I.

- The Director of the Division of Health of the Department of Health and Human Services shall place a substance in Schedule I if he or she finds that the substance has:
  - (1) High potential for abuse; and
  - (2) No accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

5-64-204. Substances in Schedule I.

- (a) In addition to any substance placed in Schedule I by the Director of the Department of Health under § 5-64-203, any material, compound, mixture, or preparation, whether produced directly or indirectly from a substance of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, that contains any quantity of the following substances, or that contains any of the following substances' analogs, salts, isomers, and salts of isomers when the existence of the analogs, salts, isomers, and salts of isomers is possible within the specific chemical designation, with the following chemical structure is included in Schedule I:
  - (1) 4-Methylmethcathinone (Mephedrone);
  - (2) Methylenedioxypyrovalerone (MDPV);
  - (3) 3,4-Methylenedioxy-N-methylcathinone (Methylone);
  - (4) 4-Methoxymethcathinone;
  - (5) 3-Fluoromethcathinone;
  - (6) 4-Fluoromethcathinone; or
  - (7) A compound, unless listed in another schedule or a legend drug, that is structurally derived from 2-Amino-1-phenyl-1-propanone by modification or by substitution:
    - (A) In the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl or halide substituents, whether or not further substituted in the phenyl ring by one (1) or more other univalent substituents;
    - (B) At the 3-position with an alkyl substituent; or
    - (C) At the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure.

- (b) The Director of the Department of Health shall not delete a controlled substance listed in this section from Schedule I.

5-64-205. Criteria for Schedule II.

- The Director of the Division of Health of the Department of Health and Human Services shall place a substance in Schedule II if he or she finds that:
  - (1) The substance has high potential for abuse;
  - (2) The substance has currently accepted medical use in treatment in the United States or currently accepted medical use with severe restrictions; and
  - (3) The abuse of the substance may lead to severe psychic or physical dependence.
5-64-207. Criteria for Schedule III.

The Director of the Division of Health of the Department of Health and Humans Services shall place a substance in Schedule III if he or she finds that:

- (1) The substance has a potential for abuse less than the substances listed in Schedules I and II;
- (2) The substance has currently accepted medical use in treatment in the United States; and
- (3) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

5-64-209. Criteria for Schedule IV.

The Director of the Division of Health of the Department of Health and Human Services shall place a substance in Schedule IV if he or she finds that:

- (1) The substance has a low potential for abuse relative to substances in Schedule III;
- (2) The substance has currently accepted medical use in treatment in the United States; and
- (3) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

5-64-210. Substances in Schedule IV.

Schedule IV includes any material, compound, mixture, or preparation that contains any quantity of tramadol or that contains any of tramadol's salts, isomers, or salts of isomers.

5-64-211. Criteria for Schedule V.

The Director of the Division of Health of the Department of Health and Human Services shall place a substance in Schedule V if he or she finds that:

- (1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV;
- (2) The substance has currently accepted medical use in treatment in the United States; and
- (3) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

5-64-212. Substances in Schedule V.

- (a) An ephedrine combination product, pseudoephedrine, and phenylpropanolamine, as defined in §5-64-1105, are designated Schedule V controlled substances in addition to the drugs and other substances listed in Schedule V of the List of Controlled Substances for the State of Arkansas promulgated by the Director of the Department of Health.

- (b) The Schedule V classification does not apply to:
  - (1) An exempt product described in §5-64-1103(b)(1); or
  - (2) Any ephedrine or pseudoephedrine in liquid, liquid capsule, or liquid gel capsule form described in §5-64-1103(b)(2).
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- (c) The director may reschedule a product described in subdivision (b)(1) or (b)(2) of this section if it is determined that the conversion of the active ingredient in the product into methamphetamine or its salts or precursors is feasible.
- (d) A wholesale distributor with exclusive rights to distribute pseudoephedrine to only licensed pharmacies is exempt from Schedule V requirements for the storage and distribution of pseudoephedrine.

5-64-213. Schedule VI established.

- (a) There is established a Schedule VI for the classification of those substances that are determined to be inappropriately classified by placing them in Schedules I through V.
- (b) Schedule VI includes a controlled substance listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated.

5-64-214. Criteria for Schedule VI.

- The Director of the Department of Health shall place a substance in Schedule VI if he or she finds that:
  - (1) The substance is not currently accepted for medical use in treatment in the United States;
  - (2) That there is lack of accepted safety for use of the drug or other substance even under direct medical supervision;
  - (3) That the substance has relatively high psychological or physiological dependence liability, or both; and
  - (4) That use of the substance presents a definite risk to public health.

5-64-215. Substances in Schedule VI.

- (a) In addition to any substance placed in Schedule VI by the Director of the Department of Health under § 5-64-214, any material, compound, mixture, or preparation, whether produced directly or indirectly from a substance of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, that contains any quantity of the following substances, or that contains any of their salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation, is included in Schedule VI:
  - (1) Marijuana;
  - (2) Tetrahydrocannabinols;
  - (3) A synthetic equivalent of:
    - (A) The substance contained in the Cannabis plant; or
    - (B) The substance contained in the resinous extractives of the genus Cannabis;
  - (4) A substance with the chemical structure of:
    - (A) 5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxy cyclohexyl]-phenol or otherwise known by CP-47,497;
    - (B) 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxy cyclohexyl]-phenol or otherwise known by either cannabicyclohexanol or CP-47,497 C8 homologue;
    - (C) 1-Butyl-3-(1-naphthoyl)indole or otherwise known by JWH-073;
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- (D) 1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole or otherwise known by JWH-200;
- (E) 1-Pentyl-3-(1-naphthoyl)indole or otherwise known by JWH-018 and AM678;
- (F) (4-methoxy-1-naphthalenyl)(1-pentyl-1H-indol-3-yl)-methanone or otherwise known by JWH-081; or
- (G) 1-(1-pentyl-1H-indol-3-yl)-2-(2-methoxyphenyl)-ethanone or otherwise known by JWH-250;

o (5) Salvia divinorum or Salvinorin A, which includes all parts of the plant presently classified botanically as Salvia divinorum, whether growing or not, the seeds of the plant, any extract from any part of the plant, and every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds, or its extracts, including salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation; or

o (6) A synthetic substance, derivative, or its isomers with:
  - (A) Similar chemical structure to any substance described in subdivisions (a)(1)-(4) of this section; or
  - (B) Similar pharmacological activity to any substance described in subdivisions (a)(1)-(4) of this section such as the following:
    - (i) 1 cis or trans tetrahydrocannabinol, and its optical isomers;
    - (ii) 6 cis or trans tetrahydrocannabinol, and its optical isomers; and
    - (iii) 3.4 cis or trans tetrahydrocannabinol, and its optical isomers.

• (b) However, the Director of the Department of Health shall not delete a controlled substance listed in this section from Schedule VI.

5-64-216. Schedule revisions.

The Director of the Division of Health of the Department of Health and Human Services shall revise and republish the schedules annually.

5-64-402. Controlled substances -- Offenses relating to records, maintaining premises, etc.

• (a) It is unlawful for any person:
  - (1) To refuse an entry into any premises for any inspection authorized by this chapter; or
  - (2) Knowingly to keep or maintain any store, shop, warehouse, dwelling, building, or other structure or place or premise that is resorted to by a person for the purpose of using or obtaining a controlled substance in violation of this chapter or that is used for keeping a controlled substance in violation of this chapter.

• (b) Any person who violates this section is guilty of a Class C felony.
  - (1) However, a violation of this section is a Class B felony if the violation is committed on or within one thousand feet (1,000') of the real property of a certified drug-free zone.

• (c) As used in this section:
(1) "Certified drug-free zone" means:
  (A) A city or state park;
  (B) A public or private elementary or secondary school, public vocational school, or public or private college or university;
  (C) A designated school bus stop as identified on the route list published by a public school district annually;
  (D) A publicly funded and administered multifamily housing development;
  (E) A skating rink, Boys Club, Girls Club, YMCA, YWCA, community center, recreation center, or video arcade;
  (F) A drug or alcohol treatment facility;
  (G) A day care center;
  (H) A church; or
  (I) A shelter as defined in § 9-4-102; and

(2) "Recreation center" means a public place consisting of various types of entertainment including without limitation:
  (A) Billiards or pool;
  (B) Ping pong or table tennis;
  (C) Bowling;
  (D) Video games;
  (E) Pinball machines; or
  (F) Any other similar type of entertainment.

5-64-403. Controlled substances -- Fraudulent practices.

(a) It is unlawful for a person to knowingly:
  (1) Distribute as a practitioner a Schedule I or Schedule II controlled substance, except under an order form as required by § 5-64-307;
  (2) Acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or theft;
  (3) Furnish false or fraudulent material information in or omit any material information from any record, application, report, or other document required to be kept or filed under this chapter;
  (4) Make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another person or any likeness of any trademark, trade name, or other identifying mark, imprint, or device of another person upon any drug or container or labeling of a drug or container so as to render the drug a counterfeit substance; or
  (5)
    (A) Agree, consent, or in any manner offer to unlawfully sell, furnish, transport, administer, or give any controlled substance to any person or to arrange for any action described in this subdivision (a)(5)(A), and then to substitute a noncontrolled substance in lieu of the controlled substance bargain for.
    (B) The proffer of a controlled substance creates a rebuttable presumption of knowingly agreeing, consenting, or offering to sell, furnish, transport, administer, or give a noncontrolled substance that does not require additional showing of specific purpose to substitute a noncontrolled substance.

(b) A person who violates:
  (1) Subdivisions (a)(1), (a)(2), (a)(3), or (a)(4) of this section upon conviction is guilty of a Class D felony; or
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(2) Subdivision (a)(5) of this section with respect to a noncontrolled substance represented to be a controlled substance classified in:

- (A) Schedule I or Schedule II upon conviction is guilty of a Class C felony;
- (B) Schedule III, Schedule IV, or Schedule V upon conviction is guilty of a Class D felony; or
- (C) Schedule VI upon conviction is guilty of a Class A misdemeanor.

5-64-404. Use of a communication device.

- (a)
  - (1) As used in this section, "communication device" means any public or private instrumentality used or useful in the transmission of a writing, sign, signal, picture, or sound of any kind.
  - (2) "Communication device" includes mail, telephone, wire, radio, and any other means of communication.
- (b) A person commits the offense of unlawful use of a communication device if he or she knowingly uses any communication device in committing or in causing or facilitating the commission of any act constituting a:
  - (1) Felony under this chapter; or
  - (2) Felony inchoate offense under § 5-3-101 et seq. or this chapter.
- (c) Each separate use of a communication device is a separate offense under this section.
- (d) Any person who violates this section upon conviction is guilty of a Class C felony.

5-64-405. Continuing criminal enterprise.

- (a) A person commits the offense of engaging in a continuing criminal enterprise if he or she:
  - (1) Violates any provision of this chapter that is a felony, except §§ 5-64-419 and 5-64-441; and
  - (2) The violation is a part of a continuing series of two (2) or more felony offenses of this chapter, except §§ 5-64-419 and 5-64-441:
    - (A) That are undertaken by that person in concert with five (5) or more other persons with respect to whom that person occupies a position of organizer, a supervisory position, or any other position of management; and
    - (B) From which that person obtained substantial income or resources.
- (b)
  - (1) A person who engages in a continuing criminal enterprise upon conviction is guilty of an unclassified felony and shall be sentenced to a term of imprisonment up to two (2) times the term otherwise authorized for the underlying offense referenced in subdivision (a)(1) of this section and shall be fined an amount up to two (2) times that authorized for the underlying offense referenced in subdivision (a)(1) of this section.
  - (2) For any purpose other than disposition, engaging in a continuing criminal enterprise is a Class Y felony.
- (c)
Arkansas Drug Statutes

- **(1)** A person who violates subsection (a) of this section after a previous conviction under subsection (a) of this section has become final upon conviction is guilty of an unclassified felony and shall be punished by a term of imprisonment not exceeding three (3) times that authorized for the underlying offense referenced in subdivision (a)(1) of this section and a fine not exceeding three (3) times the amount authorized for the underlying offense referenced in subdivision (a)(1) of this section.

- **(2)** For any purpose other than disposition, engaging in a continuing criminal enterprise is a Class Y felony.

- **(d)**
  - **(1)** Upon conviction, the prosecuting attorney may institute a civil action against any person who violates this section to obtain a judgment against all persons who violate this section, jointly and severally, for damages in an amount equal to three (3) times the proceeds acquired by all persons involved in the enterprise or by reason of conduct in furtherance of the enterprise, together with costs incurred for resources and personnel used in the investigation and prosecution of both criminal and civil proceedings.
  - **(2)** The standard of proof in an action brought under this section is a preponderance of the evidence.
  - **(3)** The procedures in the asset forfeiture law, § 5-64-505, shall apply.
  - **(4)** A defendant in a civil action brought under this subsection is entitled to a trial by jury.

- **(e)** An offender found guilty of a violation of this section shall not:
  - **(1)** Have his or her sentence suspended;
  - **(2)** Be placed on probation;
  - **(3)** Have imposition of sentence suspended;
  - **(4)** Have the execution of the sentence;
  - **(5)** Have the sentence deferred; or
  - **(6)** Be eligible for § 16-93-301 et seq.

### 5-64-406. Delivery to minors -- Enhanced penalties.

- **(a)** Any person eighteen (18) years of age or older who violates § 5-64-422, § 5-64-426, or § 5-64-440 by delivering or trafficking a Schedule I or Schedule II controlled substance that is a narcotic drug or methamphetamine to a person under eighteen (18) years of age who is at least three (3) years younger than the person is subject to an enhanced sentence of the fine authorized by § 5-64-422, § 5-64-426, or § 5-64-440, a term of imprisonment of up to two (2) times that authorized by § 5-64-422, § 5-64-426, or § 5-64-440, or both.

- **(b)** Any person eighteen (18) years of age or older who violates § 5-64-426, § 5-64-430, § 5-64-434, § 5-64-438, or § 5-64-440 by delivering or trafficking any other controlled substance to a person under eighteen (18) years of age who is at least three (3) years younger than the person is subject to an enhanced sentence of the fine authorized by § 5-64-426, § 5-64-430, § 5-64-434, § 5-64-438, or § 5-64-440, a term of imprisonment up to two (2) times that authorized by § 5-64-426, § 5-64-430, § 5-64-434, § 5-64-438, or § 5-64-440, or both.

- **(c)** A person who is not otherwise subject to an enhancement to his or her sentence as provided in subsection (a) or (b) of this section and is convicted of delivering a controlled substance to a person under eighteen (18) years of age is subject to an additional term of imprisonment of ten (10) years.
### 5-64-407. Manufacture of methamphetamine in the presence of certain persons -- Enhanced penalties.

- **(a)** A person who is found guilty of or who pleads guilty or nolo contendere to manufacture of methamphetamine, § 5-64-423, or possession of drug paraphernalia with the purpose to manufacture methamphetamine, § 5-64-443(a)(1), may be subject to an enhanced sentence of an additional term of imprisonment of ten (10) years if the offense is committed:
  - (1) In the presence of a minor, elderly person, or incompetent person who may or may not be related to the person;
  - (2) With a minor, elderly person, or incompetent person in the same home or building where the methamphetamine was being manufactured or where the drug paraphernalia to manufacture methamphetamine was in use or was in preparation to be used; or
  - (3) With a minor, elderly person, or incompetent person present in the same immediate area or in the same vehicle at the time of the person’s arrest for the offense.
- **(b)** The enhanced portion of the sentence is consecutive to any other sentence imposed.
- **(c)** Any person sentenced under this section is not eligible for early release on parole or community correction transfer for the enhanced portion of the sentence.
- **(d)** As used in this section:
  - (1) "Elderly person" means any person seventy (70) years of age or older;
  - (2) "Incompetent person" means any person who is incapable of consent because he or she is physically helpless, mentally defective, or mentally incapacitated; and
  - (3) "Minor" means any person under eighteen (18) years of age.

### 5-64-408. Subsequent convictions -- Enhanced penalties.

- **(a)** Unless otherwise provided in this chapter, a person convicted of a second or subsequent offense under this chapter shall be imprisoned for a term up to two (2) times the term otherwise authorized, fined an amount up to two (2) times the fine otherwise authorized, or both.
- **(b)** For purposes of this section, an offense is considered a second or subsequent offense if, before his or her conviction of the offense, the offender has at any time been convicted under this chapter or under any statute of the United States or of any state relating to a narcotic drug, marijuana, depressant, stimulant, or a hallucinogenic drug.
- **(c)** This section does not apply to an offense under § 5-64-419 or § 5-64-441.

### 5-64-411. Proximity to certain facilities -- Enhanced penalties.

- **(a)** A person is subject to an enhanced sentence of an additional term of imprisonment of ten (10) years if:
  - (1) The person:
    - (A) Possesses a controlled substance in violation of § 5-64-419 and the offense is a Class C felony or greater; or
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- (B) Possesses with the purpose to deliver, delivers, manufactures, or trafficks a controlled substance in violation of §§ 5-64-420 -- 5-64-440; and

  - (2) The offense is committed on or within one thousand feet (1,000') of the real property of:
    - (A) A city or state park;
    - (B) A public or private elementary or secondary school, public vocational school, or private or public college or university;
    - (C) A designated school bus stop as identified on the route list published by a public school district each year;
    - (D) A skating rink, Boys Club, Girls Club, YMCA, YWCA, community center, recreation center, or video arcade;
    - (E) A publicly funded and administered multifamily housing development;
    - (F) A drug or alcohol treatment facility;
    - (G) A day care center;
    - (H) A church; or
    - (I) A shelter as defined in § 9-4-102.

- (b) The enhanced portion of the sentence is consecutive or concurrent to any other sentence imposed at the discretion of the court.

- (c) Any person convicted under this section is not eligible for early release on parole or community correction transfer for the enhanced portion of the sentence.

- (d) (1) Except for property covered by subdivision (a)(2)(C) of this section, property covered by this section shall have a notice posted at the entrances to the property stating:

  "THE SALE OF DRUGS UPON OR WITHIN ONE THOUSAND FEET (1000') OF THIS PROPERTY MAY SUBJECT THE SELLER OF THE DRUGS TO AN ADDITIONAL TEN (10) YEARS IMPRISONMENT IN ADDITION TO THE TERM OF IMPRISONMENT OTHERWISE PROVIDED FOR THE UNLAWFUL SALE OF DRUGS."

  - (2) However, the posting of the notice is not a necessary element for the enhancement of a sentence under this section.

- (e) As used in this section, "recreation center" means a public place of entertainment consisting of various types of entertainment, including without limitation billiards or pool, ping pong or table tennis, bowling, video games, pinball machines, or any other similar type of entertainment.

5-64-412. Violations by public officials or law enforcement officers -- Enhanced penalties.

- (a) As used in this section:

  - (1) "Law enforcement officer" means any member of the Department of Arkansas State Police or the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department and any other certified law enforcement officer employed full time by the State of Arkansas or any political subdivision of the State of Arkansas or court personnel in Arkansas; and

  - (2) "Public official" means any person holding or appointed to an elective office of state, county, or city government and any member of any board or commission of state, county, city, or local government including an improvement district or school district.
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• (b) Any public official or law enforcement officer who commits a felony violation of this chapter shall have any term of imprisonment imposed for the violation enhanced by a term not to exceed ten (10) years and a fine of not less than ten thousand dollars ($10,000).

5-64-414. Controlled substance analog.

• (a) (1) "Controlled substance analog" means a substance:
  o (A) The chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or Schedule II or that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or Schedule II; or
  o (B) With respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or Schedule II.

    (2) "Controlled substance analog" does not include:
    - (A) A controlled substance;
    - (B) A substance for which there is an approved new drug application;
    - (C) A substance with respect to which an exemption is in effect for investigational use by a particular person under § 505 of the Federal Food, Drug, and Cosmetic Act, U.S.C. § 355, to the extent conduct with respect to the substance is pursuant to the exemption; or
    - (D) Any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

• (b) A controlled substance analog, to the extent intended for human consumption, is treated for the purposes of this chapter as a substance included in Schedule I.

• (c) Within ten (10) days after the initiation of prosecution with respect to a controlled substance analog by indictment or information, the prosecuting attorney shall notify the Director of the Department of Health of information relevant to emergency scheduling as provided for in § 5-64-201(d).

• (d) After final determination that the controlled substance analog should not be scheduled, no prosecution relating to that substance as a controlled substance analog may continue or take place.

5-64-415. Drug precursors.

• (a) Definition.
  o (1) "Drug precursor" means any substance, material, compound, mixture, or preparation listed in rules and regulations promulgated or adopted pursuant to this section or any of their salts or isomers.
  o (2) "Drug precursor" specifically excludes those substances, materials, compounds, mixtures, or preparations that:
    - (A) Are prepared for dispensing pursuant to a prescription or over-the-counter distribution as a substance that is generally recognized as safe and effective within the meaning of the Federal Food, Drug, and Cosmetic Act, U.S.C. § 301 et seq., as amended; or
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- (B) Have been manufactured, distributed, or possessed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of § 505 of the Federal Food, Drug, and Cosmetic Act, U.S.C. § 355, as amended.

- (b) **Authority to control drug precursors by rule and regulation.**
  1. (A) The Department of Health shall promulgate by rule and regulation a list of drug precursors, comprised of any substance, material, compound, mixture, or preparation or any of their salts or isomers that are drug precursors.
  
     (B) The Department of Health may add substances to, delete substances from, and reschedule substances listed in the drug precursors list pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.
  
     2. In making a determination regarding a substance to be placed on the drug precursor list, the Department of Health shall consider the following:
        - (A) Whether the substance is an immediate precursor of a controlled substance;
        - (B) The actual or relative potential for abuse;
        - (C) The scientific evidence of the substance's pharmacological effect, if known;
        - (D) The state of current scientific knowledge regarding the substance or the controlled substance for which it is a precursor;
        - (E) The history and current pattern of abuse of the controlled substance for which the substance is a precursor;
        - (F) The scope, duration, and significance of abuse of the controlled substance for which the substance is a precursor;
        - (G) The risk to the public health; and
        - (H) The potential of the substance or the controlled substance to produce psychic or physiological dependence liability.
  
     3. The Department of Health may consider findings of the United States Food and Drug Administration or the United States Drug Enforcement Administration as prima facie evidence relating to one (1) or more of the factors listed in subdivision (b)(2) of this section in connection with the Department of Health's determination.
  
     4. (A) After considering the factors enumerated in subdivision (b)(2) of this section, the Department of Health shall make findings with respect to the factors and shall promulgate a rule controlling a substance as a drug precursor upon a finding that the substance has a potential for abuse.

     (B) If the Department of Health designates a substance as an immediate drug precursor, a substance that is a precursor of the controlled precursor is not subject to control solely because it is a precursor of the controlled precursor.

     5. Authority to control under this section does not extend to an alcoholic beverage, alcoholic liquor, a fermented malt beverage, or tobacco.

- (c) **License required -- Controlled substances drug precursors.**
  1. (A) The Department of Health may promulgate regulations and charge reasonable fees of not more than twenty-five dollars ($25.00) relating to the licensing and control of the manufacture, possession, transfer, and transportation of a drug precursor.

     (B)
There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State, a cash fund to be known as the "Health Department Drug Precursor Cash Fund".

The fees established under this subsection shall be collected by the Department of Health and transmitted to the Treasurer of State, who shall credit the fees to the Health Department Drug Precursor Cash Fund.

The fund shall be administered by the Division of Pharmacy Services and Drug Control of the Department of Health.

Any person that manufactures, possesses, transfers, or transports any drug precursor or that proposes to engage in the manufacture, possession, transfer, or transportation of any drug precursor shall annually obtain a license issued by the Department of Health.

A person licensed by the Department of Health to manufacture, possess, transfer, or transport a drug precursor may manufacture, possess, transfer, or transport the drug precursor to the extent authorized by the person's license and in conformity with any other provision of law.

The following persons are not required to be licensed under this subsection and may lawfully possess a drug precursor:

- A physician, dentist, pharmacist, veterinarian, or podiatrist;
- An agent of any manufacturer, or wholesaler of any drug precursor if the agent is acting in the usual course of his or her principal's business or employment;
- An employee of a licensed common or contract carrier or licensed warehouseman whose possession of any drug precursor is in the usual course of the licensed common or contract carrier or licensed warehouseman's business;
- A student enrolled in a college chemistry class for credit if the student's use of the drug precursor is for a bona fide educational purpose and the educational institution otherwise possesses all the necessary licenses required by the Department of Health;
- An officer or employee of an appropriate agency of federal, state, or local government and a law enforcement agency acting pursuant to its official duties; and
- Any researcher, including an analytical laboratory, experimenting with, studying, or testing any drug analog that is licensed by the Department of Health pursuant to the requirements of this subsection.

The Department of Health may waive by regulation the requirement for licensing of certain manufacturers if the waiver is consistent with the public health and safety.

The Department of Health shall license an applicant to manufacture, possess, transfer, or transport a drug precursor unless it determines that the issuance of the license would be inconsistent with the public interest.

In determining the public interest, the Department of Health shall consider the following factors:
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- (i) Maintenance of effective controls against diversion of a drug precursor other than a legitimate medical, scientific, or industrial channel;
- (ii) Compliance with applicable state and local law;
- (iii) Any conviction of the applicant under federal or state law relating to any controlled substance or drug precursor;
- (iv) Past experience in the manufacture, possession, transfer, or transportation of a drug precursor and the existence in the applicant’s establishment of effective controls against diversion;
- (v) Furnishing by the applicant of false or fraudulent material in any application filed under subsection (c) of this section;
- (vi) Suspension or revocation of the applicant’s federal registration to manufacture, distribute, or dispense a controlled substance or drug precursor authorized by federal law; and
- (vii) Any other factor relevant to and consistent with the public health and safety.

(2) Licensing under this section does not entitle a licensee to manufacture, possess, transfer, or transport a drug precursor other than a drug precursor allowed in the license.

(f) Denial, revocation, or suspension of license. (1) The Department of Health may deny, revoke, or suspend a license issued pursuant to subsection (c) of this section for any of the following reasons:
  - (A) If a licensee is convicted of, or has accepted by a court a plea of guilty or nolo contendere to a felony under any state or federal law relating to a controlled substance or a drug precursor;
  - (B) If a licensee has its federal registration to manufacture, conduct research on, distribute, or dispense a controlled substance or a drug precursor suspended or revoked.
    - (i) If a licensee commits an unlawful act as enumerated in subsection (g) of this section.

(2) (A) (i) When the Department of Health suspends or revokes a license, any controlled substance or drug precursor owned or possessed by the licensee at the time of the suspension or on the effective date of the revocation order may be placed under seal.
    - (ii) No disposition may be made of a controlled substance or drug precursor under seal until the time for making an appeal has elapsed or until all appeals have been concluded unless a court orders otherwise or orders the sale of any perishable controlled substance or drug precursor and the deposit of the proceeds with the court.
    - (B) Upon a revocation order becoming final:
      - (i) Any controlled substance and any drug precursor may be forfeited to the Department of Health;
      - (ii) Any expense of disposing of a forfeited controlled substance or drug precursor shall be borne by the licensee;
      - (iii) The court may order the licensee to pay a reasonable sum of money to the Department of Health to cover the expenses of disposition; and
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- (iv) The Department of Health may seek enforcement of the order of payment, or reimbursement for any expenses through any lawful means.

- (g) Unlawful acts -- Licenses -- Penalties. (1) It is unlawful to:
  - (A) Knowingly transfer a drug precursor except to an authorized licensee;
  - (B) Knowingly use in the course of the manufacture or transfer of a drug precursor a license number which is fictitious, revoked, suspended, or issued to another person;
  - (C) Knowingly acquire or obtain, or attempt to acquire or obtain, possession of a drug precursor by misrepresentation, fraud, forgery, deception, or subterfuge;
  - (D) Knowingly furnish false or fraudulent material information in, or omitting any material information from, any application, report, or other document required to be kept or filed under this section or any record required to be kept by this section;
  - (E) Have knowledge of the manufacture of a drug precursor not authorized by a licensee's license, or have knowledge of the transfer of a drug precursor not authorized by the licensee's license to another licensee or authorized person;
  - (F) Refuse entry into any premises for any inspection authorized by this section; or
  - (G) Manufacture, possess, transfer, or transport a drug precursor without the appropriate license or in violation of any rule or regulation of the Department of Health.
    - (2) Any person who violates a provision of this subsection is guilty of a Class D felony.

- (h) Records to be kept -- Order forms.
  - (1) A manufacturer, wholesaler, retailer, or other person that sells, transfers, or otherwise furnishes any drug precursor to a person shall make an accurate and legible record of the transaction and maintain the record for a period of at least two (2) years after the date of the transaction.
  - (2) Before selling, transferring, or otherwise furnishing to a person in this state a precursor substance subject to subdivision (h)(1) of this section, a manufacturer, wholesaler, retailer, or other person shall:
    - (A) If the recipient does not represent a business, obtain from the recipient:
      - (i) The recipient's driver's license number or other personal identification certificate number, date of birth, and residential or mailing address, other than a post office box number, from a driver's license or personal identification card issued by the Department of Finance and Administration that contains a photograph of the recipient;
      - (ii) The year, state, and number of the motor vehicle license of the motor vehicle owned or operated by the recipient;
      - (iii) A complete description of how the substance is to be used; and
      - (iv) The recipient's signature;
    - (B) If the recipient represents a business, obtain from the recipient:
      - (i) A letter of authorization from the business that includes the business license or comptroller tax identification number,
address, area code, and telephone number, and a complete description of how the substance is to be used; and
  • (ii) The recipient's signature; and
  • (C) For any recipient, sign as a witness to the signature and identification of the recipient.

  (3) A copy of this report shall be transmitted to the Department of Arkansas State Police.

• (i) Reports of theft, loss, shipping discrepancies, and other transactions.
  • (1) The theft or loss of any drug precursor discovered by any person regulated by this section shall be reported to the Department of Health and the Department of Arkansas State Police within three (3) days after the discovery.
  • (2) Any difference between the quantity of any drug precursor received and the quantity shipped shall be reported to the Department of Health within three (3) days after the receipt of actual knowledge of the discrepancy.
  • (B) When applicable, any report made pursuant to this subsection shall also include the name of any common carrier or person that transported the substance and the date of shipment of the substance.

  (3) Any manufacturer, wholesaler, retailer, or other person subject to any other reporting requirement in this section that receives from a source outside of this state any drug precursor specified in rules and regulations promulgated pursuant to this section shall submit a report of the transaction to the Department of Health in accordance with rules adopted by the Department of Health.

  (4) Any person violating any provision of this subsection is guilty of a Class A misdemeanor.

  (5) The Department of Health may authorize a manufacturer, wholesaler, retailer, or other person to submit a comprehensive monthly report instead of the report required by subdivision (i)(2)(A) of this section if the Director of the Department of Health determines that:
    • (A) There is a pattern of regular supply and purchase of the drug precursor between the furnisher and the recipient; or
    • (B) The recipient has established a record of utilization of the drug precursor solely for a lawful purpose.

• (j) Investigations and inspections.
  • (1) The Department of Arkansas State Police specifically may investigate any violation of a provision of this section, and enforce its provisions.
  • (2) Further, the Department of Arkansas State Police and the Department of Health shall exchange information gathered or received by either agency under the provisions of this section.
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(3) Any record kept by a licensee pursuant to this section is open to inspection by an authorized investigator of the Department of Arkansas State Police or the Department of Health during normal business hours and at any other reasonable time.

(k) In addition to rules and regulations authorized by a provision of this section, the Department of Health may promulgate necessary rules and regulations to carry out the provisions of this section.

5-64-419. Possession of a controlled substance.

(a) Except as provided by this chapter, it is unlawful for a person to possess a controlled substance.

(b) A person who violates this section with respect to:

(1) A Schedule I or Schedule II controlled substance that is methamphetamine or cocaine with an aggregate weight, including an adulterant or diluent, of:

(A) Less than two grams (2g) upon conviction is guilty of a Class D felony;

(B) Two grams (2g) or more but less than ten grams (10g) upon conviction is guilty of a Class C felony; or

(C) Ten grams (10g) or more but less than two hundred grams (200g) upon conviction is guilty of a Class B felony;

(2) A Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine with an aggregate weight, including an adulterant or diluent, of:

(A) Less than two grams (2g) upon conviction is guilty of a Class D felony;

(B) Two grams (2g) or more but less than twenty-eight grams (28g) upon conviction is guilty of a Class C felony; or

(C) Twenty-eight grams (28g) or more but less than two hundred grams (200g) upon conviction is guilty of a Class B felony;

(3) A Schedule III controlled substance with an aggregate weight, including an adulterant or diluent, of:

(A) Less than two grams (2g) upon conviction is guilty of a Class A misdemeanor;

(B) Two grams (2g) or more but less than twenty-eight grams (28g) upon conviction is guilty of a Class D felony;

(C) Twenty-eight grams (28g) or more but less than two hundred (200g) upon conviction is guilty of a Class C felony; or

(D) Two hundred grams (200g) or more but less than four hundred grams (400g) upon conviction is guilty of a Class B felony;

(4) A Schedule IV or Schedule V controlled substance with an aggregate weight, including an adulterant or diluent, of:

(A) Less than twenty-eight grams (28g) upon conviction is guilty of a Class A misdemeanor;

(B) Twenty-eight grams (28g) or more but less than two hundred grams (200g) upon conviction is guilty of a Class D felony;

(C) Two hundred grams (200g) or more but less than four hundred grams (400g) upon conviction is guilty of a Class C felony; or

(D) Four hundred grams (400g) or more but less than eight hundred grams (800g) upon conviction is guilty of a Class B felony; or

(5) A Schedule VI controlled substance with an aggregate weight, including an adulterant or diluent, of:
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- (i) Less than four ounces (4 oz.) upon conviction is guilty of a Class A misdemeanor;
- (ii) One ounce (1 oz.) or more but less than four ounces (4 oz.) and the person has two (2) previous convictions under this section or the former § 5-64-401(c) upon conviction is guilty of a Class D felony;
- (iii) Four ounces (4 oz.) or more but less than ten pounds (10 lbs.) upon conviction is guilty of a Class D felony;
- (iv) Ten pounds (10 lbs.) or more but less than twenty-five pounds (25 lbs.) upon conviction is guilty of a Class C felony;
- (v) Twenty-five pounds (25 lbs.) or more but less than one hundred pounds (100 lbs.) upon conviction is guilty of a Class B felony; or
- (vi) One hundred pounds (100 lbs.) or more but less than five hundred pounds (500 lbs.) upon conviction is guilty of a Class A felony.

- (c) If a person possesses a controlled substance in violation of this section while the person is an inmate in a state criminal detention facility, county criminal detention facility, city criminal detention facility, or juvenile detention facility, the penalty for the offense is increased to the next higher classification as prescribed by law for the offense.

5-64-420. Possession of methamphetamine or cocaine with the purpose to deliver.

- (a) Except as provided by this chapter, it is unlawful if a person possesses methamphetamine or cocaine with the purpose to deliver the methamphetamine or cocaine. Purpose to deliver may be shown by any of the following factors:
  - (1) The person possesses the means to weigh, separate, or package methamphetamine or cocaine; or
  - (2) The person possesses a record indicating a drug-related transaction; or
  - (3) The methamphetamine or cocaine is separated and packaged in a manner to facilitate delivery; or
  - (4) The person possesses a firearm that is in the immediate physical control of the person at the time of the possession of methamphetamine or cocaine; or
  - (5) The person possesses at least two (2) other controlled substances in any amount; or
  - (6) Other relevant and admissible evidence that contributes to the proof that a person's purpose was to deliver methamphetamine or cocaine.
- (b) A person who violates this section upon conviction is guilty of a:
  - (1) Class C felony if the person possessed less than two grams (2g) of methamphetamine or cocaine by aggregate weight, including an adulterant or diluent;
  - (2) Class B felony if the person possessed two grams (2g) or more but less than ten grams (10g) of methamphetamine or cocaine by aggregate weight, including an adulterant or diluent; or
  - (3) Class A felony if the person possessed ten grams (10g) or more but less than two hundred grams (200g) of methamphetamine or cocaine by aggregate weight, including an adulterant or diluent.

5-64-422. Delivery of methamphetamine or cocaine.

- (a) Except as provided by this chapter, it is unlawful for a person to deliver methamphetamine or cocaine.
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- **(b)**
  - **(1)** A person who delivers less than two grams (2g) by aggregate weight, including an adulterant or diluent, of methamphetamine or cocaine upon conviction is guilty of a Class C felony.
  - **(2)** A person who delivers two grams (2g) or more but less than ten grams (10g) by aggregate weight, including an adulterant or diluent, of methamphetamine or cocaine upon conviction is guilty of a Class B felony.
  - **(3)** A person who delivers ten grams (10g) or more but less than two hundred grams (200g) by aggregate weight, including an adulterant or diluent, of methamphetamine or cocaine upon conviction is guilty of a Class Y felony.

5-64-423. Manufacture of methamphetamine -- Manufacture of cocaine.

- **(a)**
  - **(1)** Except as provided by this chapter, it is unlawful for a person to manufacture methamphetamine.
  - **(2)**
    - **(A)** A person who manufactures methamphetamine in an amount less than two grams (2g) by aggregate weight, including an adulterant or diluent, upon conviction is guilty of a Class C felony.
    - **(B)**
      - **(i)** A person who manufactures methamphetamine in an amount of two grams (2g) or more by aggregate weight, including an adulterant or diluent, upon conviction is guilty of a Class Y felony.
  - **(b)** However, a person who manufactures methamphetamine in an amount of two grams (2g) or more by aggregate weight, including an adulterant or diluents, upon conviction is guilty of a Class A felony if the person shows by a preponderance of the evidence that he or she manufactured the methamphetamine for personal use only.

- **(b)** Factors indicative of personal use may include without limitation the:
  - **(1)** Person did not make a delivery of methamphetamine;
  - **(2)** Quantity of methamphetamine manufactured by the person; or
  - **(3)** Method of manufacturing methamphetamine used by the person.
  - **(3)** A person who has one (1) or more prior convictions of manufacturing methamphetamine in any amount under this section or the former § 5-64-401 upon conviction is guilty of a Class Y felony.

- **(b)**
  - **(1)** Except as provided by this chapter, it is unlawful for a person to manufacture cocaine.
  - **(2)**
    - **(A)** A person who manufactures cocaine in an amount less than two grams (2g) by aggregate weight, including an adulterant or diluent, upon conviction is guilty of a Class C felony.
    - **(B)** A person who manufactures cocaine in an amount of two grams (2g) or more but less than ten grams (10g), by aggregate weight, including an adulterant or diluent, upon conviction is guilty of a Class B felony.
    - **(C)** A person who manufactures cocaine in an amount of ten grams (10g) or more but less than two hundred grams (200g), by aggregate weight, including an adulterant or diluent, upon conviction is guilty of a Class Y felony.
5-64-424. Possession of a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine with the purpose to deliver.

- **(a)** Except as provided in this chapter, it is unlawful if a person possesses a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine with the purpose to deliver the Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine. Purpose to deliver may be shown by any of the following factors:
  - (1) The person possesses the means to weigh, separate, or package a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine; or
  - (2) The person possesses a record indicating a drug-related transaction; or
  - (3) The Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine is separated and packaged in a manner to facilitate delivery; or
  - (4) The person possesses a firearm that is in the immediate physical control of the person at the time of the possession of the Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine; or
  - (5) The person possesses at least two (2) other controlled substances in any amount; or
  - (6) Other relevant and admissible evidence that contributes to the proof that a person's purpose was to deliver a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine.

- **(b)** A person who violates this section upon conviction is guilty of a:
  - (1) Class C felony if the person possessed by aggregate weight, including an adulterant or diluent less than two grams (2g) of a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine;
  - (2) Class B felony if the person possessed by aggregate weight, including an adulterant or diluent:
    - (A) Two grams (2g) or more but less than twenty-eight grams (28g) of a Schedule I or Schedule II controlled substance that is not methamphetamine, cocaine, or a controlled substance listed in this subdivision (b)(2); or
    - (B) Eighty (80) or more but less than one hundred sixty (160) dosage units of hydromorphone hydrochloride; or
    - (C) Eighty (80) or more but less than one hundred sixty (160) dosage units of lysergic acid diethylamide (LSD); or
    - (D) Eighty (80) or more but less than one hundred sixty (160) dosage units but not more than two hundred grams (200g) for any other Schedule I or II depressant or hallucinogenic drug; or
    - (E) Eighty (80) or more but less than one hundred sixty (160) dosage units but not more than two hundred grams (200g) for any other Schedule I or II stimulant drug; or
  - (3) Class A felony if the person possessed by aggregate weight, including an adulterant or diluent:
    - (A) Twenty-eight grams (28g) or more but less than two hundred grams (200g) of a Schedule I or Schedule II controlled substance that is not methamphetamine, cocaine, or a controlled substance listed in this subdivision (b)(3); or
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- **(B)** One hundred twenty-eight milligrams (128mg) or more or one hundred sixty (160) dosage units or more but less than two hundred grams (200g) of hydromorphone hydrochloride; or
- **(C)** One thousand six hundred micrograms (1,600u) or more or one hundred sixty (160) dosage units or more but less than two hundred grams (200g) of lysergic acid diethylamide (LSD); or
- **(D)** One hundred sixty (160) dosage units or more regardless of weight but less than two hundred grams (200g) for any other Schedule I or Schedule II depressant or hallucinogenic drug; or
- **(E)** One hundred sixty (160) dosage units or more regardless of weight but less than two hundred grams (200g) for any other Schedule I or Schedule II stimulant drug.

- **(c)** It is a defense to a prosecution under this section that the person possessed less than the minimum listed amount of a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine and that is listed in this section.

### 5-64-426. Delivery of a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine.

- **(a)** This section does not apply to the delivery of methamphetamine or cocaine, which is governed by § 5-64-422.
- **(b)** Except as provided in this chapter, it is unlawful for a person to deliver a Schedule I or Schedule II controlled substance.
- **(c)** A person who violates this section upon conviction is guilty of a:
  - **(1)** Class C felony if the person delivered by aggregate weight, including an adulterant or diluent, less than two grams (2g) of a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine;
  - **(2)** Class B felony if the person delivered by aggregate weight, including an adulterant or diluent:
    - **(A)** Two grams (2g) or more but less than twenty-eight grams (28g) of a Schedule I or Schedule II controlled substance that is not methamphetamine, cocaine, or a controlled substance listed in this subdivision (c)(2);
    - **(B)** Eighty (80) or more but less than one hundred sixty (160) dosage units of hydromorphone hydrochloride;
    - **(C)** Eighty (80) or more but less than one hundred sixty (160) dosage units of lysergic acid diethylamide (LSD);
    - **(D)** Eighty (80) or more but less than one hundred sixty (160) dosage units but not more than two hundred grams (200g) for any other Schedule I or Schedule II depressant or hallucinogenic drug; or
    - **(E)** Eighty (80) or more but less than one hundred sixty (160) dosage units but not more than two hundred grams (200g) for any other Schedule I or Schedule II stimulant drug; or
  - **(3)** Class A felony if the person delivered by aggregate weight, including an adulterant or diluent:
    - **(A)** Twenty-eight grams (28g) or more but less than two hundred grams (200g) of a Schedule I or Schedule II controlled substance that is not methamphetamine, cocaine, or a controlled substance listed in this subdivision (c)(3); or
    - **(B)** One hundred sixty (160) dosage units or more but less than two hundred grams (200g) of hydromorphone hydrochloride; or
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- **(C)** One hundred sixty (160) dosage units or more but less than two hundred grams (200g) of lysergic acid diethylamide (LSD); or
- **(D)** One hundred sixty (160) dosage units or more regardless of weight but less than two hundred grams (200g) for any other Schedule I or Schedule II depressant or hallucinogenic drug; or
- **(E)** One hundred sixty (160) dosage units or more regardless of weight but less than two hundred grams (200g) for any other Schedule I or Schedule II stimulant drug.

### 5-64-427. Manufacture of a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine.

- **(a)** This section does not apply to the manufacture of methamphetamine or cocaine, which is governed by § 5-64-423.
- **(b)** Except as provided by this chapter, it is unlawful for a person to manufacture a Schedule I or Schedule II controlled substance.
- **(c)** A person who violates this section upon conviction is guilty of a:
  - **(1)** Class C felony if the person manufactured by aggregate weight, including an adulterant or diluent, less than two grams (2g) of a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine;
  - **(2)** Class B felony if the person manufactured by aggregate weight, including an adulterant or diluent:
    - **(A)** Two grams (2g) or more but less than twenty-eight grams (28g) of a Schedule I or Schedule II controlled substance that is not methamphetamine, cocaine, or a controlled substance listed in this subdivision (c)(2);
    - **(B)** Eighty (80) or more but less than one hundred sixty (160) dosage units of hydromorphone hydrochloride;
    - **(C)** Eighty (80) or more but less than one hundred sixty (160) dosage units of lysergic acid diethylamide (LSD);
    - **(D)** Eighty (80) or more but less than one hundred sixty (160) dosage units for any other Schedule I or Schedule II depressant or hallucinogenic drug regardless of weight; or
    - **(E)** Eighty (80) or more but less than one hundred sixty (160) dosage units for any other Schedule I or Schedule II stimulant drug regardless of weight; or
  - **(3)** Class A felony if the person manufactured by aggregate weight, including an adulterant or diluent:
    - **(A)** Twenty-eight grams (28g) or more of a Schedule I or Schedule II controlled substance that is not methamphetamine, cocaine, or a controlled substance listed in this subdivision (c)(3); or
    - **(B)** One hundred sixty (160) dosage units or more of hydromorphone hydrochloride; or
    - **(C)** One hundred sixty (160) or more dosage units of lysergic acid diethylamide (LSD); or
    - **(D)** One hundred sixty (160) dosage units or more regardless of weight for any other Schedule I or II depressant or hallucinogenic drug; or
    - **(E)** One hundred sixty (160) dosage units or more regardless of weight for any other Schedule I or II stimulant drug.
5-64-428. Possession of a Schedule III controlled substance with the purpose to deliver.

- **(a)** Except as provided by this chapter, it is unlawful if a person possesses a Schedule III controlled substance with the purpose to deliver the Schedule III controlled substance. Purpose to deliver may be shown by any of the following factors:
  - (1) The person possesses the means to weigh, separate, or package a Schedule III controlled substance; or
  - (2) The person possesses a record indicating a drug-related transaction; or
  - (3) The Schedule III controlled substance is separated and packaged in a manner to facilitate delivery; or
  - (4) The person possesses a firearm that is in the immediate physical control of the person at the time of the possession of the Schedule III controlled substance; or
  - (5) The person possesses at least two (2) other controlled substances in any amount; or
  - (6) Other relevant and admissible evidence that contributes to the proof that a person's purpose was to deliver a Schedule III controlled substance.

- **(b)** A person who violates this section upon conviction is guilty of a:
  - (1) Class C felony if the person possessed by aggregate weight, including an adulterant or diluent:
    - (A) Less than twenty-eight grams (28g) of a Schedule III controlled substance that is not a controlled substance listed in this subdivision (b)(1);
    - (B) Forty (40) or more but less than eighty (80) dosage units for any other Schedule III depressant or hallucinogenic drug; or
    - (C) Forty (40) or more but less than eighty (80) dosage units for any other Schedule III stimulant drug;
  - (2) Class B felony if the person possessed by aggregate weight, including an adulterant or diluent:
    - (A) Twenty-eight grams (28g) or more but less than two hundred grams (200g) of a Schedule III controlled substance that is not a controlled substance listed in this subdivision (b)(2);
    - (B) Eighty (80) or more but less than one hundred sixty (160) dosage units for any other Schedule III depressant or hallucinogenic drug; or
    - (C) Eighty (80) or more but less than one hundred sixty (160) dosage units for any other Schedule III stimulant drug;
  - (3) Class A felony if the person possessed by aggregate weight, including an adulterant or diluent:
    - (A) Two hundred grams (200g) or more but less than four hundred grams (400g) of a Schedule III controlled substance not a controlled substance listed in this subdivision (b)(3);
    - (B) One hundred sixty (160) dosage units or more for any other Schedule III depressant or hallucinogenic drug; or
    - (C) One hundred sixty (160) dosage units or more for any other Schedule III stimulant drug.

- **(c)** It is a defense to a prosecution under this section that the person possessed less than the minimum listed amount of a Schedule III controlled substance that is listed in this section.
5-64-430. Delivery of a Schedule III controlled substance.

- (a) Except as provided by this chapter, it is unlawful for a person to deliver a Schedule III controlled substance.
- (b)  
  - (1) A person who delivers less than twenty-eight grams (28g) by aggregate weight, including an adulterant or diluent, of a Schedule III controlled substance upon conviction is guilty of a Class C felony.
  - (2) A person who delivers twenty-eight grams (28g) or more but less than two hundred grams (200g) by aggregate weight, including an adulterant or diluent, of a Schedule III controlled substance upon conviction is guilty of a Class B felony.
  - (3) A person who delivers two hundred grams (200g) or more but less than four hundred grams (400g) by aggregate weight, including an adulterant or diluent, of a Schedule III controlled substance upon conviction is guilty of a Class A felony.

5-64-431. Manufacture of a Schedule III controlled substance.

- (a) Except as provided by this chapter, it is unlawful for a person to manufacture a Schedule III controlled substance.
- (b)  
  - (1) A person who manufactures less than twenty-eight grams (28g) by aggregate weight, including an adulterant or diluent, of a Schedule III controlled substance upon conviction is guilty of a Class C felony.
  - (2) A person who manufactures twenty-eight grams (28g) or more but less than two hundred grams (200g) by aggregate weight, including an adulterant or diluent, of a Schedule III controlled substance upon conviction is guilty of a Class B felony.
  - (3) A person who manufactures two hundred grams (200g) or more by aggregate weight, including an adulterant or diluent, of a Schedule III controlled substance upon conviction is guilty of a Class A felony.

5-64-432. Possession of a Schedule IV or Schedule V controlled substance with the purpose to deliver.

- (a) Except as provided by this chapter, it is unlawful if a person possesses a Schedule IV or Schedule V controlled substance with the purpose to deliver the Schedule IV or Schedule V controlled substance. Purpose to deliver may be shown by any of the following factors:
  - (1) The person possesses the means to weigh and separate a Schedule IV or Schedule V controlled substance; or
  - (2) The person possesses a record indicating a drug-related transaction; or
  - (3) The Schedule IV or Schedule V controlled substance is separated and packaged in a manner to facilitate delivery; or
  - (4) The person possesses a firearm that is in the immediate physical control of the person at the time of the possession of the Schedule IV or Schedule V controlled substance; or
  - (5) The person possesses at least two (2) other controlled substances in any amount; or
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(6) Other relevant and admissible evidence that contributes to the proof that a person's purpose was to deliver a Schedule IV or V controlled substance.

(b) A person who violates this section upon conviction is guilty of a:

(1) Class D felony if the person possessed by aggregate weight, including an adulterant or diluent:
   - (A) Less than two hundred grams (200g) of a Schedule IV or Schedule V controlled substance that is not a controlled substance listed in this subdivision (b)(1);
   - (B) Forty (40) or more but less than eighty (80) dosage units for any other Schedule IV or Schedule V depressant or hallucinogenic drug; or
   - (C) Forty (40) or more but less than eighty (80) dosage units for any other Schedule IV or Schedule V stimulant drug;

(2) Class C felony if the person possessed by aggregate weight, including an adulterant or diluent:
   - (A) Two hundred grams (200g) or more but less than four hundred grams (400g) of a Schedule IV or Schedule V controlled substance that is not a controlled substance listed in this subdivision (b)(2);
   - (B) Eighty (80) or more but less than one hundred sixty (160) dosage units for any other Schedule IV or Schedule V depressant or hallucinogenic drug; or
   - (C) Eighty (80) or more but less than one hundred sixty (160) dosage units for any other Schedule IV or Schedule V stimulant drug;

(3) Class B felony if the person possessed by aggregate weight, including an adulterant or diluent:
   - (A) Four hundred grams (400g) or more but less than eight hundred grams (800g) of a Schedule IV or Schedule V controlled substance that is not a controlled substance listed in this subdivision (b)(3);
   - (B) One hundred sixty (160) dosage units or more but less than eight hundred grams (800g) for any other Schedule IV or Schedule V depressant or hallucinogenic drug; or
   - (C) One hundred sixty (160) dosage units or more but less than eight hundred grams (800g) for any other Schedule IV or Schedule V stimulant drug.

(c) It is a defense to a prosecution under this section that the person possessed less than the minimum listed amount of a Schedule IV or Schedule V controlled substance that is listed in this section.

5-64-434. Delivery of a Schedule IV or Schedule V controlled substance.

(a) Except as provided by this chapter, it is unlawful for a person to deliver a Schedule IV or Schedule V controlled substance.

(b)

(1) A person who delivers less than two hundred grams (200g) by aggregate weight, including an adulterant or diluent, of a Schedule IV or Schedule V controlled substance upon conviction is guilty of a Class D felony.

(2) A person who delivers two hundred grams (200g) or more but less than four hundred grams (400g) by aggregate weight, including an adulterant or diluent, of a Schedule IV or Schedule V controlled substance upon conviction is guilty of a Class C felony.
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(3) A person who delivers four hundred grams (400g) or more but less than eight hundred grams (800g) by aggregate weight, including an adulterant or diluent, of a Schedule IV or Schedule V controlled substance upon conviction is guilty of a Class B felony.

5-64-435. Manufacture of a Schedule IV or Schedule V controlled substance.

• (a) Except as provided by this chapter, it is unlawful for a person to manufacture a Schedule IV or Schedule V controlled substance.

• (b)
  o (1) A person who manufactures less than two hundred grams (200g) by aggregate weight, including an adulterant or diluent, of a Schedule IV or Schedule V controlled substance upon conviction is guilty of a Class D felony.
  o (2) A person who manufactures two hundred grams (200g) or more but less than four hundred grams (400g) by aggregate weight, including an adulterant or diluent, of a Schedule IV or Schedule V controlled substance upon conviction is guilty of a Class C felony.
  o (3) A person who manufactures four hundred grams (400g) or more by aggregate weight, including an adulterant or diluent, of a Schedule IV or Schedule V controlled substance upon conviction is guilty of a Class B felony.

5-64-436. Possession of a Schedule VI controlled substance with the purpose to deliver.

• (a) Except as provided by this chapter, it is unlawful if a person possesses a Schedule VI controlled substance with the purpose to deliver the Schedule VI controlled substance. Purpose to deliver may be shown by any of the following factors:
  o (1) The person possesses the means to weigh and separate a Schedule VI controlled substance; or
  o (2) The person possesses a record indicating a drug-related transaction; or
  o (3) The Schedule VI controlled substance is separated and packaged in a manner to facilitate delivery; or
  o (4) The person possesses a firearm that is in the immediate physical control of the person at the time of the possession of the Schedule VI controlled substance; or
  o (5) The person possesses at least two (2) other controlled substances in any amount; or
  o (6) Other relevant and admissible evidence that contributes to the proof that a person's purpose was to deliver a Schedule VI controlled substance.

• (b) A person who violates this section upon conviction is guilty of a:
  o (1) Class A misdemeanor if the person possessed by aggregate weight, including an adulterant or diluent, fourteen grams (14g) or less of a Schedule VI controlled substance;
  o (2) Class D felony if the person possessed more than fourteen grams (14g) but less than four ounces (4 oz.) by aggregate weight, including an adulterant or diluent, of a Schedule VI controlled substance;
  o (3) Class C felony if the person possessed four ounces (4 oz.) or more but less than twenty-five pounds (25 lbs.) by aggregate weight, including an adulterant or diluent, of a Schedule VI controlled substance;
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(4) Class B felony if the person possessed twenty-five pounds (25 lbs.) or more but less than one hundred pounds (100 lbs.) by aggregate weight, including an adulterant or diluent, of a Schedule VI controlled substance; or

(5) Class A felony if the person possessed one hundred pounds (100 lbs.) or more but less than five hundred pounds (500 lbs.) by aggregate weight, including an adulterant or diluent, of a Schedule VI controlled substance.

5-64-438. Delivery of a Schedule VI controlled substance.

(a) Except as provided by this chapter, it is unlawful for a person to deliver a Schedule VI controlled substance.

(b)

(1) A person who delivers fourteen grams (14g) or less by aggregate weight, including an adulterant or diluent, of a Schedule VI controlled substance upon conviction is guilty of a Class A misdemeanor.

(2) A person who delivers more than fourteen grams (14g) but less than four ounces (4 oz.) by aggregate weight, including an adulterant or diluent, of a Schedule VI controlled substance upon conviction is guilty of a Class D felony.

(3) A person who delivers four ounces (4 oz.) or more but less than twenty-five pounds (25 lbs.) by aggregate weight, including an adulterant or diluent, of a Schedule VI controlled substance upon conviction is guilty of a Class C felony.

(4) A person who delivers twenty-five pounds (25 lbs.) or more but less than one hundred pounds (100 lbs.) by aggregate weight, including an adulterant or diluent, of a Schedule VI controlled substance upon conviction is guilty of a Class B felony.

(5) A person who delivers one hundred pounds (100 lbs.) or more but less than five hundred pounds (500 lbs.) by aggregate weight, including an adulterant or diluent, of a Schedule VI controlled substance upon conviction is guilty of a Class A felony.

5-64-439. Manufacture of a Schedule VI controlled substance.

(a) Except as provided by this chapter, it is unlawful for a person to manufacture a Schedule VI controlled substance.

(b)

(1) A person who manufactures fourteen grams (14g) or less by aggregate weight, including an adulterant or diluent, of a Schedule VI controlled substance is guilty of a Class A misdemeanor.

(2) A person who manufactures more than fourteen grams (14g) but less than four ounces (4 oz.) by aggregate weight, including an adulterant or diluent, of a Schedule VI controlled substance is guilty of a Class D felony.

(3) A person who manufactures four ounces (4 oz.) or more but less than twenty-five pounds (25 lbs.) by aggregate weight, including an adulterant or diluent, of a Schedule VI controlled substance upon conviction is guilty of a Class C felony.

(4) A person who manufactures twenty-five pounds (25 lbs.) or more but less than one hundred pounds (100 lbs.) by aggregate weight, including an adulterant or diluent, of a Schedule VI controlled substance upon conviction is guilty of a Class B felony.
A person who manufactures one hundred pounds (100 lbs.) or more by aggregate weight, including an adulterant or diluent, upon conviction is guilty of a Class A felony.

5-64-440. Trafficking a controlled substance.

- **(a)** Except as provided by this chapter, it is unlawful for a person to engage in trafficking a controlled substance.
- **(b)** A person engages in trafficking a controlled substance if he or she possesses a controlled substance by aggregate weight, including an adulterant or diluent, in the following amounts:
  - (1) Methamphetamine or cocaine, two hundred grams (200g) or more;
  - (2) Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine, two hundred grams (200g) or more;
  - (3) Schedule III controlled substance, four hundred grams (400g) or more;
  - (4) Schedule IV or Schedule V controlled substance, eight hundred grams (800g) or more; or
  - (5) A Schedule VI controlled substance, five hundred pounds (500 lbs.) or more.
- **(c)** Trafficking a controlled substance is a Class Y felony.

5-64-441. Possession of a counterfeit substance.

- **(a)** It is unlawful for any person to possess a counterfeit substance unless the counterfeit substance was obtained:
  - (1) Directly from or pursuant to a valid prescription or an order of a practitioner while acting in the course of his or her professional practice; or
  - (2) As otherwise authorized by this chapter.
- **(b)** Any person who violates this section with respect to:
  - (1) A Schedule I or Schedule II controlled substance is guilty of a Class D felony;
  - (2) Any other controlled substance, first offense or second offense, upon conviction is guilty of a Class A misdemeanor; and
  - (3) Any other controlled substance, third or subsequent offense, upon conviction is guilty of a Class D felony.
- **(c)** For purposes of subsection (b) of this section, an offense is considered a third or subsequent offense if, before his or her conviction for the offense, the person has been convicted two (2) or more times for an offense under subsection (b) of this section or under any equivalent penal statute of the United States or of any state.

5-64-442. Delivery or manufacture of a counterfeit substance.

- **(a)** Except as authorized by this chapter, it is unlawful for any person to deliver or manufacture a counterfeit substance.
- **(b)** Any person who violates this section with respect to:
  - (1) A counterfeit substance purporting to be a Schedule I or Schedule II controlled substance upon conviction is guilty of a Class C felony;
  - (2) A counterfeit substance purporting to be a Schedule III controlled substance upon conviction is guilty of a Class D felony; or
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(3) A counterfeit substance purporting to be a Schedule IV-VI controlled substance or that is not classified as a scheduled controlled substance upon conviction is guilty of a Class A misdemeanor.

5-64-443. Drug paraphernalia.

(a) A person who possesses drug paraphernalia with the purpose to use the drug paraphernalia to inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter upon conviction is guilty of:
   1. A Class A misdemeanor; or
   2. A Class D felony if the controlled substance is methamphetamine or cocaine.

(b) A person who uses or possesses with the purpose to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance that is methamphetamine or cocaine upon conviction is guilty of a Class B felony.

(c) A person who uses or possesses with the purpose to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance that is not methamphetamine or cocaine upon conviction is guilty of a Class D felony.

5-64-444. Drug paraphernalia -- Delivery to a minor.

(a) A person eighteen (18) years of age or older who violates § 5-64-443 by delivering drug paraphernalia in the course of and in furtherance of a felony violation of this chapter to a person under eighteen (18) years of age who is at least three (3) years younger than the person upon conviction is guilty of a Class B felony.

(b) Otherwise, a person eighteen (18) years of age or older who violates § 5-64-443 by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years younger than the person upon conviction is guilty of a Class A misdemeanor.

5-64-445. Advertisement of a counterfeit substance or drug paraphernalia.

A person who places in any newspaper, magazine, handbill, or other publication any advertisement knowing, or under circumstances in which a person reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of a counterfeit substance or of an object designed or intended for use as drug paraphernalia upon conviction is guilty of a Class C felony.

5-64-1101. Possession -- Penalty.

(a) It is unlawful for any person to possess more than five grams (5 g) of ephedrine or nine grams (9 g) of pseudoephedrine or phenylpropanolamine, or their salts, optical isomers, and salts of optical isomers, alone or in a mixture, except:
   1. Any pharmacist or other authorized person who sells or furnishes ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, and salts of optical isomers, alone or in a mixture.
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isomers, and salts of optical isomers, upon the prescription of a physician, dentist, podiatrist, veterinarian, or other healthcare professional with prescriptive authority, or as authorized pursuant to § 5-64-1103;

(2) A product exempted under § 5-64-1103(b)(1) and (2), without a prescription, pursuant to the Federal Food, Drug, and Cosmetic Act, U.S.C. § 301 et seq., or regulations adopted under the Federal Food, Drug, and Cosmetic Act, U.S.C. § 301 et seq., if the person possesses a sales and use tax permit issued by the Department of Finance and Administration;

(3) Any physician, dentist, podiatrist, veterinarian, or other healthcare professional with prescriptive authority who administers or furnishes ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, and salts of optical isomers to his or her patient; or

(4) (A) Any manufacturer, wholesaler, or distributor licensed by the Arkansas State Board of Pharmacy that meets one (1) of the requirements in subdivision (a)(4)(B) of this section and sells, transfers, or otherwise furnishes ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, and salts of optical isomers to:

(i) A licensed pharmacy, physician, dentist, podiatrist, veterinarian, or other healthcare professional with prescriptive authority; or

(ii) Any person who possesses a sales and use tax permit issued by the department.

(B) The manufacturer, wholesaler, or distributor shall hold or store the substance in a facility that meets the packaging requirements of § 5-64-1005(4)(A)-(C).

(ii) The manufacturer, wholesaler, or distributor shall sell, transfer, or otherwise furnish only to a healthcare professional identified in subdivisions (a)(1) and (3) of this section.

(b) Possession of more than five grams (5 g) of ephedrine or more than nine grams (9 g) of pseudoephedrine or phenylpropanolamine, or their salts, optical isomers, and salts of optical isomers constitutes prima facie evidence of the intent to manufacture methamphetamine or another controlled substance in violation of this subchapter unless the person qualifies for an exemption listed in subsection (a) of this section.

(c) Any person who violates a provision of this section is guilty of a Class D felony.

5-64-1102. Possession with purpose to manufacture -- Unlawful distribution.

(a)

(1) It is unlawful for a person to possess ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, optical isomers, or salts of optical isomers with purpose to manufacture methamphetamine.

(2) A person who violates subdivision (a)(1) of this section upon conviction is guilty of a:

(A) Class D felony if the quantity of substances listed in subdivision (a)(1) of this section is capable of producing ten grams (10g) or less of methamphetamine; or

(B) Class B felony if the quantity of substances listed in subdivision (a)(1) of this section is capable of producing more than ten grams (10g) of methamphetamine.

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- **(b)**
  - (1) It is unlawful for a person to possess ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, optical isomers, or salts of optical isomers in a quantity capable of producing twenty-eight grams (28g) or more of a Schedule I or Schedule II controlled substance that is a narcotic drug or methamphetamine with purpose to manufacture methamphetamine.
  - (2) A person who violates subdivision (b)(1) of this section upon conviction is guilty of a Class B felony.
- **(c)**
  - (1) It is unlawful for a person to sell, transfer, distribute, or dispense any product containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers if the person:
    - (A) Knows that the purchaser will use the product as a precursor to manufacture methamphetamine or another controlled substance; or
    - (B) Sells, transfers, distributes, or dispenses the product with reckless disregard as to how the product will be used.
  - (2) A person who violates subdivision (c)(1) of this section upon conviction is guilty of a Class D felony.

5-64-1103. Sales limits.

- **(a)** It is unlawful for any person, other than a person or entity described in § 5-64-1101(a)(3) and (4), to knowingly sell, transfer, or otherwise furnish in a single transaction a product containing ephedrine, pseudoephedrine, or phenylpropanolamine except in a licensed pharmacy by a licensed pharmacist or a registered pharmacy technician.
- **(b)** Unless the product has been rescheduled pursuant to § 5-64-212(c), this section does not apply to a retail distributor sale for personal use of a product:
  - (1) That the Department of Health, in collaboration with the Arkansas State Board of Pharmacy, upon application of a manufacturer, exempts by rule from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine or its salts or precursors; or
  - (2) Containing ephedrine or pseudoephedrine in liquid, liquid capsule, or liquid gel capsule form if the drug is dispensed, sold, transferred, or otherwise furnished in a single transaction limited to no more than three (3) packages, with any single package containing not more than ninety-six (96) liquid capsules or liquid gel capsules or not more than three grams (3g) of ephedrine or pseudoephedrine base.
- **(c)** (1) (A) Except under a valid prescription, before dispensing a product containing ephedrine, pseudoephedrine, or phenylpropanolamine that is not exempt under subdivision (b)(1) or (b)(2) of this section, a pharmacist shall make a professional determination, based on a pharmacist-patient relationship, as to whether or not there is a legitimate medical and pharmaceutical need for the drug.
  - (B) The determination under subdivision (c)(1)(A) of this section may be based on factors including without limitation:
    - (i) Prior medication-filling history;
    - (ii) Patient screening; and
    - (iii) Other tools that provide professional reassurance to the pharmacist that a legitimate medical and pharmaceutical need exists.
  - (2) The Arkansas State Board of Pharmacy may:
• (A) Adopt rules regarding determinations made under subdivision (c)(1) of this section;

• (B) Review determinations made under subdivision (c)(1) of this section; and

• (C) Take appropriate disciplinary action as required.

• (d) Except under a valid prescription, it is unlawful for a licensed pharmacist to dispense or a registered pharmacy technician to knowingly sell, transfer, or otherwise furnish in a single transaction:
  o (1) More than three (3) packages of one (1) or more products that contain ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers;
  o (2) Any single package of any product that contains ephedrine, pseudoephedrine, or phenylpropanolamine, that contains more than ninety-six (96) pills, tablets, gelcaps, capsules, or other individual units or more than three grams (3g) of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, or a combination of any of these substances, whichever is smaller;
  o (3) Any product containing ephedrine, pseudoephedrine, or phenylpropanolamine, unless:
    ▪ (A) The product is sold in a package size of not more than three grams (3g) of ephedrine, pseudoephedrine, or phenylpropanolamine base and is packaged in a blister pack, each blister containing not more than two (2) dosage units;
    ▪ (B) When the use of a blister pack is technically infeasible, that is packaged in a unit dose packet or pouch; or
    ▪ (C) In the case of a liquid, the drug is sold in a package size of not more than three grams (3g) of ephedrine, pseudoephedrine, or phenylpropanolamine base; or
  o (4)
    ▪ (A) Any product containing ephedrine, pseudoephedrine, or phenylpropanolamine to any person under eighteen (18) years of age, unless the person is purchasing an exempt product under subdivision (b)(1) or (2) of this section.
    ▪ (B) The person making the sale shall require proof of age from the purchaser.

• (e) (1) (A) A person who violates subsections (a) or (d) of this section for a first or second offense upon conviction is guilty of a Class A misdemeanor and also may be subject to a civil fine not to exceed five thousand dollars ($5,000).
  o (B) A person who violates subsections (a) or (d) of this section for a third offense upon conviction is guilty of a Class D felony and also may be subject to a civil fine not to exceed five thousand dollars ($5,000).
  o (C) A person who violates subsections (a) or (d) of this section for a fourth or subsequent offense upon conviction is guilty of a Class C felony and also may be subject to a civil fine not to exceed ten thousand dollars ($10,000).
    ▪ (2) A plea of guilty or nolo contendere to or a finding of guilt under a penal law of the United States or another state that is equivalent to subsections (a) or (d) of this section is considered a previous offense for purposes of this subsection.
    ▪ (3)
      ▪ (A) The prosecuting attorney may waive any civil penalty under this section if a person establishes that he or she acted
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in good faith to prevent a violation of this section, and the violation occurred despite the exercise of due diligence.

- **(B)** In making this determination, the prosecuting attorney may consider evidence that an employer trained employees how to sell, transfer, or otherwise furnish substances specified in this subchapter in accordance with applicable laws.

- **(f) (1) (A)** It is unlawful for any person, other than a person or entity described in § 5-64-1101(a), to knowingly purchase, acquire, or otherwise receive in a single transaction:
  - (i) More than three (3) packages of one (1) or more products that the person knows to contain ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers; or
  - (ii) Any single package of any product that the person knows to contain ephedrine, pseudoephedrine, or phenylpropanolamine, that contains more than ninety-six (96) pills, tablets, gelcaps, capsules, or other individual units or more than three grams (3g) of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, or a combination of any of these substances, whichever is smaller.

- **(B)** It is unlawful for any person, other than a person or entity described in § 5-64-1101(a), to knowingly purchase, acquire, or otherwise receive more than five grams (5g) of ephedrine or nine grams (9g) of pseudoephedrine or phenylpropanolamine within any thirty-day period.

- **(2)**
  - **(A)** A person who violates subdivisions (f)(1)(A) or (B) of this section for a first or second offense upon conviction is guilty of a Class A misdemeanor.
  - **(B)** A person who violates subdivisions (f)(1)(A) or (B) of this section for a third offense upon conviction is guilty of a Class D felony.
  - **(C)** A person who violates subdivisions (f)(1)(A) or (B) of this section for a fourth or subsequent offense upon conviction is guilty of a Class C felony.

- **(3)** A plea of guilty or nolo contendere to or a finding of guilt under a penal law of the United States or another state that is equivalent to subdivisions (f)(1)(A) or (B) of this section is considered a previous offense for the purposes of this subsection.

- **(g)** [Repealed.]

- **(h)** Nothing in this section prohibits a person under eighteen (18) years of age from possessing and selling a product described in subsections (a) and (b) of this section as an agent of the minor's employer acting within the scope of the minor's employment.

5-64-1112. Penalty for unauthorized disclosure and unauthorized access.

- **(a)** A person commits an offense if he or she knowingly:
  - (1) Releases or discloses to any unauthorized person any confidential information collected and maintained under § 5-64-1107 or § 5-64-1108; or
  - (2) Obtains confidential information for a purpose not authorized by § 5-64-1107 or § 5-64-1108.

- **(b)** A violation of subsection (a) of this section is a Class A misdemeanor.

5-64-1201. Possession.
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• **(a)** It is unlawful for any person to possess a substance listed in subsection (b) of this section:
  o **(1)** With the intent to breathe, inhale, ingest, or use the substance for the purpose of:
    ▪ **(A)** Causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses; or
    ▪ **(B)** In any manner changing, distorting, or disturbing his or her audio, visual, or mental processes; or
  o **(2)** Who purposely is under the influence of the substance.

• **(b)** This subchapter applies to the following substances:
  o **(1)** Nitrous oxide, commonly known as "laughing gas";
  o **(2)** Any compound, liquid, or chemical that contains nitrous oxide; or
  o **(3)** Any amyl nitrite, commonly known as "poppers" or "snappers".

• **(c)** Upon conviction, a person who violates this section is guilty of a Class A misdemeanor.

5-64-1202. Distribution.

• **(a)** It is unlawful for any person, firm, corporation, limited liability company, or association to purposely sell, offer for sale, distribute, or give away a substance listed in § 5-64-1201(b) for the purpose of inducing or aiding another person to breathe, inhale, ingest, use, or be under the influence of the substance for a purpose prohibited in § 5-64-1201.

• **(b)** Upon conviction, a person, a firm, a corporation, a limited liability company, or an association that violates this section is guilty of a Class A misdemeanor.

5-64-1301. Possession of anhydrous ammonia in unlawful container.

Any person who knowingly possesses anhydrous ammonia in a container that does not comply with the regulations of the Boiler Inspection Division of the Department of Labor for the containment of anhydrous ammonia is guilty of a Class B felony.
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<td>Criteria: (1) High potential for abuse; (2) No accepted med. Use in US; or (3) lacks accepted safety for med use</td>
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<td><strong>(a)Opiates:</strong> E.g., difenoxin, propiram, etc.</td>
<td><strong>893.13(1)(a). Manufacture, delivery, sale or possession w/ intent</strong></td>
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</table>
| **(b)Opiate derivatives:** E.g., heroin, codeine compounds, morphine compounds, etc. | 1. **Schedule I(a),(b) & (d), II(a),(b) & methamphetamine substances** 
Degree felony: 0-15yrs; $0-$10,000 |
| **(c)Hallucinogenic substances:** E.g., cannabis, synthetic THC, mescaline, DMT, peyote, LSD, psilocybin, salvia divinorum, etc. | 893.13(3)(b) >10g of Schedule I(a) & (b) substances: degree felony: 0-30yrs; $0-$15,000 |
| **(d)Depressants:** E.g., date rape drug (GHB), Quaaludes, etc. | **(c),(d),(e),(f) & (h)(1)** w/in 1000 ft of childcare center, school, college, place of worship or public housing: degree felony: 0-15yrs; $0-$15,000 |

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<th><strong>SCHEDULE II</strong> Fla. Stat. § 893.03(2)</th>
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| Criteria: (1) high potential for abuse; (2) accepted med use in US w/ severe restrictions; and (3) abuse may lead to sever psych or phys dependence | 2. **Schedule III, IV, and other Schedule I and II substances** 
Degree felony: 0-5yrs; $0-$5,000 |
| | **(c),(d),(e), (f) & (h)(2)** w/in 1000 ft of childcare center, school, college, place of worship, public housing or assisted living facility: degree felony: 0-15yrs; $0-$5,000 |

| **Enhancements/Benefit Restrictions** | |
### Florida Drug Statutes Chart
#### Florida Statutes: Title 46 Criminal Code

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<th>(a) Narcotics derived from vegetable origin or chemical synthesis:</th>
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</thead>
</table>
| Opium and opiates: e.g., raw opium, codeine, morphine and derived painkillers, Opium poppies and poppy straws; cocaine | degree felony: 0-15yrs; $0-$10,000  
No S.S. or Probation |

| (b) Other depressants and hallucinogenic substances: | |
| e.g., methadone, synthetic THC (nabilone), PCP |

| (c) Other sedatives and stimulants: | |
| e.g., amobarbital, amphetamine, methamphetamine, Ritalin |

| SCHEDULE III Fla. Stat. § 893.03(3) |
| Criteria: (1) abuse potential less than Schedule I and II; (2) accepted med use in US; and (3) abuse may lead to moderate/low phys dependence or high psych dependence |

| (a) Compounds containing quantities of the certain depressant or stimulant substances: | (2) causing great bodily harm to child under 16: |
| e.g., barbituric acid derivatives, lysergic acid, appetite suppressants, anesthetics |

| (b) Nalorphine |

| (c) Limited narcotic drugs: | degree felony: 10yrs-30yrs;$0-$15,000 |
| Compounds w/ limited percentages of codeine, hydrocodone, dihydrocodone, opium, morphine |

| (d) Anabolic Steroids and hormones (except those exempted) |

| 893.135(1)(a) Trafficking in Cannabis: |
| Sale, purchase, manufacture, delivery, bringing into the state, or possession of more than 25lbs/300plants |
| degree Felony: 30yrs max. |

| 893.13(1)(3)(g) |
| (1) Manufacture/intent to manufacture methamphetamine or PCP in presence of child under 16 yrs: |
| degree felony; 5 yrs-30yrs; $0-$15,000 |

| (2) causing great bodily harm to child under 16: |
| degree felony: 10yrs-30yrs;$0-$15,000 |
| (e) Ketamine  
(f) Synthetic THC  
(Deonabinol)  
(g) GHA | SCHEDULE IV Fla. Stat. § 893.03(4)  
Criteria: (1) low abuse potential relative to Schedule III; (2) accepted med use in US; and (3) abuse may lead to limited phys dependence or psych dependence relative to Schedule III | 1. 25lbs-2000lbs/300-2000plants  
3 yrs min; $25,000  
2. 2,000lbs-10,000lbs/2,000-10,000plants  
7 yrs min; $50,000  
3. >10,000lbs/>10,000plants  
15 yrs min; $200,000 | No S.S. or probation prior to mandatory minimum |
| Prescrip. medication containing potentially abusive quantities of certain narcotics: E.g., Klonipin, Ativan, phenobarbital, butorphanol tartate, anti-obesity medication (fenfluramine, etc.) | 893.135(1)(b) Trafficking in cocaine: Sale, purchase, manufacture, delivery, bringing into the state, or possession of more than 28g degree felony: 30 yrs max. | a. 28g-200g: 3 yrs min; $50,000  
b. 200g-400g: 7 yrs min; $100,00  
c. 400g-150kg: 15 yrs min; $250,000 | No S.S. or probation prior to mandatory minimum |
| | C(2). >150kg; life sentence | | No S.S. or probation  
(c)(2)(a) person intentionally killed or caused intentional killing in addition to this act:  
(c)(2)(b) person’s conduct led to natural lethal result capital felony; life sentence or death penalty; $500,000  
(c)(3) importation of >300kg with knowledge that probable result of importation would be death of any person Capital felony: life sentence or death penalty; $500,000 |
### Florida Drug Statutes Chart

**Florida Statutes: Title 46 Criminal Code**

<table>
<thead>
<tr>
<th><strong>893.135(1)(c)</strong> Trafficking in Schedule I(b), II(a), III(c)3 or III(c)4 substance</th>
<th>Sale, purchase, manufacture, delivery, bringing into the state, or possession of more than 4g degree felony: 30yrs max.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) 4g-14g:</td>
<td>3yrs min; $50,000</td>
</tr>
<tr>
<td>(b) 14g-28g:</td>
<td>15yrs min; $100,000</td>
</tr>
<tr>
<td>(c) 28g-30kg:</td>
<td>25yrs min; $500,000</td>
</tr>
<tr>
<td><strong>No S.S. or probation prior to mandatory minimum</strong></td>
<td></td>
</tr>
<tr>
<td>(c)(2) &gt;30kg:</td>
<td>life sentence</td>
</tr>
<tr>
<td><strong>No S.S. or probation</strong></td>
<td></td>
</tr>
<tr>
<td>(c)(2)(a) person intentionally killed or caused intentional killing in addition to this act:</td>
<td></td>
</tr>
<tr>
<td>(c)(2)(b) person’s conduct led to natural lethal result capital felony; life sentence or death penalty; $500,000</td>
<td></td>
</tr>
<tr>
<td><strong>893.135(1)(d)</strong> Trafficking in phencyclidine (PCP): Sale, purchase, manufacture, delivery, bringing into the state, or possession of more than 28g degree felony: 30yrs max.</td>
<td></td>
</tr>
<tr>
<td>a. 28g-200g:</td>
<td>3yrs min; $50,000</td>
</tr>
<tr>
<td>b. 200g-400g:</td>
<td>7yrs min; $100,00</td>
</tr>
<tr>
<td>c. &gt;400g:</td>
<td>15yrs min; $250,000</td>
</tr>
<tr>
<td><strong>No S.S. or probation prior to mandatory minimum</strong></td>
<td></td>
</tr>
<tr>
<td><strong>(c)(2) importation of &gt;800g with knowledge that probable result of importation would be death of any person Capital felony: life sentence or death penalty; $500,000</strong></td>
<td></td>
</tr>
<tr>
<td><strong>893.135(1)(e)</strong> Trafficking in methaqualone (Quaalude): Sale, purchase, manufacture, delivery, bringing into the state, or possession of more than 200g</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>No S.S. or probation</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Florida Drug Statutes Chart</strong>br Florida Statutes: Title 46 Criminal Code</td>
<td></td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>degree felony: 30yrs max.</td>
<td></td>
</tr>
<tr>
<td><strong>200g-5kg:</strong> 3yrs min; $50,000br <strong>5kg-25kg:</strong> 7yrs min; $100,000br <strong>&gt;25kg:</strong> 15 yrs min; $250,000</td>
<td>No S.S. or probation prior to mandatory minimum</td>
</tr>
<tr>
<td>(c)(2) importation of &gt;50kg with knowledge that probable result of importation would be death of any personbr Capital felony: life sentence or death penalty; $500,000</td>
<td>No S.S. or probation</td>
</tr>
<tr>
<td>**893.135(1)(f) Trafficking in amphetamine,**br <strong>methamphetamine:</strong> Sale, purchase, manufacture, delivery, bringing into the state, or possession of more than 14gbr degree felony: 30yrs max.</td>
<td></td>
</tr>
<tr>
<td>a. <strong>14g-28g:</strong> 3yrs min; $50,000br b. <strong>28g-200g:</strong> 7yrs min; $100,000br c. <strong>&gt;200g:</strong> 15 yrs min; $250,000</td>
<td>No S.S. or probation prior to mandatory minimum</td>
</tr>
<tr>
<td>(c)(2) importation of &gt;400g with knowledge that probable result of importation would be death of any personbr Capital felony: life sentence or death penalty; $500,000</td>
<td>No S.S. or probation</td>
</tr>
<tr>
<td><strong>893.135(1)(g) Trafficking in flunitrazepam:</strong> Sale, purchase, manufacture, delivery, bringing into the state, or possession of more than 4gbr degree felony: 30yrs max.</td>
<td></td>
</tr>
<tr>
<td>a. <strong>4g-14g:</strong> 3yrs min; $50,000br b. <strong>14g-28g:</strong> 15yrs min; $100,000br c. <strong>28g-30kg:</strong> 25yrs min; $500,000</td>
<td>No S.S. or probation prior to mandatory minimum</td>
</tr>
<tr>
<td>(c)(2) <strong>&gt;30kg:</strong> life sentence</td>
<td>No S.S. or probationbr (c)(2)(a) person intentionally killed or caused intentional killing in addition to this act:br (c)(2)(b) person’s conduct led to natural lethal resultbr Capital felony; life sentence or death penalty; $500,000</td>
</tr>
</tbody>
</table>
### Florida Drug Statutes Chart

**Florida Statutes: Title 46 Criminal Code**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>893.135(1)(h)</td>
<td>Trafficking in GHB: Sale, purchase, manufacture, delivery, bringing into the state, or possession of more than 1kg</td>
<td>degree felony: 30yrs max</td>
</tr>
<tr>
<td>(a) 1kg-5kg</td>
<td>3yrs min; $50,000</td>
<td></td>
</tr>
<tr>
<td>(b) 5kg-10kg</td>
<td>7yrs min; $100,000</td>
<td></td>
</tr>
<tr>
<td>(c) &gt;10kg</td>
<td>15yrs min; $250,000</td>
<td></td>
</tr>
<tr>
<td>(c)(2)</td>
<td>Importation of &gt;150kg with knowledge that probable result of importation would be death of any person</td>
<td>Capital felony: life sentence or death penalty; $500,000</td>
</tr>
<tr>
<td>No S.S. or probation prior to mandatory minimum</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>893.135(1)(i)</td>
<td>Trafficking in GBL: Sale, purchase, manufacture, delivery, bringing into the state, or possession of more than 1kg</td>
<td>degree felony: 30yrs max</td>
</tr>
<tr>
<td>(a) 1kg-5kg</td>
<td>3yrs min; $50,000</td>
<td></td>
</tr>
<tr>
<td>(b) 5kg-10kg</td>
<td>7yrs min; $100,000</td>
<td></td>
</tr>
<tr>
<td>(c) &gt;10kg</td>
<td>15yrs min; $250,000</td>
<td></td>
</tr>
<tr>
<td>(c)(2)</td>
<td>Importation of &gt;150kg with knowledge that probable result of importation would be death of any person</td>
<td>Capital felony: life sentence or death penalty; $500,000</td>
</tr>
<tr>
<td>No S.S. or probation</td>
<td></td>
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</tbody>
</table>

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<tr>
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<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>893.135(1)(j)</td>
<td>Trafficking in 1,4-Butanediol: Sale, purchase, manufacture, delivery, bringing into the state, or possession of more than 1kg</td>
<td>degree felony: 30yrs max</td>
</tr>
<tr>
<td>(a) 1kg-5kg</td>
<td>3yrs min; $50,000</td>
<td></td>
</tr>
<tr>
<td>(b) 5kg-10kg</td>
<td>7yrs min; $100,000</td>
<td></td>
</tr>
<tr>
<td>(c) &gt;10kg</td>
<td>15yrs min; $500,000</td>
<td></td>
</tr>
<tr>
<td>(c)(2)</td>
<td>Importation of &gt;150kg with knowledge that probable result of importation would be death of any person</td>
<td>Capital felony: life sentence or death penalty; $500,000</td>
</tr>
<tr>
<td>No S.S. or probation prior to mandatory minimum</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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<thead>
<tr>
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<th>Description</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c)(3)</td>
<td>Importation of &gt;300kg with knowledge that probable result of importation would be death of any person</td>
<td>Capital felony: life sentence or death penalty; $500,000</td>
</tr>
<tr>
<td>No S.S. or probation</td>
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</tr>
</tbody>
</table>

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| Florida Drug Statutes Chart  
Florida Statutes: Title 46 Criminal Code |
|---|
| knowledge that probable result of importation would be death of any person  
Capital felony: life sentence or death penalty; $500,000 |
| **893.135(1)(k) Trafficking in Phenethylamines** (e.g., MDMA, DOET): Sale, purchase, manufacture, delivery, bringing into the state, or possession of more than 10g  
degree felony: 30yrs max |
| (2)(a) 10g-200g: 3yrs min; $50,000  
(2)(b) 200g-400g: 7yrs min; $100,000  
(2)(c) >400g: 15 yrs min; $250,000 |
| No S.S. or probation prior to mandatory minimum |
| (k) importation of >30kg with knowledge that probable result of importation would be death of any person  
Capital felony: life sentence or death penalty; $500,000 |
| **893.135(1)(l) Trafficking in 1,4-Butanediol:** Sale, purchase, manufacture, delivery, bringing into the state, or possession of more than 1g  
degree felony: 30yrs max |
| (a) 1g-5g: 3yrs min; $50,000  
(b) 5g-7g: 7yrs min; $100,000  
(c) >7g: 15yrs min; $500,000 |
| No S.S. or probation prior to mandatory minimum |
| (c)(2) importation of 7g with knowledge that probable result of importation would be death of any person  
Capital felony: life sentence or death penalty; $500,000 |
<p>| <strong>893.135(5) Conspiracy to Traffic any of the above substances:</strong> Same penalty for actually committing the offense |
| <strong>893.13(3) Delivery of 0-20g of cannabis</strong> |</p>
<table>
<thead>
<tr>
<th>Florida Drug Statutes Chart</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida Statutes: Title 46 Criminal Code</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Degree Misdemeanor</th>
<th>0-1yrs</th>
<th>$0-$1,000</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>893.13(5) Bringing controlled substance into the state</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Schedule I(a)(b)&amp;(d), II(a)(b)&amp;methamphetamine substances</td>
</tr>
<tr>
<td>degree felony: 0-15yrs; $0-$10,000</td>
</tr>
<tr>
<td>(b) Schedule III, IV, and other Schedule I and II substances</td>
</tr>
<tr>
<td>degree felony: 0-5yrs; $0-$5,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>893.13(6) Possession of a controlled substance</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) degree felony: 0-5yrs; $0-$5,000</td>
</tr>
<tr>
<td>(b) &lt;20 g of cannabis; &lt;3 g of Schedule I(c) substance: degree misdemeanor; $0-1yrs; $0-$1,000</td>
</tr>
<tr>
<td>(c) &gt;10g of Schedule I(a),(b) substance: degree felony: 0-30yrs; $0-$10,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>893.13(2)(a) Purchase or possession w/ intent to purchase</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Schedule I(a)(b)&amp;(d), II(a)(b)&amp;methamphetamine</td>
</tr>
<tr>
<td>degree felony: 0-15yrs; $0-$10,000</td>
</tr>
<tr>
<td>2. Schedule III, IV, and other Schedule I and II substances</td>
</tr>
<tr>
<td>degree felony: 0-5yrs; $0-$5,000</td>
</tr>
<tr>
<td>(3)(b) &gt;10g of Schedule I(a) or (b)</td>
</tr>
<tr>
<td>degree felony: 0yrs-30yrs; $0-$15,000</td>
</tr>
</tbody>
</table>
### SCHEDULE V

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Offense: degree misdemeanor: 0-1yr; $0-$1,000</th>
<th>Subsequent Violation: degree felony; 0-5yrs; $0-$5,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Low abuse potential relative to Schedule IV; (2) accepted med use is US; and (3) abuse may lead to limited phys dependence or psych dependence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Narcotics containing nonnarcotic active medicinal ingredients: e.g., limited percentages of codeine, opium, etc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Buprenorphine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Pyrovalerone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Refuse or fail to keep records/information as required by this chapter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Refuse entry into premises for inspection authorized by this chapter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) Distribute Schedule I or II substances w/o required order form</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) Maintain a structure or vehicle which is resorted to by persons unlawfully using controlled substances, or which is used for keeping or selling controlled substances unlawfully</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(6) Use for his/her personal</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Penalties

<table>
<thead>
<tr>
<th>Prohibited Acts: All Schedules 893.13(7)</th>
<th>Penalties</th>
<th>Enhancements/Benefit Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Distribute or dispense a controlled substance in violation of this chapter</td>
<td>Offense: degree misdemeanor: 0-1yr; $0-$1,000</td>
<td>Subsequent Violation: degree felony; 0-5yrs; $0-$5,000</td>
</tr>
<tr>
<td>(2) Refuse or fail to keep records/information as required by this chapter</td>
<td>Offense: degree misdemeanor: 0-1yr; $0-$1,000</td>
<td>Subsequent Violation: degree felony; 0-5yrs; $0-$5,000</td>
</tr>
<tr>
<td>(3) Refuse entry into premises for inspection authorized by this chapter</td>
<td>Offense: degree misdemeanor: 0-1yr; $0-$1,000</td>
<td>Subsequent Violation: degree felony; 0-5yrs; $0-$5,000</td>
</tr>
<tr>
<td>(4) Distribute Schedule I or II substances w/o required order form</td>
<td>Offense: degree misdemeanor: 0-1yr; $0-$1,000</td>
<td>Subsequent Violation: degree felony; 0-5yrs; $0-$5,000</td>
</tr>
<tr>
<td>(5) Maintain a structure or vehicle which is resorted to by persons unlawfully using controlled substances, or which is used for keeping or selling controlled substances unlawfully</td>
<td>Offense: degree misdemeanor: 0-1yr; $0-$1,000</td>
<td>Subsequent Violation: degree felony; 0-5yrs; $0-$5,000</td>
</tr>
<tr>
<td>(6) Use for his/her personal</td>
<td>Offense: degree misdemeanor: 0-1yr; $0-$1,000</td>
<td>Subsequent Violation: degree felony; 0-5yrs; $0-$5,000</td>
</tr>
</tbody>
</table>

(c)(3) w/in 1000 ft of childcare center or school: additional $500 fine and 100 hrs of community service
<table>
<thead>
<tr>
<th>Florida Drug Statutes Chart</th>
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<tbody>
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<td>Florida Statutes: Title 46 Criminal Code</td>
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</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(7)</td>
<td>Unauthorized possession a blank prescription form</td>
<td>Offense: degree misdemeanor: 0-1yr; $0-$1,000 \nSubsequent Violation: degree felony: 0-5yrs; $0-$5,000</td>
</tr>
<tr>
<td>(8)</td>
<td>Withholding information from a practitioner from whom the person seeks to obtain a controlled substance that the person making the request has received a controlled substance of like therapeutic use w/in the previous 30 days</td>
<td>degree misdemeanor 0-1yr; $0-$1,000</td>
</tr>
<tr>
<td>(9)</td>
<td>Acquire possession of a controlled substance by misrepresentation</td>
<td>degree misdemeanor 0-1yr; $0-$1,000</td>
</tr>
<tr>
<td>(10)</td>
<td>Affix false labeling to a package containing a controlled substance</td>
<td>degree misdemeanor 0-1yr; $0-$1,000</td>
</tr>
<tr>
<td>(11)</td>
<td>Furnish false information in any report or other document required under this chapter</td>
<td>degree misdemeanor 0-1yr; $0-$1,000</td>
</tr>
<tr>
<td>(12)</td>
<td>Store anhydrous ammonia an unapproved container</td>
<td>degree misdemeanor 0-1yr; $0-$1,000</td>
</tr>
<tr>
<td>(13)</td>
<td>Obtain controlled substance by misrepresentation by misrepresentation with intent to obtain a controlled substance that is not medically necessary</td>
<td>degree misdemeanor 0-1yr; $0-$1,000 \nViolation by practitioner: degree felony: 0-5yrs; $0-$5,000</td>
</tr>
<tr>
<td>893.1351</td>
<td>Ownership, lease, rental or possession of place, structure, trailer or conveyance w/ knowledge that it will be used for trafficking, sale, or manufacture of controlled substance</td>
<td>(1) ownership, lease or rent: 0-5yrs; $0-$5,000 \n(2) actual or constructive possession: 0-15yrs; $0-$10,000 \n(3) actual or constructive possession w/ presence of minor: 0-30yrs; $0-$15,000</td>
</tr>
<tr>
<td>Florida Drug Statutes Chart</td>
<td>Florida Statutes: Title 46 Criminal Code</td>
<td></td>
</tr>
<tr>
<td>-----------------------------</td>
<td>----------------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>893.147(1) Use or possession of drug paraphernalia</strong></td>
<td>degree misdemeanor: 0-1yr; $0-$1,000</td>
<td></td>
</tr>
<tr>
<td><strong>893.147(2) Manufacture or delivery of drug paraphernalia</strong></td>
<td>degree felony: 0-5yrs; $0-$5,000</td>
<td></td>
</tr>
<tr>
<td><strong>893.147(3) Delivery of drug paraphernalia to a minor</strong></td>
<td>degree felony: 0-15 yrs; $0-$10,000</td>
<td></td>
</tr>
<tr>
<td><strong>893.147(4) Transportation of drug paraphernalia</strong></td>
<td>degree felony: 0-5yrs; $0-$5,000</td>
<td></td>
</tr>
<tr>
<td><strong>893.147(5) Advertisement of drug paraphernalia</strong></td>
<td>degree misdemeanor: 0-1yr; $0-$1,000</td>
<td></td>
</tr>
<tr>
<td><strong>893.149 Unlawful possession of listed chemical w/ intent to manufacture a controlled substance or knowledge that it will be used to manufacture a controlled substance</strong></td>
<td>degree felony: 0-15yrs; $0-$10,000</td>
<td></td>
</tr>
<tr>
<td><strong>893.1495(2) obtaining, or delivering to an individual, ephedrine compounds in excess of (a) 3.6g in 1 day; (b) 3 packages in 1 single retail sale; (c) 9g in a 30 day period</strong></td>
<td>offense: degree misdemeanor; 0-60days; $0-$500</td>
<td></td>
</tr>
<tr>
<td><strong>893.1495(3) displaying ephedrine compounds in a place accessible to general public</strong></td>
<td>offense: degree misdemeanor; 0-1yr; $0-$10,000</td>
<td></td>
</tr>
<tr>
<td><strong>893.1495(4) allowing an employee to sell compounds without a training program</strong></td>
<td>offense: degree felony; 0-5yrs; $0-$5,000</td>
<td></td>
</tr>
<tr>
<td>Florida Drug Statutes Chart</td>
<td></td>
<td></td>
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<tr>
<td>-----------------------------</td>
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<td>Florida Statutes: Title 46 Criminal Code</td>
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| 893.20 Continuing criminal enterprise: committing 3 or more felony drug offenses w/ 5 or more persons, occupies a supervisory position, and obtains substantial assets or resources from these acts | Life felony; life sentence; $500,000 | No S.S. |
§ 893.03. Standards and schedules

The substances enumerated in this section are controlled by this chapter. The controlled substances listed or to be listed in Schedules I, II, III, IV, and V are included by whatever official, common, usual, chemical, or trade name designated. The provisions of this section shall not be construed to include within any of the schedules contained in this section any excluded drugs listed within the purview of C.F.R. s. 1308.22, styled "Excluded Substances"; C.F.R. s. 1308.24, styled "Exempt Chemical Preparations"; C.F.R. s. 1308.32, styled "Exempted Prescription Products"; or C.F.R. s. 1308.34, styled "Exempt Anabolic Steroid Products."

(1) Schedule I. -- A substance in Schedule I has a high potential for abuse and has no currently accepted medical use in treatment in the United States and in its use under medical supervision does not meet accepted safety standards. The following substances are controlled in Schedule I:

(a) Unless specifically excepted or unless listed in another schedule, any of the following substances, 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.
2. Acetylmethadol.
3. Allylprodine.
4. Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM).
5. Alphamethadol.
6. Alpha-methylfentanyl (N-[1-(alpha-methyl-betaphenyl) ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4- (N-propanilido) piperidine).
7. Alpha-methylthiofentanyl.
8. Alphameprodine.
15. Betamethadol.
17. Clonitazene.
18. Dextromoramide.
19. Diampromide.
20. Diethylthiambutene.
22. Dimenoxadol.
23. Dimepheptanol.
24. Dimethyliambutene.
25. Dioxaphetyl butyrate.
27. Ethylmethylthiambutene.
28. Etonitazene.
29. Etoxeridine.
30. Flunitrazepam.
31. Furethidine.
32. Hydroxypethidine.
33. Ketobemidone.
Florida Drug Statutes

- 34. Levomoramide.
- 35. Levophenacylmorphan.
- 36. 1-Methyl-4-Phenyl-4-Propionoxypiperidine (MPPP).
- 37. 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).
- 38. 3-Methylthiofentanyl.
- 41. Norlevorphanol.
- 42. Normethadone.
- 43. Norpipanone.
- 44. Para-Fluorofentanyl.
- 45. Phenadoxone.
- 46. Phenampromide.
- 47. Phenomorphan.
- 49. 1-(2-Phenylethyl)-4-Phenyl-4-Acetyloxypiperidine (PEPAP).
- 50. Piritramide.
- 51. Proheptazine.
- 52. Properidine.
- 53. Propiram.
- 54. Racemoramide.
- 55. Thenylfentanyl.
- 56. Thiofentanyl.
- 57. Tilidine.
- 58. Trimeperidine.

(b) Unless specifically excepted or unless listed in another schedule, any of the following substances, 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. Acetorphine.
- 4. Codeine methylbromide.
- 5. Codeine-N-Oxide.
- 6. Cyprenorphine.
- 7. Desomorphine.
- 10. Etorphine (except hydrochloride salt).
- 17. Morphine methylsulfonate.
- 22. Normorphine.
- 23. Pholcodine.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances or that contains

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any of their salts, isomers, including optical, positional, or geometric isomers, and salts of isomers, if the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- 1. Alpha-ethyltryptamine.
- 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-methylaminorex).
- 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 5. 4-Bromo-2,5-dimethoxyphenethylamine.
- 7. Cannabis.
- 10. 2,5-Dimethoxyamphetamine.
- 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 12. Dimethyltryptamine.
- 16. Fenethylilline.
- 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 19. Lysergic acid diethylamide (LSD).
- 20. Mescaline.
- 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 23. 4-methoxyamphetamine.
- 24. 4-methoxymethamphetamine.
- 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 27. 3,4-Methylenedioxyamphetamine.
- 29. N,N-dimethylamphetamine.
- 30. Parahexyl.
- 33. Psilocybin.
- 34. Psilocyn.
- 35. Salvia divinorum, except for any drug product approved by the United States Food and Drug Administration which contains Salvia divinorum or its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, if the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.
- 36. Salvinorin A, except for any drug product approved by the United States Food and Drug Administration which contains Salvinorin A or its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, if the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.
- 37. Tetrahydrocannabinols.
Florida Drug Statutes

- **38.** 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP) (Thiophene analog of phencyclidine).
- **39.** 3,4,5-Trimethoxyamphetamine.
- **40.** 3,4-Methylenedioxymethcathinone.
- **41.** 3,4-Methylenedioxypyrovalerone (MDPV).
- **42.** Methymethcathinone.
- **43.** Methoxymethcathinone.
- **44.** Fluoromethcathinone.
- **45.** Methylcathinone.
- **46.** 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8) homologue.
- **47.** (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol, also known as HU-210.
- **48.** 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.
- **49.** 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.
- **50.** 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, also known as JWH-200.
- **51.** BZP (Benzylpiperazine).
- **52.** Fluorophenylpiperazine.
- **53.** Methylphenylpiperazine.
- **54.** Chlorophenylpiperazine.
- **55.** Methoxyphenylpiperazine.
- **56.** DBZP (1,4-dibenzylpiperazine).
- **57.** TFMPP (3-Trifluoromethylphenylpiperazine).
- **58.** MBDB (Methylbenzodioxolylbutanamine).
- **59.** 5-Hydroxy-alpha-methyltryptamine.
- **60.** 5-Hydroxy-N-methyltryptamine.
- **61.** 5-Methoxy-N-methyl-N-isopropyltryptamine.
- **62.** 5-Methoxy-alpha-methyltryptamine.
- **63.** Methyltryptamine.
- **64.** 5-Methoxy-N,N-dimethyltryptamine.
- **65.** 5-Methyl-N,N-dimethyltryptamine.
- **66.** Tyramine (4-Hydroxyphenethylamine).
- **67.** 5-Methoxy-N,N-Diisopropyltryptamine.
- **68.** DiPT (N,N-Diisopropyltryptamine).
- **69.** DPT (N,N-Dipropyltryptamine).
- **70.** 4-Hydroxy-N,N-diisopropyltryptamine.
- **71.** N,N-Diallyl-5-Methoxytryptamine.
- **72.** DOI (4-Iodo-2,5-dimethoxyamphetamine).
- **73.** DOC (4-Chloro-2,5-dimethoxyamphetamine).
- **74.** 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- **75.** 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).
- **76.** 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- **77.** 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
- **78.** 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
Florida Drug Statutes

- **79.** 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).
- **80.** 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- **81.** Butylone (beta-keto-N-methylbenzodioxolylpropylamine).
- **82.** Ethcathinone.
- **83.** Ethylene (3,4-methylenedioxy-N-ethylcathinone).
- **84.** Naphyrone (naphthylpyrovalerone).
- **85.** N-N-Dimethyl-3,4-methylenedioxyethylcathinone.
- **86.** N-N-Diethyl-3,4-methylenedioxyethylcathinone.
- **87.** 3,4-methylenedioxy-propiophenone.
- **88.** 2-Bromo-3,4-Methylenedioxypropiophenone.
- **89.** 3,4-methylenedioxy-propiophenone-2-oxime.
- **90.** N-Acetyl-3,4-methylenedioxyethylcathinone.
- **91.** N-Acetyl-N-Methyl-3,4-Methylenedioxyethylcathinone.
- **92.** N-Acetyl-N-Ethyl-3,4-Methylenedioxyethylcathinone.
- **93.** Bromomethcathinone.
- **94.** Buphedrone (alpha-methylamino-butyrophenone).
- **95.** Ethylone (beta-Keto-Ethylbenzodioxolylbutanamine).
- **96.** Dimethylcathinone.
- **97.** Dimethylnopentanamine.
- **98.** Pentygone (beta-Keto-Methylbenzodioxolylpentanamine).
- **99.** (MDPPP) 3,4-Methylenedioxy-alpha pyrrolidinopropiophenone.
- **100.** (MDPBP) 3,4-Methylenedioxy-alpha pyrrolidinobutophenone.
- **101.** Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
- **102.** Methyl-alpha-pyrrolidinohexiophenone (MPHP).
- **103.** Benocyclidine (BCP) or benzothiophenylcyclohexylpiperidine (BTCP).
- **104.** Fluoromethylaminobutyrophenone (F-MABP).
- **105.** Methoxypyrrolidinobutyrophenone (MeO-PBP).
- **106.** Ethyl-pyrrolidinobutyrophenone (Et-PBP).
- **107.** 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
- **108.** Methylaminobutyrophenone (Me-EABP).
- **109.** Methylamino-butyrophenone (MABP).
- **110.** Pyrrolidinopropiophenone (PPP).
- **111.** Pyrrolidinobutophenone (PBP).
- **112.** Pyrrolidinovalerophenone (PVP).
- **113.** Methyl-alpha-pyrrolidinopropiophenone (MPPP).
- **114.** JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
- **115.** JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).
- **116.** JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-yl)methanone).
- **117.** JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
- **118.** JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-yl)methanone).
Florida Drug Statutes

- **119.** JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone).
- **120.** JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).
- **121.** JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran).
- **122.** JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H indole).
- **123.** JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).
- **124.** JWH-203 (2-((2-chlorophenyl)-1-(1-pentylindol-3-yl)ethanone).
- **125.** JWH-210 (4-ethynaphthalen-1-yl-(1-pentylindol-3-yl)ethanone).
- **126.** JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone).
- **127.** JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-yl)ethanone).
- **128.** JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole).
- **129.** JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
- **130.** HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
- **131.** HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).
- **132.** HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethynyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene 1,4-dione).
- **133.** CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone).
- **134.** CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy) undecanamide).
- **135.** CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy) undecanamide).
- **136.** CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-5-(2-me thyloctan-2-yl)phenol).
- **137.** AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-2-iodophenyl)methanone).
- **138.** AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl] (naphthalen-1-yl)methanone).
- **139.** RCS-4 ((4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone).
- **140.** RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenylethyl)none).
- **141.** WIN55,212-2 ([(R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoazaxin-6-yl]-1-naphthalenyl)methanone).
- **142.** WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoazaxin-6-yl]-1-naphthalenyl)methanone).
Florida Drug Statutes

- 143. Pentedrone (2-(methylamino)-1-phenyl-1-pentanone).
- 144. Fluoroamphetamine.
- 145. Fluoromethamphetamine.
- 146. Methoxetamine.
- 147. Methiopropamine.
- 148. 4-Methylbuphedrone (2-Methylamino-1-(4-methylphenyl)butan-1-one).
- 149. APB ((2-aminopropyl)benzofuran).
- 150. APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).
- 151. UR-144 ((1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone).
- 152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone).
- 153. (1-(5-chloropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone.
- 155. AM-2233((2-iodophenyl)[1-[(1-methyl-2-piperidinyl)methyl]-1H-indol-3-yl-methanone).
- 156. STS-135 (1-(5-fluoropentyl)-N-tricyclo[3.3.1.13,7]dec-1-yl-1H-indole-3-carboxamide).
- 157. URB-597 ((3'-(aminocarbonyl)[1,1'-biphenyl]-3-y1-cyclohexylcarbamate).
- 158. URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid, cyclohexyl ester).
- 159. URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-benzoxazin-4-one).
- 160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).
- 161. 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine).
- 162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).
- 163. 2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine).
- 164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[2-methoxyphenyl]methyl]-benzeneethanamine).
- 165. 3,4-Methylenedioxyamphetamine (MDMA).
- 166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid).
- 167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid).
- 168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H indole-3-carboxylic acid).
- 169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide).

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

- 1. 1,4-Butanediol.
Florida Drug Statutes

- 2. Gamma-butyrolactone (GBL).
- 4. Methaqualone.
- 5. Mecloqualone.

(2) Schedule II. -- A substance in Schedule II has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of the substance may lead to severe psychological or physical dependence. The following substances are controlled in Schedule II:

(a) Unless specifically excepted 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:

1. Opium and any salt, compound, derivative, or preparation of opium, except nalmefene or isoquinoline alkaloids of opium, including, but not limited to the following:
   - a. Raw opium.
   - b. Opium extracts.
   - c. Opium fluid extracts.
   - d. Powdered opium.
   - e. Granulated opium.
   - f. Tincture of opium.
   - g. Codeine.
   - h. Ethylmorphine.
   - i. Etorphine hydrochloride.
   - j. Hydrocodone.
   - k. Hydromorphone.
   - l. Levo-alpha-acetylmethadol (also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM).
   - m. Metopon (methylidihydromorphinone).
   - n. Morphine.
   - o. Oxycodone.
   - q. Thebaine.

2. Any salt, compound, derivative, or preparation of a substance which is chemically equivalent to or identical with any of the substances referred to in subparagraph 1., except that these substances shall not include the isoquinoline alkaloids of opium.

3. Any part of the plant of the species *Papaver somniferum*, L.

4. Cocaine or ecgonine, including any of their stereoisomers, and any salt, compound, derivative, or preparation of cocaine or ecgonine.

(b) Unless specifically excepted or unless listed in another schedule, any of the following substances, 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. Alfentanil.
2. Alphaprodine.
3. Anileridine.
5. Bulk propoxyphene (nondosage forms).
Florida Drug Statutes

- 6. Carfentanil.
- 7. Dihydrocodeine.
- 10. Isomethadone.
- 11. Levomethorphan.
- 12. Levorphanol.
- 17. Nabilone.
- 18. Pethidine (meperidine).
- 20. Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate.
- 22. Phencyclidine.
- 23. 1-Phenylcyclohexylamine.
- 25. 1-Piperidinocyclohexanecarbonitrile.
- 27. Racemorphan.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts, isomers, optical isomers, salts of their isomers, and salts of their optical isomers:

- 1. Amobarbital.
- 4. Methamphetamine.
- 5. Methylphenidate.
- 6. Pentobarbital.
- 7. Phenmetrazine.

(3) Schedule III.-- A substance in Schedule III has a potential for abuse less than the substances contained in Schedules I and II and has a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to moderate or low physical dependence or high psychological dependence or, in the case of anabolic steroids, may lead to physical damage. The following substances are controlled in Schedule III:

(a) 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 or stimulant effect on the nervous system:
Florida Drug Statutes

- 1. Any substance which contains any quantity of a derivative of barbituric acid, including thiobarbituric acid, or any salt of a derivative of barbituric acid or thiobarbituric acid, including, but not limited to, butabarbital and butalbital.
- 2. Benztropine.
- 3. Chlorhexadol.
- 4. Chlorphentermine.
- 5. Clorphylline.
- 6. Lysergic acid.
- 7. Lysergic acid amide.
- 10. Sulfondiethylmethane.
- 11. Sulfonethylmethane.
- 12. Sulfonmethane.
- 13. Tiletamine and zolazepam or any salt thereof.
- (b) Nalorphine.
- (c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following controlled substances or any salts thereof:
  - 1. 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.
  - 2. Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances.
  - 3. Not more than 300 milligrams of 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.
  - 4. Not more than 300 milligrams of hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients that are not controlled substances.
  - 5. Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances.
  - 6. 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.
  - 7. Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances.

For purposes of charging a person with a violation of §893.135 involving any controlled substance described in subparagraph 3. or subparagraph 4., the controlled substance is a Schedule III controlled substance pursuant to this paragraph but the weight of the controlled substance per milliliters or per dosage unit is not relevant to the charging of a violation of §893.135. The weight of the controlled substance shall be determined pursuant to §893.135(6).
Florida Drug Statutes

(d) Anabolic steroids.

1. The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids, that promotes muscle growth and includes:
   a. Androsterone.
   b. Androsterone acetate.
   c. Boldenone.
   d. Boldenone acetate.
   e. Boldenone benzoate.
   f. Boldenone undecylenate.
   g. Chlorotestosterone (4-chlortestosterone).
   h. Clostebol.
   i. Dehydrochlormethyltestosterone.
   j. Dihydrotestosterone (4-dihydrotestosterone).
   k. Drostanolone.
   l. Ethylestrenol.
   m. Fluoxymesterone.
   n. Formebulone (formebolone).
   o. Mesterolone.
   p. Methandienone.
   q. Methandranone.
   r. Methandriol.
   s. Methandrostenolone.
   t. Methenolone.
   u. Methylandrosterone.
   v. Mibolerone.
   w. Nandrolone.
   x. Norethandrolone.
   y. Nortestosterone.
   z. Nortestosterone decanoate.
   aa. Nortestosterone phenylpropionate.
   bb. Nortestosterone propionate.
   cc. Oxandrolone.
   dd. Oxymesterone.
   ee. Oxymetholone.
   ff. Stanolone.
   gg. Stanozolol.
   hh. Testolactone.
   ii. Testosterone.
   jj. Testosterone acetate.
   kk. Testosterone benzoate.
   ll. Testosterone cypionate.
   mm. Testosterone decanoate.
   nn. Testosterone enanthate.
   oo. Testosterone isocaproate.
   pp. Testosterone oleate.
   qq. Testosterone phenylpropionate.
   rr. Testosterone propionate.
   ss. Testosterone undecanoate.
   tt. Trenbolone.
   uu. Trenbolone acetate.
Florida Drug Statutes

- Any salt, ester, or isomer of a drug or substance described or listed in this subparagraph if that salt, ester, or isomer promotes muscle growth.

- The term does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and that has been approved by the United States Secretary of Health and Human Services for such administration. However, any person who prescribes, dispenses, or distributes such a steroid for human use is considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph.

  (e) Ketamine, including any 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.

  (f) Dronabinol (synthetic THC) in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the United States Food and Drug Administration.

  (g) Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under s. 505 of the Federal Food, Drug, and Cosmetic Act.

4) Schedule IV. -- A substance in Schedule IV has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to limited physical or psychological dependence relative to the substances in Schedule III. 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, are controlled in Schedule IV:

  (a) Alprazolam.
  (b) Barbital.
  (c) Bromazepam.
  (d) Camazepam.
  (e) Cathine.
  (f) Chloral betaine.
  (g) Chloral hydrate.
  (h) Chlordiazepoxide.
  (i) Clobazam.
  (j) Clonazepam.
  (k) Clorazepate.
  (l) Clotiazepam.
  (m) Cloxazolam.
  (n) Delorazepam.
  (o) Propoxyphene (dosage forms).
  (p) Diazepam.
  (q) Diethylpropion.
  (r) Estazolam.
  (s) Ethchlorvynol.
  (t) Ethinamate.
  (u) Ethyl loflazepate.
  (v) Fencamfamin.
(w) Fenfluramine.
(x) Fenproporex.
(y) Fludiazepam.
(z) Flurazepam.
(aa) Halazepam.
(bb) Haloxazolam.
(cc) Ketazolam.
(dd) Loprazolam.
(ee) Lorazepam.
(ff) Lormetazepam.
(gg) Mazindol.
(hh) Mebutamate.
(ii) Medazepam.
(jj) Mefenorex.
(kk) Meprobamate.
(ll) Methohexital.
(mm) Methylphenobarbital.
(nn) Midazolam.
(oo) Nimetazepam.
(pp) Nitrazepam.
(qq) Nordiazepam.
(rr) Oxazepam.
(ss) Oxazolam.
(tt) Paraldehyde.
(uu) Pemoline.
(vv) Pentazocine.
(ww) Phenobarbital.
(xx) Phentermine.
(yy) Pinazepam.
.zz) Pipradrol.
(aaa) Prazepam.
(bbb) Propylhexedrine, excluding any patent or proprietary preparation containing propylhexedrine, unless otherwise provided by federal law.
(ccc) Quazepam.
(ddd) Tetrazepam.
(eee) SPA[(-)-1 dimethylamino-1, 2 diphenylethane].
(fff) Temazepam.
(ggg) Triazolam.
(hhh) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.
(iii) Butorphanol tartrate.
(jjj) Carisoprodol.

(5) Schedule V. -- A substance, compound, mixture, or preparation of a substance in Schedule V has a low potential for abuse relative to the substances in Schedule IV and has a currently accepted medical use in treatment in the United States, and abuse of such compound, mixture, or preparation may lead to limited physical or psychological dependence relative to the substances in Schedule IV.

(a) Substances controlled in Schedule V include any compound, mixture, or preparation containing any of the following limited quantities of controlled substances, which shall include one or more active medicinal ingredients which are not controlled substances in sufficient
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proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the controlled substance 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.

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts: Buprenorphine.

(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, including its salts, isomers, and salts of isomers: Pyrovalerone.

§ 893.13. Prohibited acts; penalties

• (1) (a) Except as authorized by this chapter and chapter 499, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance. Any person who violates this provision with respect to:

1. A controlled substance named or described in § 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the second degree, punishable as provided in § 775.082, § 775.083, or § 775.084.

2. A controlled substance named or described in § 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 775.084.

3. A controlled substance named or described in § 893.03(5) commits a misdemeanor of the first degree, punishable as provided in § 775.082 or § 775.083.

(b) Except as provided in this chapter, it is unlawful to sell or deliver in excess of 10 grams of any substance named or described in § 893.03(1)(a) or (1)(b), or any combination thereof, or any mixture containing any such substance. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in § 775.082, § 775.083, or § 775.084.

(c) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a child care facility as defined in § 402.302 or a public or private elementary, middle, or secondary school between the hours of 6 a.m. and 12 midnight, or at any time in, on, or within 1,000 feet of real property comprising a state, county, or municipal
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park, a community center, or a publicly owned recreational facility. For the purposes of this paragraph, the term "community center" means a facility operated by a nonprofit community-based organization for the provision of recreational, social, or educational services to the public. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the first degree, punishable as provided in .775.082, .775.083, or .775.084. The defendant must be sentenced to a minimum term of imprisonment of 3 calendar years unless the offense was committed within 1,000 feet of the real property comprising a child care facility as defined in .402.302.

2. A controlled substance named or described in 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the second degree, punishable as provided in .775.082, .775.083, .775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a $500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

This paragraph does not apply to a child care facility unless the owner or operator of the facility posts a sign that is not less than 2 square feet in size with a word legend identifying the facility as a licensed child care facility and that is posted on the property of the child care facility in a conspicuous place where the sign is reasonably visible to the public.

(d) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a public or private college, university, or other postsecondary educational institution. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the first degree, punishable as provided in .775.082, .775.083, or .775.084.

2. A controlled substance named or described in 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the second degree, punishable as provided in .775.082, .775.083, .775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a $500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(e) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance not authorized by law in, on, or within 1,000 feet of a physical place for worship at which a church or religious organization regularly conducts religious services or within 1,000 feet of a convenience business as defined in .812.171. Any person who violates this paragraph with respect to:
1. A controlled substance named or described in §893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the first degree, punishable as provided in §775.082, §775.083, or §775.084.

2. A controlled substance named or described in §893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9. (3), or (4) commits a felony of the second degree, punishable as provided in §775.082, §775.083, §775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a $500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(f) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a public housing facility at any time. For purposes of this section, the term "real property comprising a public housing facility" means real property, as defined in §421.03(12), of a public corporation created as a housing authority pursuant to part I of chapter 421. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in §893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the first degree, punishable as provided in §775.082, §775.083, or §775.084.

2. A controlled substance named or described in §893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the second degree, punishable as provided in §775.082, §775.083, §775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a $500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(g) Except as authorized by this chapter, it is unlawful for any person to manufacture methamphetamine or phencyclidine, or possess any listed chemical as defined in §893.033 in violation of §893.149 and with intent to manufacture methamphetamine or phencyclidine. If any person violates this paragraph and:

1. The commission or attempted commission of the crime occurs in a structure or conveyance where any child under 16 years of age is present, the person commits a felony of the first degree, punishable as provided in §775.082, §775.083, or §775.084. In addition, the defendant must be sentenced to a minimum term of imprisonment of 5 calendar years.

2. The commission of the crime causes any child under 16 years of age to suffer great bodily harm, the person commits a felony of the first degree, punishable as provided in §775.082, §775.083, or §775.084. In addition, the defendant must be sentenced to a minimum term of imprisonment of 10 calendar years.

(h) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising an assisted living facility, as that term is
used in chapter 429. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in §893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. commits a felony of the first degree, punishable as provided in §775.082, §775.083, or §775.084.

2. A controlled substance named or described in §893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the second degree, punishable as provided in §775.082, §775.083, §775.084.

2. (a) Except as authorized by this chapter and chapter 499, it is unlawful for any person to purchase, or possess with intent to purchase, a controlled substance. Any person who violates this provision with respect to:

1. A controlled substance named or described in §893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the second degree, punishable as provided in §775.082, §775.083, or §775.084.

2. A controlled substance named or described in §893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the third degree, punishable as provided in §775.082, §775.083, or §775.084.

3. A controlled substance named or described in §893.03(5) commits a misdemeanor of the first degree, punishable as provided in §775.082 or §775.083.

(b) Except as provided in this chapter, it is unlawful to purchase in excess of 10 grams of any substance named or described in §893.03(1)(a) or (1)(b), or any combination thereof, or any mixture containing any such substance. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in §775.082, §775.083, or §775.084.

3. Any person who delivers, without consideration, not more than 20 grams of cannabis, as defined in this chapter, commits a misdemeanor of the first degree, punishable as provided in §775.082 or §775.083. For the purposes of this paragraph, "cannabis" does not include the resin extracted from the plants of the genus Cannabis or any compound manufacture, salt, derivative, mixture, or preparation of such resin.

4. Except as authorized by this chapter, it is unlawful for any person 18 years of age or older to deliver any controlled substance to a person under the age of 18 years, or to use or hire a person under the age of 18 years as an agent or employee in the sale or delivery of such a substance, or to use such person to assist in avoiding detection or apprehension for a violation of this chapter. Any person who violates this provision with respect to:

(a) A controlled substance named or described in §893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the first degree, punishable as provided in §775.082, §775.083, or §775.084.

(b) A controlled substance named or described in §893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the second degree, punishable as provided in §775.082, §775.083, or §775.084.

Imposition of sentence may not be suspended or deferred, nor shall the person so convicted be placed on probation.
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(5) It is unlawful for any person to bring into this state any controlled substance unless the possession of such controlled substance is authorized by this chapter or unless such person is licensed to do so by the appropriate federal agency. Any person who violates this provision with respect to:

(a) A controlled substance named or described in §893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c), commits a felony of the second degree, punishable as provided in §775.082, §775.083, or §775.084.

(b) A controlled substance named or described in §893.03(1)(c), (2)(c), (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the third degree, punishable as provided in §775.082, §775.083, or §775.084.

(c) A controlled substance named or described in §893.03(5) commits a misdemeanor of the first degree, punishable as provided in §775.082 or §775.083.

(6)

(a) It is unlawful for any person to be in actual or constructive possession of a controlled substance unless such controlled substance was lawfully obtained from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of his or her professional practice or to be in actual or constructive possession of a controlled substance except as otherwise authorized by this chapter. Any person who violates this provision commits a felony of the third degree, punishable as provided in §775.082, §775.083, or §775.084.

(b) If the offense is the possession of not more than 20 grams of cannabis, as defined in this chapter, or 3 grams or less of a controlled substance described in §893.03(1)(c)46.-50., 114.-142., 151.-159, or 166.-169., the person commits a misdemeanor of the first degree, punishable as provided in §775.082 or §775.083. For the purposes of this subsection, "cannabis" does not include the resin extracted from the plants of the genus Cannabis, or any compound manufacture, salt, derivative, mixture, or preparation of such resin, and a controlled substance described in §893.03(1)(c)46.-50., 114.-142., 151.-159, or 166.-169., does not include the substance in a powdered form.

(c) Except as provided in this chapter, it is unlawful to possess in excess of 10 grams of any substance named or described in §893.03(1) or (1)(b), or any combination thereof, or any mixture containing any such substance. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in §775.082, §775.083, or §775.084.

(d) Notwithstanding any provision to the contrary of the laws of this state relating to arrest, a law enforcement officer may arrest without warrant any person who the officer has probable cause to believe is violating the provisions of this chapter relating to possession of cannabis.

(7) (a) A person may not:

1. Distribute or dispense a controlled substance in violation of this chapter.

2. Refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under this chapter.

3. Refuse entry into any premises for any inspection or refuse to allow any inspection authorized by this chapter.

4. Distribute a controlled substance named or described in §893.03(1) or (2) except pursuant to an order form as required by §893.06.

5. Keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place which is resorted to by
persons using controlled substances in violation of this chapter for the purpose of using these substances, or which is used for keeping or selling them in violation of this chapter.

6. Use to his or her own personal advantage, or reveal, any information obtained in enforcement of this chapter except in a prosecution or administrative hearing for a violation of this chapter.

7. Possess a prescription form which has not been completed and signed by the practitioner whose name appears printed thereon, unless the person is that practitioner, is an agent or employee of that practitioner, is a pharmacist, or is a supplier of prescription forms who is authorized by that practitioner to possess those forms.

8. Withhold information from a practitioner from whom the person seeks to obtain a controlled substance or a prescription for a controlled substance that the person making the request has received a controlled substance or a prescription for a controlled substance of like therapeutic use from another practitioner within the previous 30 days.

9. Acquire or obtain, or attempt to acquire or obtain, possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

10. Affix any false or forged label to a package or receptacle containing a controlled substance.

11. Furnish false or fraudulent material information in, or omit any material information from, any report or other document required to be kept or filed under this chapter or any record required to be kept by this chapter.

12. Store anhydrous ammonia in a container that is not approved by the United States Department of Transportation to hold anhydrous ammonia or is not constructed in accordance with sound engineering, agricultural, or commercial practices.

13. With the intent to obtain a controlled substance or combination of controlled substances that are not medically necessary for the person or an amount of a controlled substance or substances that is not medically necessary for the person, obtain or attempt to obtain from a practitioner a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact. For purposes of this subparagraph, a material fact includes whether the person has an existing prescription for a controlled substance issued for the same period of time by another practitioner or as described in subparagraph 8.

(b) A health care practitioner, with the intent to provide a controlled substance or combination of controlled substances that are not medically necessary to his or her patient or an amount of controlled substances that is not medically necessary for his or her patient, may not provide a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact. For purposes of this paragraph, a material fact includes whether the patient has an existing prescription for a controlled substance issued for the same period of time by another practitioner or as described in subparagraph (a)8.

(c) Any person who violates the provisions of subparagraphs (a)1.- 7. commits a misdemeanor of the first degree, punishable as provided in . 775.082 or . 775.083; except that, upon a second or subsequent violation, the person commits a felony of the third degree, punishable as provided in . 775.082, . 775.083, or . 775.084.
(d) Any person who violates the provisions of subparagraphs (a)8.-12. commits a felony of the third degree, punishable as provided in .775.082, .775.083, or .775.084.

(e) A person or health care practitioner who violates the provisions of subparagraph (a)13. or paragraph (b) commits a felony of the third degree, punishable as provided in .775.082, .775.083, or .775.084, if any controlled substance that is the subject of the offense is listed in Schedule II, Schedule III, or Schedule IV.

(8) (a) Notwithstanding subsection (9), a prescribing practitioner may not:
1. Knowingly assist a patient, other person, or the owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practice of the prescribing practitioner's professional practice;
2. Employ a trick or scheme in the practice of the prescribing practitioner's professional practice to assist a patient, other person, or the owner of an animal in obtaining a controlled substance;
3. Knowingly write a prescription for a controlled substance for a fictitious person; or
4. Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing such prescription is to provide a monetary benefit to, or obtain a monetary benefit for, the prescribing practitioner.

(b) If the prescribing practitioner wrote a prescription or multiple prescriptions for a controlled substance for the patient, other person, or animal for which there was no medical necessity, or which was in excess of what was medically necessary to treat the patient, other person, or animal, that fact does not give rise to any presumption that the prescribing practitioner violated subparagraph (a)1., but may be considered with other competent evidence in determining whether the prescribing practitioner knowingly assisted a patient, other person, or the owner of an animal to obtain a controlled substance in violation of subparagraph (a)1.

(c) A person who violates paragraph (a) commits a felony of the third degree, punishable as provided in .775.082, .775.083, or .775.084.

(d) Notwithstanding paragraph (c), if a prescribing practitioner has violated paragraph (a) and received $1,000 or more in payment for writing one or more prescriptions or, in the case of a prescription written for a controlled substance described in .893.135, has written one or more prescriptions for a quantity of a controlled substance which, individually or in the aggregate, meets the threshold for the offense of trafficking in a controlled substance under .893.15, the violation is reclassified as a felony of the second degree and ranked in level 4 of the Criminal Punishment Code.

(9) The provisions of subsections (1)-(8) are not applicable to the delivery to, or actual or constructive possession for medical or scientific use or purpose only of controlled substances by, persons included in any of the following classes, or the agents or employees of such persons, for use in the usual course of their business or profession or in the performance of their official duties:
1. Pharmacists.
2. Practitioners.
3. Persons who procure controlled substances in good faith and in the course of professional practice only, by or under the supervision of
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pharmacists or practitioners employed by them, or for the purpose of lawful research, teaching, or testing, and not for resale.

- (d) Hospitals that procure controlled substances for lawful administration by practitioners, but only for use by or in the particular hospital.
- (e) Officers or employees of state, federal, or local governments acting in their official capacity only, or informers acting under their jurisdiction.
- (f) Common carriers.
- (g) Manufacturers, wholesalers, and distributors.
- (h) Law enforcement officers for bona fide law enforcement purposes in the course of an active criminal investigation.

• (10) If a person violates any provision of this chapter and the violation results in a serious injury to a state or local law enforcement officer as defined in § 943.10, firefighter as defined in § 633.30, emergency medical technician as defined in § 401.23, paramedic as defined in § 401.23, employee of a public utility or an electric utility as defined in § 366.02, animal control officer as defined in § 828.27, volunteer firefighter engaged by state or local government, law enforcement officer employed by the Federal Government, or any other local, state, or Federal Government employee injured during the course and scope of his or her employment, the person commits a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 775.084. If the injury sustained results in death or great bodily harm, the person commits a felony of the second degree, punishable as provided in § 775.082, § 775.083, or § 775.084.

§ 893.135. Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking

• (1) Except as authorized in this chapter or in chapter 499 and notwithstanding the provisions of § 893.13:
  - (a) Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, in excess of 25 pounds of cannabis, or 300 or more cannabis plants, commits a felony of the first degree, which felony shall be known as "trafficking in cannabis," punishable as provided in § 775.082, § 775.083, or § 775.084. If the quantity of cannabis involved:
    - 1. Is in excess of 25 pounds, but less than 2,000 pounds, or is 300 or more cannabis plants, but not more than 2,000 cannabis plants, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of $ 25,000.
    - 2. Is 2,000 pounds or more, but less than 10,000 pounds, or is 2,000 or more cannabis plants, but not more than 10,000 cannabis plants, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of $ 50,000.
    - 3. Is 10,000 pounds or more, or is 10,000 or more cannabis plants, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $ 200,000.

For the purpose of this paragraph, a plant, including, but not limited to, a seedling or cutting, is a "cannabis plant" if it has some readily observable evidence of root formation, such as root hairs. To determine if a piece or
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part of a cannabis plant severed from the cannabis plant is itself a

cannabis plant, the severed piece or part must have some readily

observable evidence of root formation, such as root hairs. Callous tissue is

not readily observable evidence of root formation. The viability and sex of

a plant and the fact that the plant may or may not be a dead harvested

plant are not relevant in determining if the plant is a "cannabis plant" or in

the charging of an offense under this paragraph. Upon conviction, the
court shall impose the longest term of imprisonment provided for in this
paragraph.

(b) 1. Any person who knowingly sells, purchases, manufactures,
delivers, or brings into this state, or who is knowingly in actual or constructive
possession of, 28 grams or more of cocaine, as described in .893.03(2)(a)4.,
of any mixture containing cocaine, but less than 150 kilograms of cocaine
or any such mixture, commits a felony of the first degree, which felony shall
be known as "trafficking in cocaine," punishable as provided in .775.082, .
775.083, or .775.084. If the quantity involved:

a. Is 28 grams or more, but less than 200 grams, such person
shall be sentenced to a mandatory minimum term of imprisonment of 3
years, and the defendant shall be ordered to pay a fine of $ 50,000.
b. Is 200 grams or more, but less than 400 grams, such
person shall be sentenced to a mandatory minimum term of imprisonment
of 7 years, and the defendant shall be ordered to pay a fine of $ 100,000.
c. Is 400 grams or more, but less than 150 kilograms, such
person shall be sentenced to a mandatory minimum term of imprisonment
of 15 calendar years and pay a fine of $ 250,000.

2. Any person who knowingly sells, purchases,
manufactures, delivers, or brings into this state, or who is knowingly in
actual or constructive possession of, 150 kilograms or more of cocaine,
as described in .893.03(2)(a)4., commits the first degree felony of
trafficking in cocaine. A person who has been convicted of the first
degree felony of trafficking in cocaine under this subparagraph shall be
punished by life imprisonment and is ineligible for any form of
discretionary early release except pardon or executive clemency or
conditional medical release .947.149. However, if the court
determines that, in addition to committing any act specified in this
paragraph:

a. The person intentionally killed an individual or
counseled, commanded, induced, procured, or caused the
intentional killing of an individual and such killing was the result; or
b. The person's conduct in committing that act
led to a natural, though not inevitable, lethal result,
such person commits the capital felony of trafficking in cocaine,
punishable as provided in .775.082 and .142. Any person
sentenced for a capital felony under this paragraph shall also be
sentenced to pay the maximum fine provided under subparagraph
1.

3. Any person who knowingly brings into this state 300
kilograms or more of cocaine, as described in .893.03(2)(a)4., and
who knows that the probable result of such importation would be the
death of any person, commits capital importation of cocaine, a capital
felony punishable as provided in .775.082 and .142. Any person
1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of any morphine, opium, oxycodone, hydrocodone, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in §893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more of any mixture containing any such substance, but less than 30 kilograms of such substance or mixture, commits a felony of the first degree, which felony shall be known as "trafficking in illegal drugs," punishable as provided in §775.082, §775.083, or §775.084. If the quantity involved:

a. Is 4 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of $50,000.

b. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years, and the defendant shall be ordered to pay a fine of $100,000.

c. Is 28 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and pay a fine of $500,000.

2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 30 kilograms or more of any morphine, opium, oxycodone, hydrocodone, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in §893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture containing any such substance, commits the first degree felony of trafficking in illegal drugs. A person who has been convicted of the first degree felony of trafficking in illegal drugs under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under §947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

a. The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of an individual and such killing was the result; or

b. The person's conduct in committing that act led to a natural, though not inevitable, lethal result, such person commits the capital felony of trafficking in illegal drugs, punishable as provided in §775.082 and §142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

3. Any person who knowingly brings into this state 60 kilograms or more of any morphine, opium, oxycodone, hydrocodone, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in §893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or more of any mixture containing any such substance, and who knows that the probable result of such importation would be the death of any person, commits capital importation of illegal drugs, a capital felony punishable as
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provided in .775.082 and .142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(d) 1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of phencyclidine or of any mixture containing phencyclidine, as described in .893.03(2)(b), commits a felony of the first degree, which felony shall be known as "trafficking in phencyclidine," punishable as provided in .775.082, .775.083, or .775.084. If the quantity involved:

- a. Is 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of $50,000.
- b. Is 200 grams or more, but less than 400 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of $100,000.
- c. Is 400 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $250,000.

2. Any person who knowingly brings into this state 800 grams or more of methaqualone or of any mixture containing methaqualone, as described in .893.03(1)(d), and who knows that the probable result of such importation would be the death of any person commits capital importation of phencyclidine, a capital felony punishable as provided in .775.082 and .142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(e) 1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 200 grams or more of methaqualone or of any mixture containing methaqualone, as described in .893.03(1)(d), commits a felony of the first degree, which felony shall be known as "trafficking in methaqualone," punishable as provided in .775.082, .775.083, or .775.084. If the quantity involved:

- a. Is 200 grams or more, but less than 5 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of $50,000.
- b. Is 5 kilograms or more, but less than 25 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of $100,000.
- c. Is 25 kilograms or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $250,000.

2. Any person who knowingly brings into this state 50 kilograms or more of methaqualone or of any mixture containing methaqualone, as described in .893.03(1)(d), and who knows that the probable result of such importation would be the death of any person commits capital importation of methaqualone, a capital felony punishable as provided in .775.082 and .142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(f) 1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive
possession of, 14 grams or more of amphetamine, as described in § 893.03(2)(c)2., or methamphetamine, as described in § 893.03(2)(c)4., or of any mixture containing amphetamine or methamphetamine, or phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine in conjunction with other chemicals and equipment utilized in the manufacture of amphetamine or methamphetamine, commits a felony of the first degree, which felony shall be known as "trafficking in amphetamine," punishable as provided in § 775.082, § 775.083, or § 775.084. If the quantity involved:

- a. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of $50,000.

- b. Is 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of $100,000.

- c. Is 200 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $250,000.

- 2. Any person who knowingly manufactures or brings into this state 400 grams or more of amphetamine, as described in § 893.03(2)(c)2., or methamphetamine, as described in § 893.03(2)(c)4., or of any mixture containing amphetamine or methamphetamine, or phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine in conjunction with other chemicals and equipment used in the manufacture of amphetamine or methamphetamine, and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of amphetamine, a capital felony punishable as provided in § 775.082 and § 142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(g) 1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of flunitrazepam or any mixture containing flunitrazepam as described in § 893.03(1)(a) commits a felony of the first degree, which felony shall be known as "trafficking in flunitrazepam," punishable as provided in § 775.082, § 775.083, or § 775.084. If the quantity involved:

- a. Is 4 grams or more but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of $50,000.

- b. Is 14 grams or more but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of $100,000.

- c. Is 28 grams or more but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and pay a fine of $500,000.

- 2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state or who is knowingly in actual or constructive possession of 30 kilograms or more of flunitrazepam or any mixture containing flunitrazepam as described in § 893.03(1)(a) commits the first degree felony of trafficking in flunitrazepam. A person who has been convicted of the first degree felony of trafficking in flunitrazepam under this subparagraph shall be

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punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under . 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

- a. The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of an individual and such killing was the result; or
- b. The person's conduct in committing that act led to a natural, though not inevitable, lethal result, such person commits the capital felony of trafficking in flunitrazepam, punishable as provided in . 775.082 and .142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(h) 1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 1 kilogram or more of gamma-hydroxybutyric acid (GHB), as described in . 893.03(1)(d), or any mixture containing gamma-hydroxybutyric acid (GHB), commits a felony of the first degree, which felony shall be known as "trafficking in gamma-hydroxybutyric acid (GHB)," punishable as provided in . 775.082, . 775.083, or . 775.084. If the quantity involved:

- a. Is 1 kilogram or more but less than 5 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of $ 50,000.
- b. Is 5 kilograms or more but less than 10 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of $ 100,000.
- c. Is 10 kilograms or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $ 250,000.

2. Any person who knowingly manufactures or brings into this state 150 kilograms or more of gamma-hydroxybutyric acid (GHB), as described in . 893.03(1)(d), or any mixture containing gamma-hydroxybutyric acid (GHB), and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of gamma-hydroxybutyric acid (GHB), a capital felony punishable as provided in . 775.082 and .142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(i) 1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 1 kilogram or more of gamma-butyrolactone (GBL), as described in . 893.03(1)(d), or any mixture containing gamma-butyrolactone (GBL), commits a felony of the first degree, which felony shall be known as "trafficking in gamma-butyrolactone (GBL)," punishable as provided in . 775.082, . 775.083, or . 775.084. If the quantity involved:

- a. Is 1 kilogram or more but less than 5 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of $ 50,000.
b. Is 5 kilograms or more but less than 10 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of $100,000.

c. Is 10 kilograms or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $250,000.

2. Any person who knowingly manufactures or brings into the state 150 kilograms or more of gamma-butyrolactone (GBL), as described in .893.03(1)(d), or any mixture containing gamma-butyrolactone (GBL), and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of gamma-butyrolactone (GBL), a capital felony punishable as provided in .775.082 and .142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(o) 1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 1 kilogram or more of 1,4-Butanediol as described in .893.03(1)(d), or of any mixture containing 1,4-Butanediol, commits a felony of the first degree, which felony shall be known as "trafficking in 1,4-Butanediol," punishable as provided in .775.082, .775.083, or .775.084. If the quantity involved:

a. Is 1 kilogram or more, but less than 5 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of $50,000.

b. Is 5 kilograms or more, but less than 10 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of $100,000.

c. Is 10 kilograms or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $500,000.

2. Any person who knowingly manufactures or brings into this state 150 kilograms or more of 1,4-Butanediol as described in .893.03(1)(d), or any mixture containing 1,4-Butanediol, and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of 1,4-Butanediol, a capital felony punishable as provided in .775.082 and .142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(k) 1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 10 grams or more of any of the following substances described in .893.03(1)(c):

a. 3,4-Methylenedioxymethamphetamine (MDMA);

b. 4-Bromo-2,5-dimethoxyamphetamine;

c. 4-Bromo-2,5-dimethoxyphenethylamine;

d. 2,5-Dimethoxyamphetamine;

e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);

f. N-ethylamphetamine;

g. N-Hydroxy-3,4-methylenedioxyamphetamine;

h. 5-Methoxy-3,4-methylenedioxyamphetamine;
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1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 1 gram or more of lysergic acid diethylamide (LSD) individually or in any combination of or any mixture containing any substance listed in sub-subparagraphs a.-o., commits a felony of the first degree, which felony shall be known as "trafficking in Phenethylamines," punishable as provided in §775.082, §775.083, or §775.084.

2. If the quantity involved:

   a. Is 10 grams or more but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of $50,000.

   b. Is 200 grams or more, but less than 400 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of $100,000.

   c. Is 400 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $250,000.

3. Any person who knowingly manufactures or brings into this state 30 kilograms or more of any of the following substances described in §893.03(1)(c):

   a. 3,4-Methylenedioxymethamphetamine (MDMA);

   b. 4-Bromo-2,5-dimethoxyamphetamine;

   c. 4-Bromo-2,5-dimethoxyphenethylamine;

   d. 2,5-Dimethoxyamphetamine;

   e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);

   f. N-ethylamphetamine;

   g. N-Hydroxy-3,4-methylenedioxymethamphetamine;

   h. 5-Methoxy-3,4-methylenedioxymethamphetamine;

   i. 4-methoxyamphetamine;

   j. 4-methoxymethamphetamine;

   k. 4-Methyl-2,5-dimethoxyamphetamine;

   l. 3,4-Methylenedioxymethamphetamine;

   m. 3,4-Methylenedioxypheptylamine;

   n. N,N-dimethylamphetamine; or

   o. 3,4,5-Trimethoxyamphetamine,

   individually or in any combination of or any mixture containing any substance listed in sub-subparagraphs a.-o., and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of Phenethylamines, a capital felony punishable as provided in §775.082 and §142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

   (I) 1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 1 gram or more of lysergic acid diethylamide (LSD) as
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described in .893.03(1)(c), or of any mixture containing lysergic acid diethylamide (LSD), commits a felony of the first degree, which felony shall be known as "trafficking in lysergic acid diethylamide (LSD)," punishable as provided in .775.082, .775.083, or .775.084. If the quantity involved:

- a. Is 1 gram or more, but less than 5 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of $50,000.
- b. Is 5 grams or more, but less than 7 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of $100,000.
- c. Is 7 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $500,000.

2. Any person who knowingly manufactures or brings into this state 7 grams or more of lysergic acid diethylamide (LSD) as described in .893.03(1)(c), or any mixture containing lysergic acid diethylamide (LSD), and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of lysergic acid diethylamide (LSD), a capital felony punishable as provided in .775.082 and .142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

- (2) A person acts knowingly under subsection (1) if that person intends to sell, purchase, manufacture, deliver, or bring into this state, or to actually or constructively possess, any of the controlled substances listed in subsection (1), regardless of which controlled substance listed in subsection (1) is in fact sold, purchased, manufactured, delivered, or brought into this state, or actually or constructively possessed.
- (3) Notwithstanding the provisions of .948.01, with respect to any person who is found to have violated this section, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for parole prior to serving the mandatory minimum term of imprisonment prescribed by this section. A person sentenced to a mandatory minimum term of imprisonment under this section is not eligible for any form of discretionary early release, except pardon or executive clemency or conditional medical release under .947.149, prior to serving the mandatory minimum term of imprisonment.
- (4) The state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of that person's accomplices, accessories, co-conspirators, or principals or of any other person engaged in trafficking in controlled substances. The arresting agency shall be given an opportunity to be heard in aggravation or mitigation in reference to any such motion. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may reduce or suspend the sentence if the judge finds that the defendant rendered such substantial assistance.
- (5) Any person who agrees, conspires, combines, or confederates with another person to commit any act prohibited by subsection (1) commits a felony of the first degree and is punishable as if he or she had actually committed such prohibited act. Nothing in this subsection shall be construed to prohibit separate convictions and sentences for a violation of this subsection and any violation of subsection (1).
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- (6) A mixture, as defined in § 893.02, containing any controlled substance described in this section includes, but is not limited to, a solution or a dosage unit, including but not limited to, a pill or tablet, containing a controlled substance. For the purpose of clarifying legislative intent regarding the weighing of a mixture containing a controlled substance described in this section, the weight of the controlled substance is the total weight of the mixture, including the controlled substance and any other substance in the mixture. If there is more than one mixture containing the same controlled substance, the weight of the controlled substance is calculated by aggregating the total weight of each mixture.

- (7) For the purpose of further clarifying legislative intent, the Legislature finds that the opinion in v. State, 750 So. 2d 1 (Fla. 1999) does not correctly construe legislative intent. The Legislature finds that the opinions in v. Hayes, 720 So. 2d 1095 (Fla. 4th DCA 1998) and v. Baxley, 684 So. 2d 831 (Fla. 5th DCA 1996) correctly construe legislative intent.

§ 893.1351. Ownership, lease, rental, or possession for trafficking in or manufacturing a controlled substance

- (1) A person may not own, lease, or rent any place, structure, or part thereof, trailer, or other conveyance with the knowledge that the place, structure, trailer, or conveyance will be used for the purpose of trafficking in a controlled substance, as provided in § 893.135; for the sale of a controlled substance, as provided in § 893.13; or for the manufacture of a controlled substance intended for sale or distribution to another. A person who violates this subsection commits a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 775.084.

- (2) A person may not knowingly be in actual or constructive possession of any place, structure, or part thereof, trailer, or other conveyance with the knowledge that the place, structure, or part thereof, trailer, or conveyance will be used for the purpose of trafficking in a controlled substance, as provided in § 893.135; for the sale of a controlled substance, as provided in § 893.13; or for the manufacture of a controlled substance intended for sale or distribution to another. A person who violates this subsection commits a felony of the second degree, punishable as provided in § 775.082, § 775.083, or § 775.084.

- (3) A person who is in actual or constructive possession of a place, structure, trailer, or conveyance with the knowledge that the place, structure, trailer, or conveyance is being used to manufacture a controlled substance intended for sale or distribution to another and who knew or should have known that a minor is present or resides in the place, structure, trailer, or conveyance commits a felony of the first degree, punishable as provided in § 775.082, § 775.083, or § 775.084.

- (4) For the purposes of this section, proof of the possession of 25 or more cannabis plants constitutes prima facie evidence that the cannabis is intended for sale or distribution.

§ 893.147. Use, possession, manufacture, delivery, transportation, or advertisement of drug paraphernalia

- (1) Use or possession of drug paraphernalia. -- It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia:
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• (a) To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this chapter; or

• (b) To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter.

Any person who violates this subsection is guilty of a misdemeanor of the first degree, punishable as provided in §775.082 or §775.083.

• (2) Manufacture or delivery of drug paraphernalia. -- It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used:

• (a) To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this act; or

• (b) To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this act.

Any person who violates this subsection is guilty of a felony of the third degree, punishable as provided in §775.082, §775.083, or §775.084.

• (3) Delivery of drug paraphernalia to a minor.

• (a) Any person 18 years of age or over who violates subsection (2) by delivering drug paraphernalia to a person under 18 years of age is guilty of a felony of the second degree, punishable as provided in §775.082, §775.083, or §775.084.

• (b) It is unlawful for any person to sell or otherwise deliver hypodermic syringes, needles, or other objects which may be used, are intended for use, or are designed for use in parenterally injecting substances into the human body to any person under 18 years of age, except that hypodermic syringes, needles, or other such objects may be lawfully dispensed to a person under 18 years of age by a licensed practitioner, parent, or legal guardian or by a pharmacist pursuant to a valid prescription for same. Any person who violates the provisions of this paragraph is guilty of a misdemeanor of the first degree, punishable as provided in §775.082 or §775.083.

• (4) Transportation of drug paraphernalia. -- It is unlawful to use, possess with the intent to use, or manufacture with the intent to use drug paraphernalia, knowing or under circumstances in which one reasonably should know that it will be used to transport:

• (a) A controlled substance in violation of this chapter; or

• (b) Contraband as defined in §932.701(2)(a)1.

Any person who violates this subsection commits a felony of the third degree, punishable as provided in §775.082, §775.083, or §775.084.

• (5) Advertisement of drug paraphernalia. -- It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor of the first degree, punishable as provided in §775.082 or §775.083.

§ 893.149. Unlawful possession of listed chemical

• (1) It is unlawful for any person to knowingly or intentionally:
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- (a) Possess a listed chemical with the intent to unlawfully manufacture a controlled substance;
- (b) Possess or distribute a listed chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to unlawfully manufacture a controlled substance.

- (2) Any person who violates this section commits a felony of the second degree, punishable as provided in §775.082, §775.083, or §775.084.

- (3) This section does not apply to a public employee or private contractor authorized to clean up or dispose of hazardous waste or toxic substances resulting from the prohibited activities listed in §893.13(1)(g).

- (4) Any damages arising out of the unlawful possession of, storage of, or tampering with a listed chemical, as defined in §893.033, shall be the sole responsibility of the person or persons unlawfully possessing, storing, or tampering with the listed chemical. In no case shall liability for damages arising out of the unlawful possession of, storage of, or tampering with a listed chemical extend to the lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller of the listed chemical, unless such damages arise out of the acts or omissions of the owner, installer, maintainer, designer, manufacturer, possessor, or seller which constitute negligent misconduct or failure to abide by the laws regarding the possession or storage of a listed chemical.

§ 893.1495. Retail sale of ephedrine and related compounds

- (1) For purposes of this section, the term "ephedrine or related compounds" means ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers.

- (2) A person may not knowingly obtain or deliver to an individual in any retail over-the-counter sale any nonprescription compound, mixture, or preparation containing ephedrine or related compounds in excess of the following amounts:
  - (a) In any single day, any number of packages that contain a total of 3.6 grams of ephedrine or related compounds;
  - (b) In any single retail, over-the-counter sale, three packages, regardless of weight, containing ephedrine or related compounds; or
  - (c) In any 30-day period, in any number of retail, over-the-counter sales, a total of 9 grams or more of ephedrine or related compounds.

- (3) A person may not knowingly display and offer for retail sale any nonprescription compound, mixture, or preparation containing ephedrine or related compounds other than behind a checkout counter where the public is not permitted or other such location that is not otherwise accessible to the general public.

- (4) A person who is the owner or primary operator of a retail outlet where any nonprescription compound, mixture, or preparation containing ephedrine or related compounds is available for sale may not knowingly allow an employee to engage in the retail sale of such compound, mixture, or preparation unless the employee has completed an employee training program that shall include, at a minimum, basic instruction on state and federal regulations relating to the sale and distribution of such compounds, mixtures, or preparations.

- (5) (a) Any person purchasing, receiving, or otherwise acquiring any nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine or related compounds must:
  - 1. Be at least 18 years of age.
2. Produce a government-issued photo identification showing his or her name, date of birth, address, and photo identification number or an alternative form of identification acceptable under federal regulation C.F.R. s. 274a.2(b)(1)(v)(A) and (B).

3. Sign his or her name on a record of the purchase, either on paper or on an electronic signature capture device.

(b) The Department of Law Enforcement shall approve an electronic recordkeeping system for the purpose of recording and monitoring the real-time purchase of products containing ephedrine or related compounds and for the purpose of monitoring this information in order to prevent or investigate illegal purchases of these products. The approved electronic recordkeeping system shall be provided to a pharmacy or retailer without any additional cost or expense. A pharmacy or retailer may request an exemption from electronic reporting from the Department of Law Enforcement if the pharmacy or retailer lacks the technology to access the electronic recordkeeping system and such pharmacy or retailer maintains a sales volume of less than 72 grams of ephedrine or related compounds in a 30-day period. The electronic recordkeeping system shall record the following:

1. The date and time of the transaction.
2. The name, date of birth, address, and photo identification number of the purchaser, as well as the type of identification and the government of issuance.
3. The number of packages purchased, the total grams per package, and the name of the compound, mixture, or preparation containing ephedrine or related compounds.
4. The signature of the purchaser, or a unique number relating the transaction to a paper signature maintained at the retail premises.

(c) The electronic recordkeeping system shall provide for:

1. Real-time tracking of nonprescription over-the-counter sales under this section.
2. The blocking of nonprescription over-the-counter sales in excess of those allowed by the laws of this state or federal law.

6. A nonprescription compound, mixture, or preparation containing any quantity of ephedrine or related compounds may not be sold over the counter unless reported to an electronic recordkeeping system approved by the Department of Law Enforcement. This subsection does not apply if the pharmacy or retailer has received an exemption from the Department of Law Enforcement under paragraph (5)(b).

7. Prior to completing a transaction, a pharmacy or retailer distributing products containing ephedrine or related compounds to consumers in this state shall submit all required data into an electronic recordkeeping system approved by the Department of Law Enforcement at the point of sale or through an interface with the electronic recordkeeping system, unless granted an exemption by the Department of Law Enforcement pursuant to paragraph (5)(b).

8. The data submitted to the electronic recordkeeping system must be retained within the system for no less than 2 years following the date of entry.

9. The requirements of this section relating to the marketing, sale, or distribution of products containing ephedrine or related compounds supersede any local ordinance or regulation passed by a county, municipality, or other local governmental authority.
(10) This section does not apply to:
   - (a) Licensed manufacturers manufacturing and lawfully distributing products in the channels of commerce.
   - (b) Wholesalers lawfully distributing products in the channels of commerce.
   - (c) Health care facilities licensed under chapter 395.
   - (d) Licensed long-term care facilities.
   - (e) Government-operated health departments.
   - (f) Physicians' offices.
   - (g) Publicly operated prisons, jails, or juvenile correctional facilities or private adult or juvenile correctional facilities under contract with the state.
   - (h) Public or private educational institutions maintaining health care programs.
   - (i) Government-operated or industry-operated medical facilities serving employees of the government or industry operating them.

(11) Any individual who violates subsection (2), subsection (3), or subsection (4) commits:
   - (a) For a first offense, a misdemeanor of the second degree, punishable as provided . 775.083.
   - (b) For a second offense, a misdemeanor of the first degree, punishable as provided . 775.082 or . 775.083.
   - (c) For a third or subsequent offense, a felony of the third degree, punishable as provided in . 775.082, . 775.083, or . 775.084.

(12) Information contained within the electronic recordkeeping system shall be disclosed in a manner authorized by state or federal law. Any retailer or entity that collects information on behalf of a retailer as required by the Combat Methamphetamine Epidemic Act of 2005 and this section may not access or use that information, except for law enforcement purposes pursuant to state or federal law or to facilitate a product recall for public health and safety.

(13) A person who sells any product containing ephedrine or related compounds who in good faith releases information under this section to federal, state, or local law enforcement officers, or any person acting on behalf of such an officer, is immune from civil liability for the release unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.

(14) The Department of Law Enforcement shall contract or enter into a memorandum of understanding, as applicable, with a private third-party administrator to implement the electronic recordkeeping system required by this section.

(15) The Department of Law Enforcement shall adopt rules necessary to implement this section.

§ 893.15. Rehabilitation

Any person who violates . 893.13(6)(a) or (b) relating to possession may, in the discretion of the trial judge, be required to participate in a substance abuse services program approved or regulated by the Department of Children and Family Services pursuant to the provisions of chapter 397, provided the director of such program approves the placement of the defendant in such program. Such required participation shall be imposed in addition to any penalty or probation otherwise prescribed by law. However, the total time of such penalty, probation, and program participation shall not exceed the maximum length of sentence possible for the offense.
§ 893.20. Continuing criminal enterprise

- **(1)** Any person who commits three or more felonies under this chapter in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management and who obtains substantial assets or resources from these acts is guilty of engaging in a continuing criminal enterprise.

- **(2)** A person who commits the offense of engaging in a continuing criminal enterprise is guilty of a life felony, punishable pursuant to the Criminal Punishment Code and by a fine of $500,000.

- **(3)** Notwithstanding the provisions of . 948.01, with respect to any person who is found to have violated this section, adjudication of guilt or imposition of sentence may not be suspended, deferred, or withheld.

- **(4)** This section does not prohibit separate convictions and sentences for violation of this section and for felony violations of this chapter.

- **(5)** This section must be interpreted in concert with its federal analog, U.S.C. s. 848.
# Georgia Drug Statutes Chart

**Georgia Code: Title 16 Criminal Code**

<table>
<thead>
<tr>
<th>Schedules</th>
<th>Offense</th>
<th>Enhancement/Benefit Restriction</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SCHEDULE I</strong> O.C.G.A. § 16-13-24(b)(1) Criteria: (1) High potential for abuse; (2) No accepted med. Use in US; or (3) lacks accepted safety for med use</td>
<td>16-13-30(c) Possession/purchase of Schedule I or Schedule II narcotic drugs</td>
<td>(f) or subsequent conviction: 2x length of applicable sentence</td>
</tr>
<tr>
<td></td>
<td>(1) &lt;1g (solid), &lt;1ml(liquid);</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2) 1-4g (solid), 1-4ml(liquid);</td>
<td></td>
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<tr>
<td></td>
<td>(3) 4g-28g (solid), 4ml-28ml(liquid) 1-15 yrs</td>
<td></td>
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<tr>
<td></td>
<td>NOTE: morphine, opium, heroin not included (see “Trafficking in illegal drugs” 16-13-31(b))</td>
<td></td>
</tr>
<tr>
<td><strong>SCHEDULE I Substances: O.C.G.A. § 16-13-25</strong></td>
<td>16-13-30(d) Manufacture, delivery, distribution, sale or possession with intent to distribute Schedule I or II substances</td>
<td>1st Offense: 5-30yrs or subsequent offense: 10-40yrs or life</td>
</tr>
<tr>
<td>(1) Opiates</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Opium derivatives: E.g., heroin, codeine compounds, morphine compounds, etc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Hallucinogenic substances: E.g., marijuana, MDMA, mescaline, DMT, peyote, LSD, psilocybin, synthetic THC, PCP, etc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) stimulants: E.g., fenethylline, benzylfentanyl</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) GHB and sodium oxybate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(6) Quaaludes (7) 2C-T-7; (8) TFMPP; (9) BZP; (10) 5-MeODIPT; (11) AMT; (12) Various narcotic analogs</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SCHEDULE II</strong> O.C.G.A. § 16-13-24(b)(2) Criteria:</td>
<td>16-13-30(e) Possession/purchase of</td>
<td>(f) or subsequent conviction: 2x length of applicable sentence</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(1) high potential for abuse; (2) accepted med use in US w/ severe restrictions; and (3) abuse may lead to severe psych or phys dependence

| SCHEDULE II Substances: O.C.G.A. § 16-13-25 | non-narcotic Schedule II substances | 16-13-30.5 Possession of substances w/ intent to use for manufacture of Schedule I or II controlled substances  
(d) 1-15yrs, or <$100,000, or both |
|-------------------------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| **(1) Narcotics derived from vegetable origin or chemical synthesis:**  
(A) Opium and opiates: e.g., raw opium, codeine, morphine and derived painkillers  
(B) chemical equivalents to those listed in (A)  
(C) Opium poppies and poppy straws  
(D) Cocaine  
** (2) Other opiates: e.g., methadone, dihydrocodeine  
** (3) Other stimulants and hallucinogenic substances: e.g., synthetic THC (nabilone), Ritalin, Vyvanse, amphetamine, methamphetamine  
** (4) Other depressants: e.g., amobarbital, glutethimide |  
| **SCHEDULE III O.C.G.A. § 16-13-24(b)(3) Criteria:**  
(1) abuse potential less than Schedule I and II; (2) accepted med use in US; | 16-13-30(g) Possession/Purchase of Schedule III, IV, or V substance |
and (3) abuse may lead to moderate/low phys dependence or high psych dependence

<table>
<thead>
<tr>
<th>SCHEDULE III SUBSTANCES O.C.G.A. § 16-13-27</th>
<th>offense: 1-3 yrs</th>
<th>or subsequent offense: 1-5 yrs</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Stimulants: e.g., appetite suppressants</td>
<td>16-13-30(h) Manufacture, delivery, distribution, sale or possession with intent to distribute Schedule III, IV, or V substances</td>
<td></td>
</tr>
<tr>
<td>(2) Depressants: e.g., amobarbital, sedatives, anesthetics, Ketamine, GHA</td>
<td>1-10 yrs.</td>
<td></td>
</tr>
<tr>
<td>(3) Nalorphine</td>
<td></td>
<td></td>
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<tr>
<td>(4) Limited narcotic drugs: Compounds w/ limited percentages of codeine, hydrocodone, dihydrocodone, opium, morphine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(6) Anabolic Steroids and hormones (except those exempted)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(7) Ketamine; (8) Dronabinol; (9) sodium oxybate (in approved forms); (10) Burprenorphine; (11) embutramide</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SCHEDULE IV O.C.G.A. § 16-13-24(b)(4) Criteria: (1) low abuse potential relative to Schedule III; (2) accepted med use in US; and (3) abuse may lead to limited phys dependence or psych dependence relative to Schedule III</th>
<th>16-13-30(l)(1) Possession/purchase of flunitrazepam 1-15yrs</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>16-13-30(l)(2) Manufacture/distribution of flunitrazepam offense: 5-30yrs</td>
<td>or subsequent offense: 10-40yrs</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SCHEDULE IV SUBSTANCES O.C.G.A. § 16-13-27</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Prescription</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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**Georgia Drug Statutes Chart**
**Georgia Code: Title 16 Criminal Code**

<table>
<thead>
<tr>
<th>Medication containing potentially abusive quantities of certain narcotics: E.g., Klonipin, Ativan, flunitrazepam, phenobarbital, butorphanol tartate, anti-obesity medication (fenfluramine, etc.)</th>
</tr>
</thead>
</table>

**SCHEDULE V**

O.C.G.A. § 16-13-24(b)(5) Criteria:
1. low abuse potential relative to Schedule IV;
2. accepted med use is US; and
3. abuse may lead to limited phys dependence or psych dependence relative to Schedule IV

**SCHEDULE V SUBSTANCES**

O.C.G.A. § 16-13-29
1. Narcotics containing nonnarcotic active medicinal ingredients: e.g., limited percentages of codeine, opium, etc.
2. Lacosamide
3. pregabalin
4. pyrovalerone
5. Pseudoephedrine
6. Ezogabine

<table>
<thead>
<tr>
<th>Trafficking Offenses O.C.G.A. § 16-13-31</th>
<th>Penalties</th>
<th>Enhancements/Benefit Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>(h) Max sentence: 30 yrs Max fine: $1,000,000</td>
<td>16-13-31(g)(2)(B) Minimum Sentencing Departures:</td>
<td></td>
</tr>
<tr>
<td>16-13-31(a)(1) Trafficking in cocaine: sale, manufacture, delivery, importation or possession &gt;28g</td>
<td>(A) 28g-200g: 10yrs; $200,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(B) 200g-400g: 15yrs min; $300,000</td>
<td></td>
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<tr>
<td></td>
<td>(C) &gt;400g: 25yrs min; $1,000,000</td>
<td></td>
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<tr>
<td></td>
<td>(iv) 5-10yrs; $100,000-$200,000</td>
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<td></td>
<td>(vi) 7.5-15yrs; $150,000-$300,000</td>
<td></td>
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<tr>
<td></td>
<td>(x) 12.5-25yrs; $500,000-$1,000,000</td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Minimum Sentence</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td>------------------</td>
</tr>
<tr>
<td>16-13-31(b)</td>
<td>Trafficking in illegal drugs (morphine, opium, heroin): sale, manufacture, delivery, importation, or possession &gt;4g</td>
<td>(1) 4g-14g: 5yrs min; $50,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) 14g-28g: 10yrs min; $100,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3) &gt;28g: 25yrs min; $500,000</td>
</tr>
<tr>
<td>16-13-31(c)</td>
<td>Trafficking in marijuana: sale, manufacture, growth, delivery, importation, or possession &gt;10lbs</td>
<td>(1) 10-2,000lbs: 5yrs min; $100,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) 2,000-10,000lbs: 7yrs min; $250,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3) &gt;10,000lbs: 15yrs min; $1,000,000</td>
</tr>
<tr>
<td>16-13-31(d)</td>
<td>Trafficking in methaqualone (qualuude): sale, manufacture, delivery, or importation &gt;200g</td>
<td>(1) 200g-400g: 5yrs min; $50,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) &gt;400g: 15yrs min; $250,000</td>
</tr>
<tr>
<td>16-13-31(e)</td>
<td>Trafficking in methamphetamine or amphetamine: sale, delivery, or importation of &gt;28g</td>
<td>(1) 28g-200g: 10yrs min; $200,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) 200g-400g: 15yrs min; $300,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3) &gt;400g: 25yrs min; $1,000,000</td>
</tr>
<tr>
<td>16-13-31(f)</td>
<td>Trafficking in methamphetamine or amphetamine: manufacture of any quantity</td>
<td>(1) &lt;200g: 10yrs min; $200,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) 200g-400g: 15yrs min; $300,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3) &gt;400g: 25yrs min; $1,000,000</td>
</tr>
<tr>
<td>16-13-31.1</td>
<td>Trafficking in ecstasy: sale, manufacture, delivery, importation, or possession of &gt;28g</td>
<td>(1) 28g-200g: 3-30yrs; $25,000-$250,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) 200g-400g: 5-30yrs; $50,000-$250,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3) &gt;400g: 10-30yrs; $100,000-$250,000</td>
</tr>
</tbody>
</table>

16-13-31(g) **Circumstances allowing minimum sentencing departures:**
- (i) defendant was not a leader of the criminal conduct
- (ii) defendant did not possess/use a weapon during the crime
- (iii) criminal conduct did not result in a death or serious bodily injury
- (iv) defendant has no prior felony conviction
- (v) interests of justice will not be served by imposition of mandatory minimum sentence
<table>
<thead>
<tr>
<th>OFFENSES: ALL SCHEDULES</th>
</tr>
</thead>
<tbody>
<tr>
<td>16-13-30(i) Possession of counterfeit substance</td>
</tr>
<tr>
<td>16-13-30(i)(2) Manufacture, sale, delivery, distribution, or possession w/ intent to distribute counterfeit substance</td>
</tr>
<tr>
<td>16-13-30(k) Hiring, solicitation or use of individual under 17 years old for manufacture, distribution any controlled substance, counterfeit substance or marijuana</td>
</tr>
<tr>
<td>16-13-30.1 Unlawful manufacture, delivery, distribution, sale, or possession w/ intent to distribute a noncontrolled substance</td>
</tr>
<tr>
<td>16-13-30.2 Unlawful manufacture, distribution, or possession w/ intent to distribute an imitation controlled substance</td>
</tr>
<tr>
<td>16-13-30.3(b) Unlawful possession of ephedrine (&gt;300 units or &gt;9g)</td>
</tr>
<tr>
<td>16-13-30.3(b.1) Retail sale of products whose sole active ingredient is pseudoephedrine in publicly accessible area; delivery of more than 3 packages of pseudoephedrine products in a single retail sale</td>
</tr>
<tr>
<td>16-13-30.3(b.1)(3) Unlawful purchase by retailer of pseudoephedrine products from an unlicensed distributor</td>
</tr>
<tr>
<td>16-13-30.3(d) Unlawful possession, manufacture, delivery, sale, or possession w/ intent to distribute substances containing pseudoephedrine or phenylpropanolamine which have been altered from their original form so as to be powdered, liquefied, or crushed</td>
</tr>
<tr>
<td>16-13-30.4(g)(A)(B) Violation of reporting, licensing requirements required for possession or sale of pseudoephedrine</td>
</tr>
<tr>
<td>16-13-30.4(g)(C)(2) Unlawful possession, sale, or transfer of pseudoephedrine w/ knowledge or intent to unlawfully manufacture controlled substance</td>
</tr>
<tr>
<td>16-13-32 Unlawful sale, lease, exchange or distribution of a drug related object</td>
</tr>
<tr>
<td>16-13-32.3 Unlawful use of communication facility in committing felony drug offense</td>
</tr>
<tr>
<td>16-13-32.4,32.5,32.6 Manufacture, distributing, dispensing or possessing controlled substances in, on, or near schools, public housing facilities, designated drug free zones</td>
</tr>
<tr>
<td>16-13-33 Attempt or conspiracy to commit drug offense</td>
</tr>
<tr>
<td>Penalty not exceeding maximum punishment prescribed for offense that was object of attempt or conspiracy</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>16-13-42 Unauthorized distribution and dispensation of controlled substances in violation of prescription requirements; refusal or failure to keep records; refusal to permit inspection; unlawful maintenance of place resorted to by persons using controlled substance or keeping or selling controlled substances 0-5 yrs, or $0-$25,000, or both.</td>
</tr>
<tr>
<td>16-13-43 Unauthorized distribution of controlled substance in violation of prescription requirements 0-8 yrs, or $0-$50,000, or both</td>
</tr>
</tbody>
</table>
The controlled substances listed in this Code section are included in Schedule I:

(1) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, pursuant to this article, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (A) Acetylmethadol;
- (B) Allylprodine;
- (C) Reserved;
- (D) Alphameprodine;
- (E) Alphamethadol;
- (F) Benzethidine;
- (G) Betacetylmethadol;
- (H) Betameprodine;
- (I) Betamethadol;
- (J) Betaprodine;
- (K) Clonitazene;
- (L) Dextromoramide;
- (M) Dextromorphan;
- (N) Diamapromide;
- (O) Diethylthiambutene;
- (P) Dimenoxadol;
- (Q) Dimethoetanlon;
- (R) Dimethylthiambutene;
- (S) Dioxaphetyl butyrate;
- (T) Dipipanone;
- (U) Ethylmethylthiambutene;
- (V) Etonitazene;
- (W) Etoxeridene;
- (X) Furethidine;
- (Y) Hydroxypropethidine;
- (Z) Ketobemidone;
- (AA) Levomoramide;
- (BB) Levophenacylmorphan;
- (CC) Morphoridine;
- (DD) Noracymethadol;
- (EE) Norlevorphanol;
- (FF) Normethadone;
- (GG) Norpipanone;
- (HH) Phenadoxone;
- (II) Phenampromide;
- (JJ) Phenomorphorphan;
- (KK) Phenoperidine;
- (LL) Piritramide;
- (MM) Proheptazine;
- (NN) Properidine;
- (OO) Propiram;
- (PP) Racemoramide;
- (QQ) Trimeperidine;
Georgia Drug Statutes

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

- (A) Acetorphine;
- (B) Acetyldihydrocodeine;
- (C) Benzylmorphine;
- (D) Codeine methylbromide;
- (E) Codeine-N-Oxide;
- (F) Cyprenorphine;
- (G) Desomorphine;
- (H) Dihydromorphine;
- (I) Etorphine;
- (J) Heroin;
- (K) Hydromorphinol;
- (L) Methyldesorphine;
- (M) Methylidihydromorphine;
- (N) Morphine methylbromide;
- (O) Morphine methylsulfonate;
- (P) Morphine-N-Oxide;
- (Q) Myrophine;
- (R) Nicocodeine;
- (S) Nicomorphine;
- (T) Normorphine;
- (U) Pholcodine;
- (V) Thebacon;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers (whether optical, position, or geometrics), and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (A) 3, 4-methylenedioxyamphetamine;
- (B) 5-methoxy-3, 4-methylenedioxyamphetamine;
- (C) 3, 4, 5-trimethoxyamphetamine;
- (D) Bufotenine;
- (E) Diethyltryptamine;
- (F) Dimethyltryptamine;
- (G) 4-methyl-2, 5-dimethoxyamphetamine;
- (H) Iboagaine;
- (I) Lysergic acid diethylamide;
- (J) Mescaline;
- (K) Peyote;
- (L) N-ethyl-3-piperidyl benzilate;
- (M) N-methyl-3-piperidyl benzilate;
- (N) Psilocybin;
- (O) Psilocyn (Psilocin);
- (P) Tetrahydrocannabinols which shall include, but are not limited to:
  - (i) All synthetic or naturally produced samples containing more than 15 percent by weight of tetrahydrocannabinols; and
(ii) All synthetic or naturally produced
tetrahydrocannabinol samples which do not contain plant material
exhibiting the external morphological features of the plant cannabis;

- (Q) 2, 5-dimethoxyamphetamine;
- (R) 4-bromo-2, 5-dimethoxyamphetamine;
- (S) 4-methoxyamphetamine;
- (T) Cyanoethylamphetamine;
- (U) (1-phenylcyclohexyl) ethylamine;
- (V) 1-(1-phenylcyclohexyl) pyrrolidine;
- (W) Phencyclidine;
- (X) 1-piperidinocyclohexanecarbonitrile;
- (Y) 1-phenyl-2-propanone (phenylacetone);
- (Z) 3, 4-Methylenedioxymethamphetamine (MDMA);
- (AA) 1-methyl-4-phenyl-4-propionoxypiperidine;
- (BB) 1-(2-phenylethyl)-4-phenyl-4-acetyloxyprideridine;
- (CC) 3-methylfentanyl;
- (DD) N-ethyl-3, 4-methylenedioxymethamphetamine;
- (EE) Para-flurofentanyl;
- (FF) 2,5-Dimethoxy-4-Ethylamphetamine;
- (GG) Cathinone;
- (HH) Reserved;
- (II) PEPAP (1-(2-phenethyl)-4 phenyl-4-acetoxyprideridine);
- (JJ) Alpha-Methylthiofentanyl;
- (KK) Acetyl-Alpha-Methylfentanyl;
- (LL) 3-Methylthiofentanyl;
- (MM) Beta-Hydroxyfentanyl;
- (NN) Thiofentanyl;
- (OO) 3,4-Methylenedioxy-N-Ethylamphetamine;
- (PP) 4-Methyaminorex;
- (QQ) N-Hydroxy-3,4-Methylenedioxymethamphetamine;
- (RR) Beta-Hydroxy-3-Methylfentanyl;
- (SS) Chlorophenylpiperazine (CPP);
- (TT) N, N-Dimethylamphetamine;
- (UU) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine;
- (VV) 4-Bromo-2,5-Dimethoxyphenethylamine (DMPE);
- (WW) Alpha-Ethyltryptamine;
- (XX) Methcathinone;
- (YY) Aminorex;
- (ZZ) 4-iodo-2,5-dimethoxyamphetamine;
- (AAA) 4-chloro-2,5-dimethoxyamphetamine;
- (BBB) 3,4-Methylenedioxypyrovalerone (MDPV);
- (CCC) 4-Methylmethcathinone (Mephedrone);
- (DDD) 3,4-Methylenedioxymethcathinone (Methylone);
- (EEE) 4-Methoxymethcathinone;
- (FFF) 4-Fluoromethcathinone;
- (GGG) Fluorophenylpiperazine (FPP);
- (HHH) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
- (III) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
- (JJJ) 4-iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-
  benzeneethanam ine (251-NBOMe);
- (KKK) 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-
  benzeneethan amine (25C-NBOMe);
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- (LLL) 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (25B-NBOMe);
- (MMM) N,N-Diallyl-5-Methoxytryptamine (5-MeO-DALT);

(4) Any material, compound, mixture, or preparation which contains any of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:
- (A) Fenethylline;
- (B) N-(1-benzyl-4-piperidyl)-N-phenylpropanamide (benzylfentanyl);
- (C) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl);

(5) Any material, compound, mixture, or preparation which contains any quantity of the following substances, their salts, isomers (whether optical, position, or geometrics), and salts of isomers, unless specifically excepted, whenever the existence of these substances, their salts, isomers, and salts of isomers is possible within the specific chemical designation:
- (A) Gamma hydroxybutyric acid (gamma hydroxy butyrate);
  provided, however, that this does not include any amount naturally and normally occurring in the human body; and
- (B) Sodium oxybate, when the FDA approved form of this drug is not:
  (i) In a container labeled in compliance with subsection (a) or (b) of Section 26-3-8; and
- (ii) In the possession of:
  (I) A registrant permitted to dispense the drug;
  (II) Any person other than to whom the drug was prescribed; or
  (III) Any person who attempts to or does unlawfully possess, sell, distribute, or give this drug to any other person;

(6) Notwithstanding the fact that Schedule I substances have no currently accepted medical use, the General Assembly recognizes certain of these substances which are currently accepted for certain limited medical uses in treatment in the United States but have a high potential for abuse. Accordingly, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of methaqualone, including its salts, isomers, optical isomers, salts of their isomers, and salts of these optical isomers, is included in Schedule I;
- (7) 2,5-Dimethoxy-4-(N)-propylthiophenethylamine (2C-T-7);
- (8) 1-(3-Trifluoromethylphenyl) Piperazine (TFMPP);
- (9) N-Benzylpiperazine (BZP);
- (10) 5-Methoxy-N,N-Diisopropyltryptamine (5-MeO-DIPT);
- (11) Alpha-Methyltryptamine (AMT);
- (12) Any of the following compounds, derivatives, their salts, isomers, or salts of isomers, halogen analogues, or homologues, unless specifically utilized as part of the manufacturing process by a commercial industry of a substance or material not intended for human ingestion or consumption, as a prescription administered under medical supervision, or research at a recognized institution, whenever the existence of these salts, isomers, or salts of isomers, halogen analogues, or homologues is possible within the specific chemical designation:
(A) Naphthoylindoles;
(B) Naphthylmethylindoles;
(C) Naphthoylpyrroles;
(D) Naphthylideneindenones;
(E) Phenylacetylindoles;
(F) Cyclohexylphenols;
(G) Benzoylindoles;
(H) Tricyclic benzopyrans;
(I) Adamantoylindoles;
(J) Indazole amides;
(K) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone (WIN 55,212-2);
(L) Any compound, unless specifically excepted or listed in this or another schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:
   (i) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substitutions, whether or not further substituted in the ring system;
   (ii) By substitution at the 3-position with an acyclic alkyl substitution; or
   (iii) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure;
   (L.1) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
   (M) (1-Pentylinidol-3-yl)-(2,2,3,3-tetramethylcyclopropyl) methanone (UR-144);
   (N) [1-(5-fluoropentyl)indole-3yl]-(2,2,3,3-tetramethylcyclopropyl) methanone (XLR11);
   (O) [1,1’-biphenyl]-3-yl-carbamic acid, cyclohexyl ester (URB602);
   (P) [1-(2-morpholin-4-ylethyl)-1H-indol-3-yl]-(2,2,3,3-tetramethylcyclopropyl) methanone (A-796,260);
   (Q) [3-(3-carbamoylphenylphenyl] N-cyclohexylcarbamate (URB597);
   (R) 6-methyl-2-[(4-methylphenylamino)-1-benzoxazin-4-one (URB754);
   (S) 1-pentyl-3-(1-adamantylamido)indole (2NE1);
   (T) 1-(5-fluoropentyl)-N-tricyclo[3.31.13,7]dec-1-yl-1H-indole-3-carboxamide (STS-135); or
   (U) 1-naphthalenyl[4-(pentylox)-1-naphthalenyl]-methanone (CB-13).

§ 16-13-26. Schedule II

The controlled substances listed in this Code section are included in Schedule II:

(1) Any of the following substances, or salts thereof, except those narcotic drugs specifically exempted or listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by extraction from substances of
vegetable origin, or independently by means of chemical synthesis, or by combination of
extraction and chemical synthesis:

(A) Opium and opiate, and any salt, compound, derivative, or preparation of
opium or opiate, excluding naloxone hydrochloride, but including the following:

- (i) Raw opium;
- (ii) Opium extracts;
- (iii) Opium fluid extracts;
- (iv) Powdered opium;
- (v) Granulated opium;
- (vi) Tincture of opium;
- (vii) Codeine;
- (viii) Ethylmorphine;
- (ix) Hydrocodone;
- (x) Hydromorphone;
- (xi) Metopon;
- (xii) Morphine;
- (xiii) Oripavine;
- (xiv) Oxycodone;
- (xv) Oxymorphone;
- (xvi) Thebaine;

(B) Any salt, compound, isomer, derivative, or preparation thereof which is
chemically equivalent or identical with any of the substances referred to in subparagraph (A)
of this paragraph, except that these substances shall not include the isoquinoline alkaloids of
opium;

(C) Opium poppy and poppy straw;

(D) Cocaine, coca leaves, any salt, compound, derivative, stereoisomers of
cocaine, or preparation of coca leaves, and any salt, compound, derivative, stereoisomers of
cocaine, or preparation thereof which is chemically equivalent or identical with any of these
substances, but not including decocainized coca leaves or extractions which do not contain
cocaine or ecgonine;

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of
isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within the
specific chemical designation:

(A) Alfentanil;
(A.1) Alphaprodine;
(B) Anileridine;
(C) Bezitramide;
(D) Dihydrocodeine;
(E) Diphenoxylate;
(F) Fentanyl;
(G) Isomethadone;
(G.5) Levo-alphacetylmethadol (some other names: levomethadyl acetate,
LAAM);
(H) Levomethorphan;
(I) Levorphanol;
(J) Methazocine;
(K) Methadone;
(L) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-di-
diphenyl butane;
(M) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-
propane-carboxylic acid;
(N) Pethidine (meperidine);
(O) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpi-
deridine;
(P) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
(Q) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
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- (R) Phenazocine;
- (S) Piminodine;
- (T) Racemethorphan;
- (U) Racemorphan;
- (U.1) Remifentanil;
- (V) Sufentanil;
- (V.1) Tapentadol;
- (W) 4-anilino-N-phenethyl-4-piperidine (ANPP);

(3) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances included as having a stimulant effect on the central nervous system:

- (A) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (B) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;
- (C) Phenmetrazine and its salts;
- (D) Methylphenidate, including its salts, isomers, and salts of isomers;
- (E) Carfentanil;
- (F) Nabilone;
- (G) Lisdexamfetamine;

(4) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any of the following substances included as 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:

- (A) Amobarbital;
- (A.5) Glutethimide;
- (B) Secobarbital;
- (C) Pentobarbital.

§ 16-13-27. Schedule III

The controlled substances listed in this Code section are included in Schedule III:

(1) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, included as having a stimulant effect on the central nervous system, 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 within the specific chemical designation:

- (A) Those compounds, mixtures, or preparations in dosage unit forms containing any stimulant substances which are listed as excepted compounds by the State Board of Pharmacy pursuant to this article, and any other drug of quantitative composition so excepted or which is the same except that it contains a lesser quantity of controlled substances;
- (B) Benzphetamine;
- (C) Chlorphentermine;
- (D) Clortermine;
- (E) Phendimetrazine;

(2) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances included as having a depressant effect on the central nervous system:
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- **(A)** Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salts thereof and one or more active medicinal ingredients which are not listed in any schedule;
- **(B)** Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the State Board of Pharmacy for marketing only as a suppository;
- **(C)** Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof;
- **(D)** Chlorhexadol;
- **(E)** Reserved;
- **(F)** Lysergic acid;
- **(G)** Lysergic acid amide;
- **(H)** Methyprylon;
- **(I)** Sulfonideethylmethane;
- **(J)** Sulfonemethylmethane;
- **(K)** Sulfonmethane;
- **(L)** Tiletamine/Zolazepam (Telazol);

- **(3)** Nalorphine;
- **(4)** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of the following narcotic drugs, or any salts thereof:
  - **(A)** Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
  - **(B)** Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
  - **(C)** Not more than 300 milligrams of dihydrocodeinone (hydrocodone), or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;
  - **(D)** Not more than 300 milligrams of dihydrocodeinone (hydrocodone), or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
  - **(E)** Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
  - **(F)** Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
  - **(G)** 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;
  - **(H)** Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
(5) The State Board of Pharmacy may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in paragraphs (1) and (2) of this Code section from the application of all or any part of this article if the compound, mixture, or preparation contains one or more active, medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system;

(6) Any anabolic steroid or any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth. Such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for such administration:

- (A) Boldenone;
- (A.5) Boldione (Androsta-1,4-diene-3,17-dione);
- (B) Chlorotestosterone;
- (C) Clostebol;
- (D) Dehydrochlormethyltestosterone;
- (D.1) Desoxymethyltestosterone (17a-methyl-5a-androst-2-en-17-ol, madol);
- (E) Dihydrotestosterone;
- (F) Drostanolone;
- (G) Ethylestrenol;
- (H) Fluoxymesterone;
- (I) Formebolone;
- (J) Mesterolone;
- (K) Methandienone;
- (L) Methandranone;
- (M) Methandriol;
- (N) Methandrostenolone;
- (N.5) Methasterone;
- (O) Methenolone;
- (P) Methyltestosterone;
- (Q) Mibolerone;
- (R) Nandrolone;
- (S) Norethandrolone;
- (T) Oxandrolone;
- (U) Oxymesterone;
- (V) Oxymetholone;
- (V.5) Prostanozol;
- (W) Stanolone;
- (X) Stanozolol;
- (Y) Testolactone;
- (Z) Testosterone;
- (AA) Trenbolone;
- (BB) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);

(7) Ketamine;

(8) Dronabinol (synthetic) in sesame oil and encapsulated in a U.S. Food and Drug Administration approved drug product also known as Marinol;
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- **(9)** Sodium oxybate, when the FDA approved form of this drug is in a container labeled in compliance with subsection (a) or (b) of Section 26-3-8, in the possession of a registrant permitted to dispense the drug, or in the possession of a person to whom it has been lawfully prescribed;
- **(10)** Buprenorphine;
- **(11)** Embutramide;
- **(12)** Any drug product in hard or soft gelatin capsule form containing natural dronabinol (derived from the cannabis plant) or synthetic dronabinol (produced from synthetic materials) in sesame oil, for which an abbreviated new drug application (ANDA) has been approved by the FDA under section 505(j) of the Federal Food, Drug, and Cosmetic Act (U.S.C. 355(j)) which references as its listed drug the drug product referred to in paragraph (8) of this Code section.

§ 16-13-27.1. Exempt anabolic steroids

The following anabolic steroid containing compounds, mixtures, or preparations have been exempted as Schedule III Controlled Substances by the United States Drug Enforcement Administration, as listed in C.F.R. 1308.34, and are therefore exempted from paragraph (6) of Section 16-13-27:

**TABLE OF EXEMPT ANABOLIC STEROID PRODUCTS**

<table>
<thead>
<tr>
<th>Trade Name</th>
<th>Company</th>
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</thead>
<tbody>
<tr>
<td>Androgen LA</td>
<td>Forest Pharmaceuticals</td>
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<tr>
<td></td>
<td>St. Louis, MO</td>
</tr>
<tr>
<td>Andro-Estro 90-4</td>
<td>Rugby Labs</td>
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<td>Rockville Centre, NY</td>
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<td>depANDROGYN</td>
<td>Forest Pharmaceuticals</td>
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<td>Duomone</td>
<td>Winitec Pharm</td>
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<td>DURATESTRIN</td>
<td>W. E. Hauck</td>
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<td></td>
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<tr>
<td>DUO-SPAN II</td>
<td>Premedics Labs</td>
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<td></td>
<td>Gardena, CA</td>
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<tr>
<td>Estratest</td>
<td>Solvay Pharmaceuticals</td>
</tr>
<tr>
<td></td>
<td>Marietta, GA</td>
</tr>
</tbody>
</table>

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Estratest HS                                Solvay Pharmaceuticals
Marietta, GA

PAN ESTRA TEST                                Pan American Labs
Covington, LA

Premarin 1.25mg with Methyltestosterone    Ayerst Labs, Inc.
New York, NY

Premarin 0.625mg with Methyltestosterone    Ayerst Labs, Inc.
New York, NY

TEST-ESTRO Cypionates                        Rugby Labs
Rockville Centre, NY

Testosterone Cyp 50                          I.D.E. Interstate
Estradiol Cyp 2                               Amityville, NY

Testosterone Cypionate-Estradiol Cypionate Injection Best Generics
N. Miami Beach, FL

Testosterone Cypionate-Estradiol Cypionate Injection Schein Pharm
Port Washington, NY

Testosterone Cypionate-Estradiol Cypionate Injection Steris Labs, Inc.
Phoenix, AZ

Testosterone Cypionate-Estradiol Valerate Injection Schein Pharm
Port Washington, NY

Testosterone Enanthate-Estradiol Valerate Injection Steris Labs, Inc.
Phoenix, AZ

§ 16-13-28. Schedule IV

(a) The controlled substances listed in this Code section are included in Schedule IV. 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 specified chemical designation, included as having a stimulant or depressant effect on the central nervous system or a hallucinogenic effect:

- (1) Alprazolam;
- (1.5) Armodafinil;
- (2) Barbital;
- (2.1) Bromazepam;
- (2.15) Butorphanol;
- (2.2) Camazepam;
(2.25) Carisoprodol;
(2.3) Cathine;
(3) Chloral betaine;
(4) Chloral hydrate;
(5) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and clidinium bromide) or menrium (chlordiazepoxide and water soluble esterified estrogens);
(5.1) Clobazam;
(6) Clonazepam;
(7) Clorazepate;
(7.1) Clotiazepam;
(7.2) Cloxazolam;
(7.3) Delorazepam;
(8) Desmethyldiazepam;
(8.5) Dexe...
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- (27) Petrichloral;
- (28) Phenobarbital;
- (29) Phentermine;
- (29.1) Pipradrol;
- (30) Prazepam;
- (30.03) Propofol;
- (30.05) Propoxyphene (including all salts and optical isomers);
- (30.1) Quazepam;
- (30.2) Sibutramine;
- (30.3) SPA (-)-1-dimethylamino-1, 2-diphenylethane;
- (31) Temazepam;
- (32) Triazolam;
- (32.5) Zaleplon;
- (33) Zolpidem;
- (34) Zopiclone.

- (b) The State Board of Pharmacy may except by rule any compound, mixture, or preparation containing any depressant, stimulant, or hallucinogenic substance listed in subsection (a) of this Code section from the application of all or any part of this article if the compound, mixture, or preparation contains one or more active, medicinal ingredients not having a depressant or stimulant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant or stimulant effect on the central nervous system.

§ 16-13-29. Schedule V

- (1) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or salts thereof, which also contains 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 the narcotic drug alone:
  - (A) Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;
  - (B) Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams;
  - (C) Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;
  - (D) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;
  - (E) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;
- (2) Lacosamide;
- (3) Pregabalin;
- (4) Pyrovalerone;
- (5) Pseudoephedrine as an exempt over-the-counter (OTC) Schedule V controlled substance distributed in the same manner as set forth in Section 16-13-29.2; provided, however, that such exemption shall take effect immediately and shall not require rulemaking by the State Board of Pharmacy; provided, further, that wholesale drug distributors located within
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this state and licensed by the State Board of Pharmacy and which are registered and regulated by the U.S. Drug Enforcement Administration (DEA) shall not be subject to any board requirements for controlled substances for the storage, reporting, recordkeeping, or physical security of drug products containing pseudoephedrine which are more stringent than those included in DEA regulations; or

- (6) Ezogabine.

§ 16-13-29.1. Nonnarcotic substances excluded from schedules of controlled substances

The following nonnarcotic substances which may, under the Federal Food, Drug, and Cosmetic Act (U.S.C. 301), be lawfully sold over the counter without a prescription, are excluded from all schedules of controlled substances under this article:

<table>
<thead>
<tr>
<th>Trade name or designation (Dosage form)</th>
<th>Composition/Potency</th>
<th>Manufacturer or distributor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amodrine (Tablet)</td>
<td>Phenobarbital/8.00 mg; Aminophylline/100.00 mg; Racephedrine/25.00 mg</td>
<td>Searle, G.D. &amp; Co.</td>
</tr>
<tr>
<td>Amodrine E C (Enteric-coated tablet)</td>
<td>Phenobarbital/8.00 mg; Aminophylline/100.00 mg; Racephedrine/25.00 mg</td>
<td>Searle, G.D. &amp; Co.</td>
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<tr>
<td>Anodyne (Ointment)</td>
<td>Chlortal hydrate/0.69 g/30 g</td>
<td>Zemmer Co.</td>
</tr>
<tr>
<td>Anti-Asthma (Tablet)</td>
<td>Phenobarbital/8.00 mg; Theophylline/130.00 mg; Ephedrine hydrochloride/25.00 mg</td>
<td>Ormont Drug &amp; Chem.</td>
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<tr>
<td>Anti-asthmatic (Tablet)</td>
<td>Phenobarbital/8.10 mg; Ephedrine hydrochloride/24.00 mg; Theophylline/130.00 mg</td>
<td>Zenith Labs., Inc.</td>
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<tr>
<td>Asma-Ese (Tablet)</td>
<td>Phenobarbital/8.10 mg; Theophylline/129.60 mg; Ephedrine hydrochloride/24.30 mg</td>
<td>Parmed Pharm.</td>
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<td>Asma-Lief (Tablet)</td>
<td>Phenobarbital/8.10 mg; Ephedrine hydrochloride/24.30 mg; Theophylline/129.60 mg</td>
<td>Columbia Medical Co.</td>
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<tr>
<td>Asma-Lief Pediatric</td>
<td>Phenobarbital/4.00 mg/05 ml; Ephedrine hydrochloride/</td>
<td>Columbia Medical Co.</td>
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</table>
(Suspension) 12.00 mg/05 ml; Theophylline/65.00 mg/05 ml

Asma Tuss Phenobarbital/4.00 mg/05 ml; Glyceryl guaiacolate/50.00 mg/05 ml; Chlorpheniramine maleate/1.00 mg/05 ml; Ephedrine sulfate/12.00 mg/05 ml; Theophylline/15.00 mg/05 ml

Azma-Aid Phenobarbital/8.00 mg; Theophylline/129.60 mg

Azmadrine Phenobarbital/8.00 mg; Ephedrine hydrochloride/24.00 mg; Theophylline/130.00 mg

Benzedrex Propylhexedrine

Bet-U-Lol Chloral hydrate/0.54 g/30 ml; Methyl salicylate/30.10 g/30 ml; Menthol/0.69 g/30 ml

Bronkotabs Phenobarbital/8.00 mg; Theophylline/100.00 mg; Glyceryl guaiacolate/100.00 mg; Ephedrine sulfate/24.00 mg

Bronkotabs-Hafs Phenobarbital/4.00 mg; Glyceryl guaiacolate/50.00 mg; Theophylline/50.00 mg; Ephedrine sulfate/12.00 mg

Ceepa Phenobarbital/8.00 mg; Theophylline/130.00 mg; Ephedrine hydrochloride/24.00 mg

Chlorasal Chloral hydrate/648.00

Halsey Drug Co.

Rondex Labs.

U.S. Ethicals.

Smith Kline Consumer Products.

Huxley Pharm.

Breon Labs.

Breon Labs.

Breon Labs.

Geneva Drugs.

Wisconsin
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<tr>
<th>Product Name</th>
<th>Active Ingredients</th>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Ointment)</td>
<td>mg/30 g; Menthol/972.00 mg/30 g; Methyl salicylate/4.277 g/30 g</td>
<td>Pharmacal.</td>
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<tr>
<td>Choate's Leg</td>
<td>Chloral hydrate/7.40 g/30 ml; Ether/10.3 ml/30 ml; Menthol/6.3 g/30 ml; Camphor/8.7 g/30 ml</td>
<td>Bickmore, Inc.</td>
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<tr>
<td>Freeze (Liquid)</td>
<td>Chloral hydrate/648.00 mg/30 g; Methyl salicylate/6.66 g/30 g; Menthol/1.13 g/30 g</td>
<td>Kremers-Urban Co.</td>
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<tr>
<td>Chlorosalicylate</td>
<td>Chloral hydrate/0.45 g/30 g; Menthol/0.45 g/30 g; Methyl salicylate/3.60 g/30 g; Camphor/0.45 g/30 g</td>
<td>Blue Line Chem Co.</td>
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<tr>
<td>Menthalgesic</td>
<td>Chloral hydrate/0.45 g/30 g; Menthol/0.45 g/30 g; Methyl salicylate/3.60 g/30 g; Camphor/0.45 g/30 g</td>
<td>Blue Line Chem Co.</td>
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<tr>
<td>Neoasma (Tablet)</td>
<td>Phenobarbital/10.00 mg; Theophylline/130.00 mg; Ephedrine hydrochloride/24.00 mg</td>
<td>Tarmac Products.</td>
</tr>
<tr>
<td>P.E.C.T. (Tablet)</td>
<td>Phenobarbital/8.10 mg; Chlorpheniramine maleate/2.00 mg; Ephedrine sulfate/24.30 mg; Theophylline/129.60 mg</td>
<td>Halsom Drug Co.</td>
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<tr>
<td>Primatene (Tablet)</td>
<td>Phenobarbital/8.00 mg; Ephedrine hydrochloride/24.00 mg; Theophylline/130.00 mg</td>
<td>Whitehall Labs.</td>
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<tr>
<td>Rynal (Spray)</td>
<td>d1-methamphetamine hydrochloride/0.11 g/50 ml; Antipyrine/0.14 g/50 ml; Pyriamine maleate/0.005 g/50 ml; Hyamine 2389/0.01 g/50 ml</td>
<td>Blaine Co.</td>
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<tr>
<td>S-K Asthma (Tablet)</td>
<td>Phenobarbital/8.00 mg; Ephedrine hydrochloride/24.30 mg; Theophylline/129.60 mg</td>
<td>S-K Research Labs.</td>
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<tr>
<td>Tedral (Tablet)</td>
<td>Phenobarbital/8.00 mg; Theophylline/130.00 mg; Ephedrine hydrochloride/24.00 mg</td>
<td>Warner-Chilcott.</td>
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<tr>
<td>Tedral</td>
<td>Phenobarbital/8.00 mg; Theophylline/130.00 mg; Ephedrine hydrochloride/24.00 mg</td>
<td>Warner-Chilcott.</td>
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</table>
## Georgia Drug Statutes

<table>
<thead>
<tr>
<th>Drug</th>
<th>Composition</th>
<th>Manufacturer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anti H (Tablet)</td>
<td>Chlorpheniramine maleate/2.00 mg; Theophylline/130.00 mg; Ephedrine hydrochloride/24.00 mg</td>
<td>Chilcott.</td>
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<tr>
<td>Tedral</td>
<td>Phenobarbital/8.00 mg; Theophylline/130.00 mg; Ephedrine hydrochloride/24.00 mg</td>
<td>Parke-Davis &amp; Co.</td>
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<tr>
<td>Antiasthmatic (Tablet)</td>
<td>Phenobarbital/8.00 mg; Theophylline/130.00 mg; Ephedrine hydrochloride/24.00 mg</td>
<td>Parke-Davis &amp; Co.</td>
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<td>Tedral Elixir (Elixir)</td>
<td>Phenobarbital/2.00 mg/05 ml; Ephedrine hydrochloride/6.00 mg/05 ml; Theophylline/32.50 mg/05 ml</td>
<td>Warner-Chilcott.</td>
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<td>Tedral Pediatric (Suspension)</td>
<td>Phenobarbital/4.00 mg/05 ml; Ephedrine hydrochloride/12.00 mg/05 ml; Theophylline/65.00 mg/05 ml</td>
<td>Warner-Chilcott.</td>
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<tr>
<td>Teephen (Tablet)</td>
<td>Phenobarbital/8.00 mg; Ephedrine hydrochloride/24.00 mg; Theophylline/130.00 mg</td>
<td>Robinson Labs.</td>
</tr>
<tr>
<td>Teephen Pediatric (Suspension)</td>
<td>Phenobarbital/4.00 mg/05 ml; Ephedrine hydrochloride/12.00 mg/05 ml; Theophylline anhydrous/65.00 mg/05 ml</td>
<td>Robinson Labs.</td>
</tr>
<tr>
<td>TEP (Tablet)</td>
<td>Phenobarbital/8.00 mg; Theophylline/130.00 mg; Ephedrine hydrochloride/24.00 mg</td>
<td>Towne, Paulsen &amp; Co., Inc.</td>
</tr>
<tr>
<td>T.E.P. Compound (Tablet)</td>
<td>Phenobarbital/8.10 mg; Theophylline/129.60 mg; Ephedrine hydrochloride/24.30 mg</td>
<td>Stanlabs, Inc.</td>
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<tr>
<td>Thedrizem (Tablet)</td>
<td>Phenobarbital/8.00 mg; Ephedrine hydrochloride/25.00 mg; Theophylline/100.00 mg</td>
<td>Zemmer Co.</td>
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<td>Theobal (Tablet)</td>
<td>Phenobarbital/8.00 mg; Ephedrine hydrochloride/24.00 mg; Theophylline/130.00 mg</td>
<td>Halsey Drug Co.</td>
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<tr>
<td>Val-Tep (Tablet)</td>
<td>Phenobarbital/8.00 mg; Ephedrine hydrochloride/</td>
<td>Vale Chemical Co.</td>
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</tbody>
</table>
24.00 mg; Theophylline/
130.00 mg

Verequad           Phenobarbital/4.00 mg/05 ml;            Knoll
(Suspension)       Ephedrine hydrochloride/               Pharm.
12.00 mg/05 ml;
Theophylline calcium
salicylate/65.00 mg/05 ml;
Glyceryl guaiacolate/
50.00 mg/05 ml

Verequad           Phenobarbital/8.00 mg;                   Knoll
(Tablet)           Ephedrine hydrochloride/               Pharm.
24.00 mg; Glyceryl
guaiacolate/100.00 mg;
Theophylline calcium
salicylate/130.00 mg

Vicks Inhaler      1-Desoxyephedrine/113.00 mg              Vick Chemical
(Inhaler)                                                     Co.

§ 16-13-30. (Effective July 1, 2014. See note.) Purchase, possession,
manufacture, distribution, or sale of controlled substances or marijuana;
penalties

• (a) Except as authorized by this article, it is unlawful for any person to
 purchase, possess, or have under his or her control any controlled substance.

• (b) Except as authorized by this article, it is unlawful for any person to
 manufacture, deliver, distribute, dispense, administer, sell, or possess with intent
to distribute any controlled substance.

• (c) Except as otherwise provided, any person who violates subsection (a) of
this Code section with respect to a controlled substance in Schedule I or a
narcotic drug in Schedule II shall be guilty of a felony and, upon conviction
thereof, shall be punished as follows:
  o (1) If the aggregate weight, including any mixture, is less than one
  gram of a solid substance, less than one milliliter of a liquid substance, or if
  the substance is placed onto a secondary medium with a combined weight of
  less than one gram, by imprisonment for not less than one nor more than
  three years;
  o (2) If the aggregate weight, including any mixture, is at least one
  gram but less than four grams of a solid substance, at least one milliliter but
  less than four milliliters of a liquid substance, or if the substance is placed
  onto a secondary medium with a combined weight of at least one gram but
  less than four grams, by imprisonment for not less than one nor more than
  eight years; and
  o (3) (A) Except as provided in subparagraph (B) of this paragraph,
  if the aggregate weight, including any mixture, is at least four grams but
  less than 28 grams of a solid substance, at least four milliliters but less
  than 28 milliliters of a liquid substance, or if the substance is placed onto
  a secondary medium with a combined weight of at least four grams but
  less than 28 grams, by imprisonment for not less than one nor more than
  15 years.
• **(B)** This paragraph shall not apply to morphine, heroin, or opium or any salt, isomer, or salt of an isomer; rather, the provisions of [Section 16-13-31](#) shall control these substances.

• **(d)** Except as otherwise provided, any person who violates subsection (b) of this Code section with respect to a controlled substance in Schedule I or Schedule II shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than five years nor more than 30 years. Upon conviction of a second or subsequent offense, he or she shall be imprisoned for not less than ten years nor more than 40 years or life imprisonment. The provisions of subsection (a) of [Section 17-10-7](#) shall not apply to a sentence imposed for a second such offense; provided, however, that the remaining provisions of [Section 17-10-7](#) shall apply for any subsequent offense.

• **(e)** Any person who violates subsection (a) of this Code section with respect to a controlled substance in Schedule II, other than a narcotic drug, shall be guilty of a felony and, upon conviction thereof, shall be punished as follows:
  o **(1)** If the aggregate weight, including any mixture, is less than two grams of a solid substance, less than two milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of less than two grams, by imprisonment for not less than one nor more than three years;
  o **(2)** If the aggregate weight, including any mixture, is at least two grams but less than four grams of a solid substance, at least two milliliters but less than four milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of at least two grams but less than four grams, by imprisonment for not less than one nor more than eight years; and
  o **(3)** If the aggregate weight, including any mixture, is at least four grams but less than 28 grams of a solid substance, at least four milliliters but less than 28 milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of at least four grams but less than 28 grams, by imprisonment for not less than one nor more than 15 years.

• **(f)** Upon a third or subsequent conviction for a violation of subsection (a) of this Code section with respect to a controlled substance in Schedule I or II or subsection (i) of this Code section, such person shall be punished by imprisonment for a term not to exceed twice the length of the sentence applicable to the particular crime.

• **(g)** Except as provided in subsection (i) of this Code section, any person who violates subsection (a) of this Code section with respect to a controlled substance in Schedule III, IV, or V shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than three years. Upon conviction of a third or subsequent offense, he or she shall be imprisoned for not less than one year nor more than five years.

• **(h)** Any person who violates subsection (b) of this Code section with respect to a controlled substance in Schedule III, IV, or V shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years.

• **(i)**
  o **(1)** Except as authorized by this article, it is unlawful for any person to possess or have under his or her control a counterfeit substance. Any person who violates this paragraph shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than two years.
(2) Except as authorized by this article, it is unlawful for any person
to manufacture, deliver, distribute, dispense, administer, purchase, sell, or
possess with intent to distribute a counterfeit substance. Any person who
violates this paragraph shall be guilty of a felony and, upon conviction
thereof, shall be punished by imprisonment for not less than one year nor
more than ten years.

•  
  (j)
  
  (1) It shall be unlawful for any person to possess, have under his or
  her control, manufacture, deliver, distribute, dispense, administer, purchase,
sell, or possess with intent to distribute marijuana.

  (2) Except as otherwise provided in subsection (c) of Section 16-13-
  31 or in Section 16-13-2, any person who violates this subsection shall be
guilty of a felony and, upon conviction thereof, shall be punished by
imprisonment for not less than one year nor more than ten years.

•  
  (k) It shall be unlawful for any person to hire, solicit, engage, or use an
individual under the age of 17 years, in any manner, for the purpose of
manufacturing, distributing, or dispensing, on behalf of the solicitor, any
controlled substance, counterfeit substance, or marijuana unless the
manufacturing, distribution, or dispensing is otherwise allowed by law. Any
person who violates this subsection shall be guilty of a felony and, upon
conviction thereof, shall be punished by imprisonment for not less than five
years nor more than 20 years or by a fine not to exceed $20,000.00, or both.

•  
  (l)  
  (1) Any person who violates subsection (a) of this Code section with
respect to flunitrazepam, a Schedule IV controlled substance, shall be guilty of a
felony and, upon conviction thereof, shall be punished as follows:

  (A) If the aggregate weight, including any mixture, is less than two
grams of a solid substance of flunitrazepam, less than two milliliters of liquid
flunitrazepam, or if flunitrazepam is placed onto a secondary medium with a
combined weight of less than two grams, by imprisonment for not less than
one nor more than three years;

  (B) If the aggregate weight, including any mixture, is at least two
grams but less than four grams of a solid substance of flunitrazepam, at least
two milliliters but less than four milliliters of liquid flunitrazepam, or if the
flunitrazepam is placed onto a secondary medium with a combined weight of
at least two grams but less than four grams, by imprisonment for not less than
one nor more than eight years; and

  (C) If the aggregate weight, including any mixture, is at least four
grams of a solid substance of flunitrazepam, at least four milliliters of liquid
flunitrazepam, or if the flunitrazepam is placed onto a secondary medium with
a combined weight of at least four grams, by imprisonment for not less than
one nor more than 15 years.

•  
  (2) Any person who violates subsection (b) of this Code
section with respect to flunitrazepam, a Schedule IV controlled substance,
shall be guilty of a felony and, upon conviction thereof, shall be punished
by imprisonment for not less than five years nor more than 30 years.
Upon conviction of a second or subsequent offense, such person shall be
punished by imprisonment for not less than ten years nor more than 40
years or life imprisonment. The provisions of subsection (a) of Section
17-10-7 shall not apply to a sentence imposed for a second such offense,
but that subsection and the remaining provisions of Section 17-10-7 shall
apply for any subsequent offense.

•  
  (m) As used in this Code section, the term "solid substance" means tablets,
pills, capsules, caplets, or any variant of such items.
Notes

DELAYED EFFECTIVE DATE. --

This Code section, as set forth above, is effective July 1, 2014. For version of this Code section effective until that date, see the first version of this Code section.

§ 16-13-30.1. Unlawful manufacture, delivery, distribution, possession, or sale of noncontrolled substances

• (a) (1) It is unlawful for any person knowingly to manufacture, deliver, distribute, dispense, possess with the intent to distribute, or sell a noncontrolled substance upon either:
  o (A) The express or implied representation that the substance is a narcotic or nonnarcotic controlled substance;
  o (B) The express or implied representation that the substance is of such nature or appearance that the recipient of said delivery will be able to distribute said substance as a controlled substance; or
  o (C) The express or implied representation that the substance has essentially the same pharmacological action or effect as a controlled substance.

    (2) The definitions of the terms "deliver," "delivery," "distribute," "dispense," and "manufacture" provided in Section 16-13-21 shall not be applicable to this Code section; but such terms as used in this Code section shall have the meanings ascribed to them in the ordinary course of business.

• (b) An implied representation may be shown by proof of any two of the following:
  o (1) The manufacture, delivery, distribution, dispensing, or sale included an exchange or a demand for money or other valuable property as consideration for delivery of the substance and the amount of such consideration was substantially in excess of the reasonable value of the noncontrolled substance;
  o (2) The physical appearance of the finished product containing the substance is substantially identical to a specific controlled substance;
  o (3) The finished product bears an imprint, identifying mark, number, or device which is substantially identical to the trademark, identifying mark, imprint, number, or device of a manufacturer licensed by the Food and Drug Administration of the United States Department of Health and Human Services.

• (c) In any prosecution for unlawful manufacture, delivery, distribution, possession with intent to distribute, dispensing, or sale of a noncontrolled substance, it is no defense that the accused believed the noncontrolled substance to be actually a controlled business.

• (d) The provisions of this Code section shall not prohibit a duly licensed business establishment, acting in the usual course of business, from selling or for a practitioner, acting in the usual course of his professional practice, from dispensing a drug preparation manufactured by a manufacturer licensed by the Food and Drug Administration of the United States Department of Health and Human Services for over-the-counter sale which does not bear a label stating
"Federal law prohibits dispensing without a prescription" or similar language meaning that the drug preparation requires a prescription.

- **(e)** The unlawful manufacture, delivery, distribution, dispensing, possession with the intention to distribute, or sale of a noncontrolled substance in violation of this Code section is a felony and, upon conviction thereof, such person shall be punished by imprisonment for not less than one year nor more than ten years or by a fine not to exceed $25,000.00, or both.

- **(f)** All property which would be subject to forfeiture under the provisions of subsection (d) of Section 16-13-49 for a violation of this article which is used, or intended for use, to facilitate, or is derived from, a violation of this Code section and any noncontrolled substance which is manufactured, distributed, dispensed, possessed with the intent to distribute, or sold in violation of this Code section are declared to be contraband and there shall be no property interest therein. Any property or noncontrolled substance which is subject to the provisions of this subsection shall be forfeited in accordance with the procedures of Section 16-13-49.

### § 16-13-30.2. Unlawful manufacture, distribution, or possession with intent to distribute of imitation controlled substances

- **(a)** Any person who knowingly manufactures, distributes, or possesses with intent to distribute an imitation controlled substance as defined in paragraph (12.1) of Section 16-13-21 is guilty of a misdemeanor of a high and aggravated nature.

- **(b)** The provisions of this Code section are cumulative and shall not be construed as restricting any remedy, provisional or otherwise, provided by law for the benefit of any party.

- **(c)** No civil or criminal liability shall be imposed by virtue of this Code section on any person registered under this article who manufactures, distributes, or possesses an imitation controlled substance for use by a practitioner, as defined in paragraph (23) Section 16-13-21, in the course of lawful professional practice or research.

- **(d)** All materials which are manufactured, distributed, or possessed in violation of this Code section are declared to be contraband and shall be forfeited according to the procedure described in Section 16-13-49.

### § 16-13-30.3. Possession of substances containing ephedrine, pseudoephedrine, and phenylpropanolamine; restrictions on sales of products containing pseudoephedrine

- **(a)** As used in this Code section, the term:
  - (1) "Ephedrine," "pseudoephedrine," or "phenylpropanolamine" means any drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine, or any of their salts, isomers, or salts of isomers, alone or in a mixture.
  - (2) "Personal use" means the sale in a single transaction to an individual customer for a legitimate medical use of a product containing ephedrine, pseudoephedrine, or phenylpropanolamine in quantities at or below that specified in subsection (b) of this Code section, and includes the sale of those products to employers to be dispensed to employees from first-aid kits or medicine chests.
Georgia Drug Statutes

- (3) "Retail distributor" means a grocery store, general merchandise store, drugstore, convenience store, or other related entity, the activities of which involve the distribution of ephedrine, pseudoephedrine, or phenylpropanolamine products.

(b) (1) It is unlawful for any person, other than a person or entity described in paragraph (28), (29), or (33) of Section 26-4-5 or a retail distributor, to knowingly possess any product that contains ephedrine, pseudoephedrine, or phenylpropanolamine in an amount which exceeds 300 pills, tablets, gelcaps, capsules, or other individual units or more than 9 grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of these substances, whichever is smaller.

(b) (2) It shall be unlawful for any person to possess any amount of a substance set forth in this Code section with the intent to manufacture amphetamine or methamphetamine.

(b) (3) Any person who violates the provisions of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years.

(b.1) (1) Products whose sole active ingredient is pseudoephedrine may be offered for retail sale only if sold in blister packaging. Such products may not be offered for retail sale by self-service but only from behind a counter or other barrier so that such products are not directly accessible by the public but only by a retail store employee or agent.

(b.1) (2) No person shall deliver in any single over the counter sale more than three packages of any product containing pseudoephedrine as the sole active ingredient or in combination with other active ingredients or any number of packages that contain a combined total of more than nine grams of pseudoephedrine or its base, salts, optical isomers, or salts of its optical isomers.

(b.1) (3) It shall be unlawful for a retail distributor to purchase any product containing pseudoephedrine from any person or entity other than a manufacturer or a wholesale distributor licensed by the State Board of Pharmacy.

(b.1) (4) This subsection shall not apply to:

- (A) Pediatric products labeled pursuant to federal regulation as primarily intended for administration to children under 12 years of age according to label instructions; and

- (B) Products that the State Board of Pharmacy, upon application of a manufacturer, exempts because the product is formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine or its salts or precursors.

(b.1) (5) This subsection shall preempt all local ordinances or regulations governing the retail sale of over the counter products containing pseudoephedrine by a retail business except such local ordinances or regulations that existed on or before December 31, 2004. Effective January 1, 2006, this subsection shall preempt all local ordinances.

(b.1) (6) Except as otherwise provided herein, it shall be unlawful for any person knowingly to violate any prohibition contained in paragraph (1), (2), or (3) of this subsection.
(B) Any person convicted of a violation of paragraph (1) or (2) of this subsection shall be guilty of a misdemeanor which, upon the first conviction, shall be punished by a fine of not more than $500.00 and, upon the second or subsequent conviction, shall be punished by not more than six months' imprisonment or a fine of not more than $1,000.00, or both.

(C) Any person convicted of a violation of paragraph (3) of this subsection shall, upon the first conviction, be guilty of a misdemeanor and, upon the second or subsequent conviction, be guilty of a misdemeanor of a high and aggravated nature.

(D) It shall be a defense to a prosecution of a retail business or owner or operator thereof for violation of paragraph (1) or (2) of this subsection that, at the time of the alleged violation, all of the employees of the retail business had completed training under Georgia Meth Watch, the retail business was in compliance with Georgia Meth Watch, and the defendant did not knowingly, willfully, or intentionally violate paragraph (1) or (2) of this subsection. For purposes of this subsection only, the term "Georgia Meth Watch" shall mean that program entitled "Georgia Meth Watch" or similar program which has been promulgated, approved, and distributed by the Georgia Council on Substance Abuse.

(7) Except as otherwise provided in this subsection, the State Board of Pharmacy may adopt reasonable rules and regulations to effectuate the provisions of this subsection. The board is further authorized to charge reasonable fees to defray expenses incurred in maintaining any records or forms necessitated by this subsection or otherwise administering any other provisions of this subsection.

(c) This Code section shall not apply to:

(1) Pediatric products primarily intended for administration to children under 12 years of age, according to label instructions, either:

   (A) In solid dosage form whose recommended dosage, according to label instructions, does not exceed 15 milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine per individual dosage unit; or

   (B) In liquid form whose recommended dosage, according to label instructions, does not exceed 15 milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine per five milliliters of liquid product;

(2) Pediatric liquid products primarily intended for administration to children under two years of age for which the recommended dosage does not exceed two milliliters and the total package content does not exceed one fluid ounce; or

(3) Products that the State Board of Pharmacy, upon application of a manufacturer, exempts by rule from this Code section because the product has been formulated in such a way as to prevent effectively the conversion of the active ingredient into methamphetamine or its salts or precursors.

(d) Except as authorized by this article, it is unlawful for any person to possess, have under his or her control, manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute any substance containing any amounts of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers which have been altered from their original condition so as to be powdered, liquefied, or crushed. This subsection shall not apply to any of the substances identified within this subsection which are possessed or altered for a
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legitimate medical purpose. Any person who violates this subsection shall be
guilty of a felony and, upon conviction thereof, shall be punished by
imprisonment for not less than one year nor more than ten years.

§ 16-13-30.4. Licenses for sale, transfer, or purchase for resale of products
containing pseudoephedrine; reporting and record-keeping requirements;
grounds for denial, suspension, or revocation of licenses; rules and
regulations; exceptions; forfeiture; violations

•  (a) As used in this Code section and unless otherwise specified, the term
"board" or "board of pharmacy" shall mean the State Board of Pharmacy.
•  (b)  
  o  (1) A wholesale distributor who sells, transfers, purchases for resale,
or otherwise furnishes any product containing pseudoephedrine must first
obtain a license from the board of pharmacy; provided, however, that a
wholesale distributor that has a valid license as a wholesale distributor under
Section 26-4-113 shall not be required to obtain an additional license under
this Code section.
  o  (2) Wholesale distributors licensed under Section 26-4-113 shall be
subject to the provisions of this Code section in the same manner as
wholesale distributors licensed under this Code section.
  o  (3) Every wholesale distributor licensed as provided in this Code
section shall:
   ▪  (A) Submit reports, upon verbal or written request from the
Georgia Drugs and Narcotics Agency, the Georgia Bureau of Investigation,
or the sheriff of a county or the police chief of a municipality located in
this state, to account for all transactions with persons or firms located
within this state; such reportable transactions shall include all sales,
distribution, or transactions dealing with products containing
pseudoephedrine; and
   ▪  (B) Within seven days, notify the Georgia Drugs and Narcotics
Agency of any purchases of products containing pseudoephedrine from the
wholesale distributor which the wholesaler judges to be excessive.
  o  (4) Whenever any firm or person located in this state receives,
purchases, or otherwise gains access to products containing pseudoephedrine
from any wholesale distributor, whether located in or outside this state, such
firm or person shall maintain a copy of such wholesale distributor's license
issued by the State Board of Pharmacy. Such firm or person shall maintain
copies of all invoices, receipts, and other records regarding such products
containing pseudoephedrine for a minimum of three years from the date of
receipt, purchase, or access. Failure to maintain records to verify the
presence of any and all products containing pseudoephedrine being held by a
firm or person shall subject such products containing pseudoephedrine to
being embargoed or seized by proper law enforcement authorities until such
time as proof can be shown that such products containing pseudoephedrine
were obtained from a Georgia licensed wholesale distributor.
  o  (5) Agents of the Georgia Drugs and Narcotics Agency, agents of the
Georgia Bureau of Investigation, and the sheriff of a county or the police chief
of a county or municipality in this state in which a firm or person that
receives, purchases, or otherwise gains access to products containing
pseudoephedrine is located may request to review the receiving records for
such products. Failure to provide such records within five business days
following such request to account for the presence of such products shall result in the embargo or seizure of such products.

- **(c)** A license or permit obtained pursuant to this Code section shall be denied, suspended, or revoked by the board of pharmacy upon finding that the licensee or permit holder has:
  - (1) Furnished false or fraudulent material information in any application filed under this Code section;
  - (2) Been convicted of a crime under any state or federal law relating to any controlled substance;
  - (3) Had his or her federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances;
  - (4) Violated the provisions of Chapter 4 of Title 26; or
  - (5) Failed to maintain effective controls against the diversion of products containing pseudoephedrine to unauthorized persons or entities.

- **(d)** The board of pharmacy may adopt reasonable rules and regulations to effectuate the provisions of this Code section. The board is further authorized to charge reasonable fees to defray expenses incurred in issuing any licenses or permits, maintaining any records or forms required by this Code section, and the administration of the provisions of this Code section.

- **(e)** Notwithstanding any other provision of this Code section to the contrary, no person shall be required to obtain a license or permit for the sale, receipt, transfer, or possession of a product containing pseudoephedrine when:
  - (1) Such lawful distribution takes place in the usual course of business between agents or employees of a single regulated person or entity; or
  - (2) A product containing pseudoephedrine is delivered to or by a common or contract carrier for carriage in the lawful and usual course of the business of the common or contract carrier or to or by a warehouseman for storage in the lawful and usual course of the business of the warehouseman.

- **(f)** All products containing pseudoephedrine that have been or that are intended to be sold, transferred, purchased for resale, possessed, or otherwise transferred in violation of a provision of this Code section shall be subject to forfeiture to the state and no property right shall exist in them.

- **(g)** (1) Any person who sells, transfers, receives, or possesses a product containing pseudoephedrine violates this Code section if the person:
  - (A) Knowingly fails to comply with the reporting requirements of this Code section;
  - (B) Knowingly makes a false statement in a report or record required by this Code section or the rules adopted thereunder; or
  - (C) Is required by this Code section to have a license or permit and knowingly or deliberately fails to obtain such a license or permit.
  - (2) It shall be illegal for a person to possess, sell, transfer, or otherwise furnish a product containing pseudoephedrine if such person possesses, sells, transfers, or furnishes the substance with the knowledge or intent that the substance will be used in the unlawful manufacture of a controlled substance.
    - (A) A person who violates paragraph (2) of this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 15 years or by a fine not to exceed $100,000.00, or both.
    - (B) A person who violates any provision of this Code Section other than paragraph (2) of this subsection shall be guilty of a
misdeemeanor on the first offense and a misdemeanor of a high and aggravated nature on the second and subsequent offenses.

§ 16-13-30.5. Possession of substances with intent to use or convey such substances for the manufacture of Schedule I or Schedule II controlled substances

• (a) It shall be illegal for a person to possess, whether acquired through theft or other means, any substance with the intent to:
  o (1) Use such substance in the manufacture of a Schedule I or Schedule II controlled substance; or
  o (2) Knowingly convey such substance to another for use in the manufacture of a Schedule I or Schedule II controlled substance.

• (b) In determining whether a particular substance is possessed with the intent required to violate subsection (a) of this Code section, the court or other authority making such a determination may, in addition to all other logically relevant factors, consider the following:
  o (1) Statements by the owner or anyone in control of the substance concerning its use;
  o (2) Prior convictions, if any, of the owner or of anyone in control of the substance for violation of any state or federal law relating to the sale or manufacture of controlled substances;
  o (3) Instructions or descriptive materials of any kind accompanying the substance or found in the owner’s or controlling person’s possession concerning, explaining, or depicting its use;
  o (4) The manner in which the substance is displayed or offered for sale;
  o (5) The quantity and location of the substance considered in relation to the existence and scope of legitimate uses for the substance in the community; and
  o (6) Expert testimony concerning the substance’s use.

• (c) This Code section shall not apply where possession was by a person authorized by law to dispense, prescribe, manufacture, or possess the substance in question.

• (d) A person who violates this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 15 years or by a fine not to exceed $100,000.00, or both.

§ 16-13-30.6. Prohibition on purchase and sale of marijuana flavored products

• (a) As used in this Code section, the term:
  o (1) "Marijuana flavored product" means any product, including lollipops, gumdrops, or other candy, which is flavored to taste like marijuana or hemp. The term shall include, but is not limited to, "Chronic Candy," "Kronic Kandy," or "Pot Suckers."
  o (2) "Minor" means any person under the age of 18 years.
  o (3) "Person" means any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, limited liability company, joint venture, joint stock association, or other entity or business organization of any kind.

• (b) The General Assembly finds and determines that:
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(1) According to the "2004 Monitoring the Future Study" conducted by the University of Michigan, 16.3 percent of eighth graders, 35.1 percent of tenth graders, and 45.7 percent of twelfth graders reported using marijuana at least once during their lifetimes;

(2) According to a 2002 Substance Abuse and Mental Health Service Administration report, "Initiation of Marijuana Use: Trends, Patterns and Implications," the younger children are when they first use marijuana, the more likely they are to use cocaine and heroin and become drug dependent as adults;

(3) Marijuana abuse is associated with many negative health effects, including frequent respiratory infections, impaired memory and learning, increased heart rate, anxiety, and panic attacks;

(4) Marijuana users have many of the same respiratory problems that are associated with tobacco use;

(5) According to the "2001 National Household Survey on Drug Abuse," marijuana is the nation's most commonly used illicit drug, and more than 83,000,000 Americans aged 12 and older have tried marijuana at least once;

(6) Use of marijuana has been shown to lower test scores among high school students, and workers who smoke marijuana are more likely to have problems on their jobs;

(7) Federal, state, and local governments spend millions of dollars annually on programs educating people about the hazards of drugs, and the marketing of marijuana flavored substances would have an adverse impact upon these programs;

(8) The sale of marijuana flavored products, including lollipops and gum drops, which claim "every lick is like taking a hit" is a marketing ploy that perpetuates an unhealthy culture and should not be permitted in the State of Georgia;

(9) Marijuana flavored products are a threat to minors in the State of Georgia because such products give the false impression that marijuana is fun and safe;

(10) Marijuana flavored products packaged as candy or lollipops falling into the hands of unsuspecting minors may serve as a gateway to future use of marijuana and other drugs; and

(11) Merchants who sell marijuana flavored products are promoting marijuana use and creating new customers for drug dealers in the State of Georgia.

Therefore, the purpose of this Code section is to prohibit the purchase and sale of marijuana flavored products to minors in the State of Georgia.

(c) It shall be unlawful for any person knowingly to sell, deliver, distribute, or provide to a minor or knowingly possess with intent to sell, deliver, distribute, or provide to a minor any marijuana flavored product in the State of Georgia.

(d) It shall be unlawful for any minor falsely to represent to any person that such minor is 18 years of age or older with the intent to purchase or otherwise obtain any marijuana flavored product.

(e) Any person who violates subsection (c) of this Code section shall be guilty of a misdemeanor and shall be subject to a fine of $500.00 for each offense. Each sale in violation of this Code section shall constitute a separate offense.
§ 16-13-31. Trafficking in cocaine, illegal drugs, marijuana, or methamphetamine; penalties

(a) (1) Any person who sells, manufactures, delivers, or brings into this state or who is in possession of 28 grams or more of cocaine or of any mixture with a purity of 10 percent or more of cocaine, as described in Schedule II, in violation of this article commits the felony offense of trafficking in cocaine and, upon conviction thereof, shall be punished as follows:
   (A) If the quantity of the cocaine or the mixture involved is 28 grams or more, but less than 200 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of ten years and shall pay a fine of $200,000.00;
   (B) If the quantity of the cocaine or the mixture involved is 200 grams or more, but less than 400 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall pay a fine of $300,000.00; and
   (C) If the quantity of the cocaine or the mixture involved is 400 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine of $1 million.

(2) Any person who sells, manufactures, delivers, or brings into this state or who is in possession of any mixture with a purity of less than 10 percent of cocaine, as described in Schedule II, in violation of this article commits the felony offense of trafficking in cocaine if the total weight of the mixture multiplied by the percentage of cocaine contained in the mixture exceeds any of the quantities of cocaine specified in paragraph (1) of this subsection. Upon conviction thereof, such person shall be punished as provided in paragraph (1) of this subsection depending upon the quantity of cocaine such person is charged with selling, manufacturing, delivering, or bringing into this state or possessing.

(b) Any person who sells, manufactures, delivers, brings into this state, or has possession of four grams or more of any morphine or opium or any salt, isomer, or salt of an isomer thereof, including heroin, as described in Schedules I and II, or four grams or more of any mixture containing any such substance in violation of this article commits the felony offense of trafficking in illegal drugs and, upon conviction thereof, shall be punished as follows:
   (1) If the quantity of such substances involved is four grams or more, but less than 14 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of five years and shall pay a fine of $50,000.00;
   (2) If the quantity of such substances involved is 14 grams or more, but less than 28 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of ten years and shall pay a fine of $100,000.00; and
   (3) If the quantity of such substances involved is 28 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine of $500,000.00.

(c) Any person who sells, manufactures, grows, delivers, brings into this state, or has possession of a quantity of marijuana exceeding ten pounds commits the offense of trafficking in marijuana and, upon conviction thereof, shall be punished as follows:
   (1) If the quantity of marijuana involved is in excess of ten pounds, but less than 2,000 pounds, the person shall be sentenced to a mandatory
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minimum term of imprisonment of five years and shall pay a fine of $100,000.00;

(2) If the quantity of marijuana involved is 2,000 pounds or more, but less than 10,000 pounds, the person shall be sentenced to a mandatory minimum term of imprisonment of seven years and shall pay a fine of $250,000.00; and

(3) If the quantity of marijuana involved is 10,000 pounds or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall pay a fine of $1 million.

(d) Any person who sells, manufactures, delivers, or brings into this state 200 grams or more of methaqualone or of any mixture containing methaqualone, as described in paragraph (6) of Section 16-13-25, in violation of this article commits the felony offense of trafficking in methaqualone and, upon conviction thereof, shall be punished as follows:

(1) If the quantity of the methaqualone or the mixture involved is 200 grams or more, but less than 400 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of five years and shall pay a fine of $50,000.00; and

(2) If the quantity of the methaqualone or the mixture involved is 400 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall pay a fine of $250,000.00.

(e) Any person who sells, delivers, or brings into this state or has possession of 28 grams or more of methamphetamine, amphetamine, or any mixture containing either methamphetamine or amphetamine, as described in Schedule II, in violation of this article commits the felony offense of trafficking in methamphetamine or amphetamine and, upon conviction thereof, shall be punished as follows:

(1) If the quantity of methamphetamine, amphetamine, or a mixture containing either substance involved is 28 grams or more, but less than 200 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of ten years and shall pay a fine of $200,000.00;

(2) If the quantity of methamphetamine, amphetamine, or a mixture containing either substance involved is 200 grams or more, but less than 400 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall pay a fine of $300,000.00; and

(3) If the quantity of methamphetamine, amphetamine, or a mixture containing either substance involved is 400 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine of $1 million.

(f) Any person who manufactures methamphetamine, amphetamine, or any mixture containing either methamphetamine or amphetamine, as described in Schedule II, in violation of this article commits the felony offense of trafficking methamphetamine or amphetamine and, upon conviction thereof, shall be punished as follows:

(1) If the quantity of methamphetamine, amphetamine, or a mixture containing either substance involved is less than 200 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of ten years and shall pay a fine of $200,000.00;

(2) If the quantity of methamphetamine, amphetamine, or a mixture containing either substance involved is 200 grams or more, but less than 400 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall pay a fine of $300,000.00; and
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- (3) If the quantity of methamphetamine, amphetamine, or a mixture containing either substance involved is 400 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine of $1 million.

- (g)
  
  (1) The district attorney may move the sentencing court to impose a reduced or suspended sentence upon any person who is convicted of a violation of this Code section who provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may impose a reduced or suspended sentence if he or she finds that the defendant has rendered such substantial assistance.

  (2) (A) In the court's discretion, the judge may depart from the mandatory minimum sentence specified for a person who is convicted of a violation of this Code section as set forth in subparagraph (B) of this paragraph if the judge concludes that:

  i. The defendant was not a leader of the criminal conduct;
  ii. The defendant did not possess or use a weapon during the crime;
  iii. The criminal conduct did not result in a death or serious bodily injury to a person other than to a person who is a party to the crime;
  iv. The defendant has no prior felony conviction; and
  v. The interests of justice will not be served by the imposition of the prescribed mandatory minimum sentence.

  (B) The sentencing departure ranges pursuant to subparagraph (A) of this paragraph shall be as follows:

  i. Any person convicted of violating paragraph (1) of subsection (b) or (d) of this Code section, two years and six months to five years imprisonment and a fine of not less than $25,000.00 nor more than $50,000.00;
  ii. Any person convicted of violating paragraph (1) of subsection (c) of this Code section, two years and six months to five years imprisonment and a fine of not less than $50,000.00 nor more than $100,000.00;
  iii. Any person convicted of violating paragraph (2) of subsection (c) of this Code section, three years and six months to seven years imprisonment and a fine of not less than $125,000.00 nor more than $250,000.00;
  iv. Any person convicted of violating subparagraph (a)(1)(A), paragraph (2) of subsection (a), relating to the quantity of drugs specified in subparagraph (a)(1)(A) of this Code section, or paragraph (1) of subsection (e) or (f) of this Code section, five to ten years imprisonment and a fine of not less than $100,000.00 nor more than $200,000.00;
  v. Any person convicted of violating paragraph (2) of subsection (b) of this Code section, five to ten years imprisonment and a fine of not less than $50,000.00 nor more than $100,000.00;
  vi. Any person convicted of violating subparagraph (a)(1)(B), paragraph (2) of subsection (a), relating to the quantity of drugs specified in subparagraph (a)(1)(B) of this Code section, five to ten years imprisonment and a fine of not less than $25,000.00 nor more than $50,000.00;
  vii. Any person convicted of violating paragraph (1) of subsection (e) of this Code section, two years and six months to five years imprisonment and a fine of not less than $25,000.00 nor more than $50,000.00;
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Code section, or paragraph (2) of subsection (e) or (f) of this Code section, seven years and six months to 15 years imprisonment and a fine of not less than $150,000.00 nor more than $300,000.00;

(vii) Any person convicted of violating paragraph (3) of subsection (c) of this Code section, seven years and six months to 15 years imprisonment and a fine of not less than $500,000.00 nor more than $1 million;

(viii) Any person convicted of violating paragraph (2) of subsection (d) of this Code section, seven years and six months to 15 years imprisonment and a fine of not less than $125,000.00 nor more than $250,000.00;

(ix) Any person convicted of violating paragraph (3) of subsection (b) of this Code section, 12 years and six months to 25 years imprisonment and a fine of not less than $250,000.00 nor more than $500,000.00; and

(x) Any person convicted of violating subparagraph (a)(1)(C), paragraph (2) of subsection (a), relating to the quantity of drugs specified in subparagraph (a)(1)(C) of this Code section, or paragraph (3) of subsection (e) or (f) of this Code section, 12 years and six months to 25 years imprisonment and a fine of not less than $500,000.00 nor more than $1 million.

(C) If a judge reduces the mandatory minimum sentence pursuant to this paragraph, the judge shall specify on the record the circumstances for the reduction and the interests served by such departure. Any such order shall be appealable by the State of Georgia pursuant to Section 5-7-1.

(D) As used in this paragraph, the term:

(i) "Leader" means a person who planned and organized others and acted as a guiding force in order to achieve a common goal.

(ii) "Weapon" shall have the same meaning as set forth in Section 16-11-127.1.

(3) In the court's discretion, the judge may depart from the mandatory minimum sentence specified in this Code section for a person who is convicted of a violation of this Code section when the prosecuting attorney and the defendant have agreed to a sentence that is below such mandatory minimum.

(h) Any person who violates any provision of this Code section shall be punished as provided for in the applicable mandatory minimum punishment and for not more than 30 years of imprisonment and by a fine not to exceed $1 million.

(i) Notwithstanding Section 16-13-2, any sentence imposed pursuant to this Code section shall not be reduced by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections, the effect of which would be to reduce the period of incarceration ordered by the sentencing court or any form of pardon, parole, or commutation of sentence by the State Board of Pardons and Paroles; provided, however, that during the final year of incarceration, a defendant so sentenced shall be eligible to be considered for participation in a Department of Corrections administered transitional center or work release program.
§ 16-13-31.1. Trafficking in ecstasy; sentencing; variation

• (a) Any person who sells, manufactures, delivers, brings into this state, or has possession of 28 grams or more of 3, 4-methylenedioxyamphetamine or 3, 4-methylenedioxymethamphetamine, or any mixture containing 3, 4-methylenedioxyamphetamine or 3, 4-methylenedioxymethamphetamine as described in Schedule I, in violation of this article commits the felony offense of trafficking in 3, 4-methylenedioxyamphetamine or 3, 4-methylenedioxymethamphetamine and, upon conviction thereof, shall be punished as follows:
  o (1) If the quantity of such substance involved is 28 grams or more, but less than 200 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three years but not more than 30 years and shall pay a fine of not less than $25,000.00 nor more than $250,000.00;
  o (2) If the quantity of such substance involved is 200 grams or more, but less than 400 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of five years but not more than 30 years and shall pay a fine of not less than $50,000.00 nor more than $250,000.00; and
  o (3) If the quantity of such substance involved is 400 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of ten years but not more than 30 years and shall pay a fine of not less than $100,000.00 nor more than $250,000.00.

• (b) (1) In the court's discretion, the judge may depart from the mandatory minimum sentence specified for a person who is convicted of a violation of this Code section as set forth in paragraph (2) of this subsection if the judge concludes that:
  o (A) The defendant was not a leader of the criminal conduct;
  o (B) The defendant did not possess or use a weapon during the crime;
  o (C) The criminal conduct did not result in a death or serious bodily injury to a person other than to a person who is a party to the crime;
  o (D) The defendant has no prior felony conviction; and
  o (E) The interests of justice will not be served by the imposition of the prescribed mandatory minimum sentence.
  (2) The sentencing departure ranges pursuant to paragraph (1) of this subsection shall be as follows:
    ▪ (A) Any person convicted of violating paragraph (1) of subsection (a) of this Code section, one year and six months to 30 years imprisonment and a fine of not less than $12,500.00 nor more than $250,000.00;
    ▪ (B) Any person convicted of violating paragraph (2) of subsection (a) of this Code section, two years and six months to 30 years imprisonment and a fine of not less than $25,000.00 nor more than $250,000.00; and
    ▪ (C) Any person convicted of violating paragraph (3) of subsection (a) of this Code section, five to 30 years imprisonment and a fine of not less than $50,000.00 nor more than $250,000.00;
  (3) If a judge reduces the mandatory minimum sentence pursuant to this subsection, the judge shall specify on the record the circumstances for the reduction and the interests served by such departure. Any such order shall be appealable by the State of Georgia pursuant to Section 5-7-1.
  (4) As used in this subsection, the term:
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- (A) "Leader" means a person who planned and organized others and acted as a guiding force in order to achieve a common goal.
- (B) "Weapon" shall have the same meaning as set forth in Section 16-11-127.1.

- (c) The district attorney may move the sentencing court to impose a reduced or suspended sentence upon any person who is convicted of a violation of this Code section who provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may impose a reduced or suspended sentence if he or she finds that the defendant has rendered such substantial assistance.
- (d) In the court's discretion, the judge may depart from the mandatory minimum sentence specified in this Code section for a person who is convicted of a violation of this Code section when the prosecuting attorney and the defendant have agreed to a sentence that is below such mandatory minimum.
- (e) Notwithstanding Section 16-13-2, any sentence imposed pursuant to this Code section shall not be reduced by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections, the effect of which would be to reduce the period of incarceration ordered by the sentencing court or any form of pardon, parole, or commutation of sentence by the State Board of Pardons and Paroles; provided, however, that during the final year of incarceration, a defendant so sentenced shall be eligible to be considered for participation in a Department of Corrections administered transitional center or work release program.

§ 16-13-32. Transactions in drug related objects; forfeitures and penalties

- (a) As used in this Code section, the term:
  o (1) "Drug related object" means any instrument, device, or object which is designed or marketed as useful primarily for one or more of the following purposes:
    • (A) To inject, ingest, inhale, or otherwise introduce marijuana or a controlled substance into the human body;
    • (B) To enhance the effect of marijuana or a controlled substance on the human body;
    • (C) To test the strength, effectiveness, or purity of marijuana or a controlled substance;
    • (D) To process or prepare marijuana or a controlled substance for introduction into the human body;
    • (E) To conceal any quantity of marijuana or a controlled substance; or
    • (F) To contain or hold marijuana or a controlled substance while it is being introduced into the human body.
  o (2) "Knowing" means either actual or constructive knowledge of the drug related nature of the object; and a person or corporation has constructive knowledge of the drug related nature of the object if he or it has knowledge of facts which would put a reasonable and prudent person on notice of the drug related nature of the object.
- (b) It shall be unlawful for any person or corporation, knowing the drug related nature of the object, to sell, lend, rent, lease, give, exchange, or
otherwise distribute to any person any drug related object. It shall also be unlawful for any person or corporation, knowing the drug related nature of the object, to display for sale, or possess with the intent to distribute any drug related object. Unless stated within the body of the advertisement or notice that the object that is advertised or about which information is disseminated is not available for distribution of any sort in this state, it shall be unlawful for any person or corporation, knowing the drug related nature of the object, to distribute or disseminate in any manner to any person any advertisement of any kind or notice of any kind which gives information, directly or indirectly, on where, how, from whom, or by what means any drug related object may be obtained or made.

(c) It shall be unlawful for any person or corporation, other than a licensed pharmacist, a pharmacy intern or pharmacy extern as defined in Section 26-4-5, or a practitioner licensed to dispense dangerous drugs, to sell, lend, rent, lease, give, exchange, or otherwise distribute to any person a hypodermic syringe or needle designed or marketed primarily for human use. It shall be an affirmative defense that the hypodermic syringe or needle was marketed for a legitimate medical purpose.

(d) For a first offense, any person or corporation which violates any provision of this Code section shall be guilty of a misdemeanor. For a second offense, the defendant shall be guilty of a misdemeanor of a high and aggravated nature. For a third or subsequent offense, the defendant shall be imprisoned for not less than one year nor more than five years and shall be fined not more than $5,000.00.

(e) All instruments, devices, and objects which are distributed or possessed in violation of this Code section are declared to be contraband.

(f) After conviction and after all direct appeals from the conviction have been exhausted, any instruments, devices, or objects which are the subject of prosecution under this Code section may be destroyed by the state or any county or municipality thereof without court order.

(g) Any instruments, devices, or objects which are seized after July 1, 1980, on condemnation as being distributed or possessed in violation of this Code section and which are not made the subject of prosecution under this Code section may be destroyed by the state or any county or municipality thereof if within 90 days after such seizures are made, the district attorney or the solicitor-general of any court that has jurisdiction to try misdemeanors in the county where the seizure occurred shall institute condemnation proceedings in the court by petition, a copy of which shall be served upon the owner of the seized items, if known; and if the owner is unknown, notice of such proceedings shall be published once a week for two weeks in the newspaper in which the sheriff’s advertisements are published. The petition shall allege that the seized items were distributed or possessed in violation of this Code section; and, if no defense is filed within 30 days from the filing of the petition, judgment by default shall be entered by the court at chambers, and the court shall order the seized items to be destroyed; otherwise, the case shall proceed as other civil cases in the court. Should the state prove, by a preponderance of the evidence, that the seized items were distributed or possessed in violation of this Code section, the court shall order the seized items to be destroyed.
(a) It shall be unlawful for any person or corporation to sell, rent, lease, give, exchange, otherwise distribute, or possess with intent to distribute any object or materials of any kind which such person or corporation intends to be used for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana or a controlled substance.

(b) Unless stated within the body of the advertisement or notice that the object or materials that are advertised or about which information is disseminated are not available for distribution of any sort in this state, it shall be unlawful for any person or corporation to sell, rent, lease, give, exchange, distribute, or possess with intent to distribute any advertisement of any kind or notice of any kind which gives information, directly or indirectly, on where, how, from whom, or by what means any object or materials may be obtained or made, which object or materials such person or corporation intends to be used for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana or a controlled substance.

(c) In determining whether any object or materials are intended for any of the purposes listed in subsections (a) and (b) of this Code section, a court or other authority shall consider all logically relevant factors. In a trial under this Code section, any evidence admissible on this question under the rules of evidence shall be admitted. Subject to the rules of evidence, when they are the object of an offer of proof in a court proceeding, the following factors are among those that should be considered by a court or other authority on this question:

(1) Statements by an owner or anyone in control of the object or materials;
(2) Instructions provided with the object or materials;
(3) Descriptive materials accompanying the object or materials;
(4) National and local advertising or promotional materials concerning the object or materials;
(5) The appearance of, and any writing or other representations appearing on, the object or materials;
(6) The manner in which the object or materials are displayed for sale or other distribution;
(7) Expert testimony concerning the object or materials; and
(8) Any written or pictorial materials which are present in the place where the object is located.

(d) For a first offense, any person or corporation which violates any provision of this Code section shall be guilty of a misdemeanor. For a second offense, the defendant shall be guilty of a misdemeanor of a high and aggravated nature. For a third or subsequent offense, the defendant shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one year nor more than five years and shall be fined not more than $5,000.00.

(e) All objects and materials which are distributed or possessed in violation of this Code section are declared to be contraband and shall be forfeited according to the procedure described in Section 16-13-49.

§ 16-13-32.2. Possession and use of drug related objects
(a) It shall be unlawful for any person to use, or possess with the intent to use, any object or materials of any kind for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana or a controlled substance.

(b) Any person or corporation which violates any provision of this Code section shall be guilty of a misdemeanor.

§ 16-13-32.3. Use of communication facility in committing or facilitating commission of act which constitutes felony under chapter; penalty

(a) It shall be unlawful for any person knowingly or intentionally to use any communication facility in committing or in causing or facilitating the commission of any act or acts constituting a felony under this chapter. Each separate use of a communication facility shall be a separate offense under this Code section. For purposes of this Code section, the term "communication facility" means any and all public and private instrumentalities used or useful in the transmission of writing, signs, signals, pictures, or sounds of all kinds and includes mail, telephone, wire, radio, computer or computer network, and all other means of communication.

(b) Any person who violates subsection (a) of this Code section shall be punished by a fine of not more than $30,000.00 or by imprisonment for not less than one nor more than four years, or both.

§ 16-13-32.4. Manufacturing, distributing, dispensing, or possessing controlled substances in, on, or near public or private schools

(a) It shall be unlawful for any person to manufacture, distribute, dispense, or possess with intent to distribute a controlled substance or marijuana in, on, or within 1,000 feet of any real property owned by or leased to any public or private elementary school, secondary school, or school board used for elementary or secondary education.

(b) Any person who violates or conspires to violate subsection (a) of this Code section shall be guilty of a felony and upon conviction shall receive the following punishment:

1. Upon a first conviction, imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both; or
2. Upon a second or subsequent conviction, imprisonment for not less than five years nor more than 40 years or a fine of not more than $40,000.00, or both. It shall be mandatory for the court to impose a minimum sentence of five years which may not be suspended unless otherwise provided by law.

A sentence imposed under this Code section shall be served consecutively to any other sentence imposed.

(c) A conviction arising under this Code section shall not merge with a conviction arising under any other provision of this article.

(d) It shall be no defense to a prosecution for a violation of this Code section that:

1. School was or was not in session at the time of the offense;
2. The real property was being used for other purposes besides school purposes at the time of the offense; or
Georgia Drug Statutes

- (3) The offense took place on a school vehicle.

- (e) In a prosecution under this Code section, a map produced or reproduced by any municipal or county agency or department for the purpose of depicting the location and boundaries of the area on or within 1,000 feet of the real property of a school board or a private or public elementary or secondary school that is used for school purposes, or a true copy of the map, shall, if certified as a true copy by the custodian of the record, be admissible and shall constitute prima-facie evidence of the location and boundaries of the area, if the governing body of the municipality or county has approved the map as an official record of the location and boundaries of the area. A map approved under this Code section may be revised from time to time by the governing body of the municipality or county. The original of every map approved or revised under this subsection or a true copy of such original map shall be filed with the municipality or county and shall be maintained as an official record of the municipality or county. This subsection shall not preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense. This subsection shall not preclude the use or admissibility of a map or diagram other than the one which has been approved by the municipality or county.

- (f) A county school board may adopt regulations requiring the posting of signs designating the areas within 1,000 feet of school boards and private or public elementary and secondary schools as "Drug-free School Zones."

- (g) It is an affirmative defense to prosecution for a violation of this Code section that the prohibited conduct took place entirely within a private residence, that no person 17 years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct was not carried on for purposes of financial gain. Nothing in this subsection shall be construed to establish an affirmative defense with respect to any offense under this chapter other than the offense provided for in subsection (a) of this Code section.

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§ 16-13-32.5. Manufacturing, distributing, dispensing, or possessing controlled substance, marijuana, or counterfeit substance near park or housing project; nonmerger of offenses; evidence of location and boundaries; posting; affirmative defenses

- (a) It shall be unlawful for any person to manufacture, distribute, dispense, or possess with intent to distribute a controlled substance or marijuana or a counterfeit substance in, on, or within 1,000 feet of any real property which has been dedicated and set apart by the governing authority of any municipality, county, state authority, or the state for use as a park, playground, recreation center, or for any other recreation purposes, unless the manufacture, distribution, or dispensing is otherwise allowed by law.

- (b) It shall be unlawful for any person to manufacture, distribute, dispense, or possess with intent to distribute a controlled substance or marijuana or a counterfeit substance in, on, or within 1,000 feet of any real property of any publicly owned or publicly operated housing project, unless the manufacture, distribution, or dispensing is otherwise allowed by law. For the purposes of this Code section, the term "housing project" means any facilities under the jurisdiction of a housing authority which constitute single or multifamily dwelling units occupied by low and moderate-income families pursuant to Chapter 3 of Title 8.
• (c) Any person who violates or conspires to violate subsection (a) or (b) of this Code section shall be guilty of a felony and upon conviction shall receive the following punishment:
  o (1) Upon a first conviction, imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both; or
  o (2) Upon a second or subsequent conviction, imprisonment for not less than five years nor more than 40 years or a fine of not more than $40,000.00, or both. It shall be mandatory for the court to impose a minimum sentence of five years which may not be suspended unless otherwise provided by law.

A sentence imposed under this Code section shall be served consecutively to any other sentence imposed.

• (d) A conviction arising under this Code section shall not merge with a conviction arising under any other provision of this article.

• (e) In a prosecution under this Code section, a map produced or reproduced by any municipal or county agency or department for the purpose of depicting the location and boundaries of the area on or within 1,000 feet of the real property of any publicly owned or publicly operated housing project or the real property set apart for use as a park, playground, recreation center, or for any other recreation purposes, or a true copy of the map, shall, if certified as a true copy by the custodian of the record, be admissible and shall constitute prima-facie evidence of the location and boundaries of the area, if the governing body of the municipality or county has approved the map as an official record of the location and boundaries of the area. A map approved under this Code section may be revised from time to time by the governing body of the municipality or county. The original of every map approved or revised under this subsection or a true copy of such original map shall be filed with the municipality or county and shall be maintained as an official record of the municipality or county. This subsection shall not preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense. This subsection shall not preclude the use or admissibility of a map or diagram other than the one which has been approved by the municipality or county.

• (f) The governing authority of a municipality or county may adopt regulations requiring the posting of signs designating the areas within 1,000 feet of any lands or buildings set apart for use as parks, playgrounds, recreation centers, or any other recreation purposes as "Drug-free Recreation Zones" and designating the areas within 1,000 feet of the real property of any publicly owned or publicly operated housing project as "Drug-free Residential Zones."

• (g) It is an affirmative defense to prosecution for a violation of this Code section that the prohibited conduct took place entirely within a private residence, that no person 17 years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct was not carried on for purposes of financial gain. Nothing in this subsection shall be construed to establish an affirmative defense with respect to any offense under this chapter other than the offense provided for in subsections (a) and (b) of this Code section.

§ 16-13-32.6. Manufacturing, distributing, dispensing, or possessing with intent to distribute controlled substance or marijuana in, on, or within drug-free commercial zone
• **(a)** It shall be unlawful for any person to illegally manufacture, distribute, dispense, or possess with intent to distribute a controlled substance or marijuana in, on, or within any real property which has been designated under this Code section as a drug-free commercial zone.

• **(b)** (1) Any person who violates or conspires to violate subsection (a) of this Code section shall be guilty of a felony and upon conviction shall receive the following punishment:
  - (A) Upon a first conviction, imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both; or
  - (B) Upon a second or subsequent conviction, imprisonment for not less than five years nor more than 40 years or a fine of not more than $40,000.00, or both.

  - (2) A sentence imposed under this Code section shall be served consecutively to any other sentence imposed.

  - (3) Any person convicted of a violation of subsection (a) of this Code section may, as a condition of probation or parole, be required by the sentencing court or State Board of Pardons and Paroles to refrain for a period of not more than 24 months from entering or at any time being within the boundaries of the drug-free commercial zone wherein such person was arrested for a violation of this Code section. Any person arrested for violation of his or her terms of probation shall be governed by the provisions of Section 42-8-38 and any person arrested for a violation of his or her terms of parole shall be governed by the provisions of Article 2 of Chapter 9 of Title 42.

• **(c)** A conviction arising under this Code section shall not merge with a conviction arising under any other provision of this article.

• **(d)** Any municipality or county may designate one or more commercial areas where there is a high rate of drug related crime as drug-free commercial zones. A drug-free commercial zone may include only an area which the municipality or county has previously zoned commercial pursuant to its planning and zoning powers and any residential area contiguous to such commercially zoned area extending not more than one-half mile from the external boundary of any portion of the commercially zoned area. A municipality or county which designates one or more areas as drug-free commercial zones shall be required to make such designations by ordinance and shall be required to post prominent and conspicuous signs on the boundaries of and throughout any such drug-free commercial zone. A municipality or county shall be required to file with the Department of Community Affairs a copy of each ordinance which shall have attached a clearly defined map describing each drug-free commercial zone and a report evidencing all drug related crimes in such drug-free commercial zone area during the 12 months preceding the enactment of such ordinance. A municipality or county shall also be required to file with the Department of Community Affairs, during the period that a drug-free commercial zone is in effect, annual reports evidencing all drug related crimes in such drug-free commercial zone area. Such ordinances, maps, and drug crime reports shall be maintained in a permanent register by such department, and copies of such ordinances, maps, and drug crime reports of drug-free commercial zones shall be made available to the public at a reasonable cost. A drug-free commercial zone shall not be effective and valid for the purposes of this Code section until it has been adopted by the General Assembly by general law. After the General Assembly has adopted one or more drug-free commercial zones, the governing authority of each municipality or county which has such a zone or zones designated and adopted shall be required to have a description of each such zone published in the legal organ of the
municipality or county at least once a week for three weeks. A drug-free commercial zone adopted by the General Assembly shall remain in effect for five years and shall expire five years from the effective date of such adoption by the General Assembly. An area which has been a drug-free commercial zone may be continued as or again designated as a drug-free commercial zone upon the enactment of an ordinance and adoption thereof by the General Assembly in accordance with the provisions of this subsection. No arrest for a violation of this Code section shall be permissible for a period of 30 days immediately following the effective date of the adoption of such drug-free commercial zone by the General Assembly.

- (e) In a prosecution under this Code section, a true copy of a map produced or reproduced by any municipal or county agency or department for the purpose of depicting the location and boundaries of any drug-free commercial zone and filed and on record at the Department of Community Affairs shall, if certified as a true copy by the custodian of such records at such department, be admissible and shall constitute prima-facie evidence of the location and boundaries of such zone. A map approved under this Code section may be revised from time to time by the governing body of the municipality or county; provided, however, that a revised map shall not become effective and the revised area shall not be a drug-free commercial zone until the revised map has been filed with the Department of Community Affairs and adopted by the General Assembly by general law; provided, further, that the revision of a drug-free commercial zone shall not extend the expiration date of such a drug-free commercial zone. The original copy of every map approved or revised under this subsection or a true copy of such original map shall be filed with the Department of Community Affairs and shall be maintained as an official record of the department. This subsection shall not preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense.

- (f) The General Assembly hereby adopts and incorporates into this Code section all drug-free commercial zones which have been adopted by municipal or county ordinance and entered in the register of the Department of Community Affairs as provided for in subsection (d) of this Code section on or before July 1, 2013.

§ 16-13-33. Attempt or conspiracy to commit offense under this article

Any person who attempts or conspires to commit any offense defined in this article shall be, upon conviction thereof, punished by imprisonment not exceeding the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

§ 16-13-42. Unauthorized distribution and dispensation; refusal or failure to keep records; refusal to permit inspection; unlawfully maintaining structure or place; penalty

- (a) It is unlawful for any person:
  o (1) Who is subject to the requirements of Section 16-13-35 to distribute or dispense a controlled substance in violation of Section 16-13-41;
  o (2) Who is a registrant to manufacture a controlled substance not authorized by his registration or to distribute or dispense a controlled
substance not authorized by his registration to another registrant or other authorized person;

- (3) To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under this article;
- (4) To refuse an entry into any premises for any inspection authorized by this article; or
- (5) Knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place which is resorted to by persons using controlled substances in violation of this article for the purpose of using these substances, or which is used for keeping or selling them in violation of this article.

(b) Any person who violates this Code section is guilty of a felony and, upon conviction thereof, may be imprisoned for not more than five years, fined not more than $25,000.00, or both.

§ 16-13-43. Unauthorized distribution; penalties

(a) It is unlawful for any person:

- (1) Who is a registrant to distribute a controlled substance classified in Schedule I or II, except pursuant to an order form as required by Section 16-13-40;
- (2) To use, in the course of the manufacture or distribution of a controlled substance, a registration number which is fictitious, revoked, suspended, or issued to another person;
- (3) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or theft;
- (4) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document or record required to be kept or filed under this article;
- (5) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing, upon any drug or container or labeling thereof so as to render the drug a counterfeit substance; or
- (6) To withhold information from a practitioner that such person has obtained a controlled substance of a similar therapeutic use in a concurrent time period from another practitioner.

(b) Any person who violates this Code section is guilty of a felony and, upon conviction thereof, may be imprisoned for not more than eight years or fined not more than $50,000.00, or both.
## Mississippi Drug Statutes Chart
### Mississippi Code: Title 41 Public Health Code

<table>
<thead>
<tr>
<th>SCHEDULES</th>
<th>OFFENSES/PENALTIES</th>
<th>ENHANCEMENTS/BENEFIT RESTRICTIONS</th>
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<tbody>
<tr>
<td><strong>SCHEDULE I SUBSTANCES</strong>&lt;br&gt;Miss. Code Ann. § 41-29-113&lt;br&gt;(a) <strong>Opiates</strong>: E.g., difenoxin, propiram, etc.&lt;br&gt;(b) <strong>Opiate derivatives</strong>: E.g., heroin, codeine compounds, morphine compounds, etc.&lt;br&gt;(c) <strong>Hallucinogenic substances</strong>: E.g., marijuana, synthetic THC, mescaline, DMT, peyote, LSD, MDMA, psilocybin, salvia divinorum, etc.&lt;br&gt;(d) <strong>Depressants</strong>: E.g., date rape drug(GHB), Quaaludes, etc.&lt;br&gt;(e) <strong>Stimulants</strong>: E.g., BZP, aminorex, “bath salts”</td>
<td>41-29-139(b) <strong>Sale, manufacture, distribution, or possession w/ intent</strong>: Schedule I and II substances (NOT marijuana)&lt;br&gt;(1) 30g-1kg: 0-30yrs and/or $5,000-$1,000,000</td>
<td></td>
</tr>
<tr>
<td><strong>SCHEDULE II SUBSTANCES</strong>&lt;br&gt;Miss. Code Ann. § 41-29-115&lt;br&gt;(a) <strong>Narcotics derived from vegetable origin or chemical synthesis</strong>:&lt;br&gt;(1) Opium and opiates: e.g., raw opium, codeine, morphine and derived painkillers&lt;br&gt;(2) opium chemical equivalents&lt;br&gt;(3) Opium poppies and poppy straws;&lt;br&gt;(4) cocaine&lt;br&gt;(5) poppy straw concentrate&lt;br&gt;(b) <strong>Opiates</strong>: e.g., methadone, Demerol, dihydromorphone&lt;br&gt;(c) <strong>Stimulants</strong>: e.g., amphetamine, methamphetamine, Ritalin, Vyvanse</td>
<td>41-29-139(c) <strong>Possession Schedule I or II substances (NOT marijuana)</strong>&lt;br&gt;(A) &lt;.1g/&lt;1unit: either misdemeanor or felony&lt;br&gt;Felony: 1-4yrs; &lt;$10,000&lt;br&gt;Misdemeanor: 0-1yr; &lt;$1,000&lt;br&gt;(B) .1g-2g/2units-10units: 2-8yrs; &lt;$50,000&lt;br&gt;(C) 2g-10g/10units-20units: 4-16yrs: &lt;$250,000&lt;br&gt;(D) 10g-30g/20units-40units: 6-24yrs; &lt;$500,000&lt;br&gt;(E) &gt;30g/&gt;40units: 10-30yrs;&lt;br&gt;&lt;$1,000,000</td>
<td>(2) 30g-1kg( offense): 0-20yrs and/or $0-$30,000</td>
</tr>
</tbody>
</table>
| (d) **Depressants**: e.g., amobarbital, glutethimide | <$50,000  
(E) 500g-1kg: 4-16yrs;  
<$250,000  
(F) 1kg-5kg: 6-24yrs; <$500,000  
(G) >5kg: 10-30yrs;  
<$1,000,000 |
| (e) **Hallucinogenic substances**: e.g., synthetic THC (nabilone) |
| (f) **Immediate precursors**: e.g., phenylacetone, PCP |
| (g) **Other substances**: Pentazocine |
| **SCHEDULE III SUBSTANCES**  
Miss. Code Ann. § 41-29-117  
(a) **Stimulants**: e.g., appetite suppressants |
| (b) **Depressants**: e.g., (1) barbituric acid derivatives (amobarbital), sedatives, anesthetics, Ketamine, GHA |
| (c) **Nalorphine** |
| (d) **materials containing ephedrine or pseudoephedrine** |
| (d) **Limited narcotic drugs**: Compounds w/ limited percentages of codeine, hydrocodone, dihydrocodone, opium, morphine |
| (f) **Anabolic Steroids and hormones** (except those exempted) |
| (g) buprenorphine |
| (h) pentazocine |
| (i) dronabinol |
| 41-29-139(b) **Sale, manufacture, distribution, or possession w/ intent** Schedule III and IV substances:  
(4) 0-20yrs and/or $1,000-$250,000 |
| 41-29-139(c) **Possession** Schedule III, IV, or V  
(A) <50g/100units: <1yr;  
<$1,000  
(B) 50g-150g/100unit-500units: 1-4yrs; <$10,000  
(C) 150g-300g/500units-1,000units: 2-8yrs; <$50,000  
(D)300g-500g/1000units-2,500units: 4-16yrs; <$250,000  
(E) >500g/>2500units: 6-24yrs;  
<$500,000 |
| **Possession of precursor chemicals w/ intent to unlawfully manufacture controlled substances**  
<30 years and/or <$1,000,000  
In presence of a minor; in a hotel or apartment building; w/ possession of a firearm; on premises containing a booby trap: 2x the imposed penalty |
| **Possession or distribution of anhydrous ammonia or >250units/15g of pseudoephedrine/ephedrine w/ intent or knowledge of intent to manufacture a controlled substance**  
<5 years and/or <$5,000  
In presence of a minor; in a hotel or apartment building; w/ possession of a firearm; on premises containing a booby trap: 2x the imposed penalty |
### Mississippi Drug Statutes Chart
Mississippi Code: Title 41 Public Health Code

#### SCHEDULE IV SUBSTANCES
Miss. Code Ann. § 41-29-119
(a) limited narcotic compounds: including difenoxin and dextropropoxyphene
(b) Depressants: e.g., clonazepam, barbital, Valium
(c) Fenfluramine
(d) Stimulants: e.g., appetite suppressants
(e) Other substances: butorphanol, tramadol

#### SCHEDULE V SUBSTANCES
Miss. Code Ann. § 41-29-119
(a) Narcotic drugs containing nonnarcotic active medicinal ingredients: e.g., codeine, opium, difenoxin
(b) Stimulants: Pyrovalerone
(c) Depressants: lacosamide, pregabalin

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<th>Trafficking Offenses</th>
<th>Penalties</th>
<th>Enhancements/Benefit Restrictions</th>
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<tr>
<td>41-29-139 (f)</td>
<td></td>
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<tr>
<td>Person over 21 years of age who sells, transfers, manufactures, distributes, or dispenses during any 12 consecutive month period:</td>
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<tr>
<td>(i) &gt;10lbs of marijuana (or synthetic cannabinoids)</td>
<td>Life imprisonment</td>
<td>No p. p. or S.S.</td>
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<tr>
<td>(ii) &gt;2oz of heroin</td>
<td>Life imprisonment</td>
<td>No p. p. or S.S.</td>
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<tr>
<td>(iii) &gt;2oz of cocaine</td>
<td>Life imprisonment</td>
<td>No p. p. or S.S.</td>
</tr>
<tr>
<td>(iv) &gt;2oz of methamphetamine</td>
<td>Life imprisonment</td>
<td>No p. p. or S.S.</td>
</tr>
<tr>
<td>(v) &gt;100 units of morphine, Demerol, Dilaudid, oxycodone</td>
<td>Life imprisonment</td>
<td>No p. p. or S.S.</td>
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<tr>
<td>Mississippi Drug Statutes Chart</td>
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<td>--------------------------------</td>
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<td>Mississippi Code: Title 41 Public Health Code</td>
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<thead>
<tr>
<th>hydrochloride (or derivatives), or MDMA</th>
<th>30yrs</th>
<th>No p.p. or S.S.</th>
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<tbody>
<tr>
<td>(g) Trafficking in any controlled substance: 3 or more component offenses w/in 12month period where at least 2 offenses occurred in different counties</td>
<td></td>
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<td>(2) Sale, delivery, manufacture of paraphernalia w/ knowledge it will be used to commit a drug offense</td>
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<td>(4) Advertisement of paraphernalia</td>
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<tr>
<th>OTHER OFFENSES</th>
<th>PENALTIES</th>
<th>Enhancements/Benefit Restrictions</th>
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<td>41-29-140 Expending or receiving funds derived from commission of felony drug offense or intended to further commission of felony drug offense</td>
<td>&lt;5 years and/or &lt;$1,000,000</td>
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<tr>
<th>PRESCRIPTION DRUG/REGISTRATION OFFENSES</th>
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<tbody>
<tr>
<td>41-29-141 (1) Distribution of registered controlled substance w/o required prescription;</td>
</tr>
<tr>
<td>Knowing/intentional violation: &lt;1 year and/or &lt;$1,000</td>
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<tr>
<td>(2) unauthorized manufacture of registered controlled substance;</td>
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<tr>
<td>Knowing/intentional violation: &lt;1 year and/or &lt;$1,000</td>
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<td>(3) refusal or failure to keep required records;</td>
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<tr>
<td>Knowing/intentional violation: &lt;1 year and/or &lt;$1,000</td>
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<tr>
<td>(4) refusal of entry for authorized inspection;</td>
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<tr>
<td>Knowing/intentional violation: &lt;1 year and/or &lt;$1,000</td>
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<tr>
<td>(5) unauthorized maintenance of a place or vehicle used to keep or sell controlled substances</td>
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<tr>
<td>Knowing/intentional violation: &lt;1 year and/or &lt;$1,000</td>
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§ 41-29-113. Schedule I of controlled substances

The controlled substances listed in this section are included in Schedule I.

SCHEDULE I

(a) Opiates. Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

1. Acetyl-alpha-methylfentanyl;
2. Acetylmethadol;
3. Allylprodine;
4. Alphacetylmethadol, except levo-alpha-acetylmethadol (levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);
5. Alphameprodine;
6. Alphamethadol;
7. Alpha-methylfentanyl;
8. Alpha-methylthiofentanyl;
9. Benzethidine;
10. Betacetylmethadol;
11. Beta-hydroxyfentanyl;
12. Beta-hydroxy-3-methylfentanyl;
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. Levophenacylmorphan;
34. 3-methylfentanyl;
35. 3-methylthiofentanyl;
36. Morpheridine;
37. MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
38. Noracymethadol;
39. Norlevorphanol;
Mississippi Drug Statutes

- (40) Normethadone;
- (41) Norpipanone;
- (42) Para-fluorofentanyl;
- (43) PEPA (1-(-2-phenylethyl)-4-phenyl-4-acetoxypiperidine);
- (44) Phenadoxone;
- (45) Phenampromide;
- (46) Phenomorphan;
- (47) Phenoperidine;
- (48) Piritramide;
- (49) Proheptazine;
- (50) Properidine;
- (51) Propiram;
- (52) Racemoramide;
- (53) Thiofentanyl;
- (54) Tilidine;
- (55) Trimeperidine.

(b) Opiate derivatives. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (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) Hydromorphinol;
- (13) Methyldesorphine;
- (14) Methyldihydromorphine;
- (15) Monoacetylmorphine;
- (16) Morphine methylbromide;
- (17) Morphine methylsulfonate;
- (18) Morphine-N-Oxide;
- (19) Myrophine;
- (20) Nicocodeine;
- (21) Nicomorphine;
- (22) Normorphine;
- (23) Pholcodine;
- (24) Thebacon.

(c) Hallucinogenic substances. Any material, compound, mixture or preparation which contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric) and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) 3,4-methylenedioxy amphetamine;
- (2) 5-methoxy-3,4-methylenedioxy amphetamine;
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- (3) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- (4) 2,5-dimethoxy-4(n) propylthiophenethylamine (2C-T-7);
- (5) 3,4-methylenedioxymethamphetamine (MDMA);
- (6) 3,4,5-trimethoxy amphetamine;
- (7) Alpha-methyltryptamine (Also known as AMT);
- (8) Bufotenine;
- (9) Diethyltryptamine;
- (10) Dimethyltryptamine;
- (11) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
- (12) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- (13) Alpha-ethyltryptamine;
- (14) 4-methyl-2,5-dimethoxyamphetamine;
- (15) Hashish;
- (16) Ibogaine;
- (17) Lysergic acid diethylamide (LSD);
- (18) Marihuana;
- (19) Mescaline;
- (20) Peyote;
- (21) N-ethyl-3-piperidyl benzilate;
- (22) N-methyl-3-piperidyl benzilate;
- (23) Phencyclidine;
- (24) Psilocybin;
- (25) Psilocyn;
- (26) Tetrahydrocannabinols, meaning tetrahydrocannabinols contained in a plant of the genus Cannabis (cannabis plant), as well as the 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;
  - (B) -6 cis or trans tetrahydrocannabinol;
  - (C) -3,4 cis or trans tetrahydrocannabinol.

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of atomic positions are covered.) ("Tetrahydrocannabinols" excludes dronabinol and nabilone.)

However, the following products are exempted from control: THC-containing industrial products (e.g., (i) paper, rope and clothing made from cannabis stalks); (ii) processed cannabis plant materials used for industrial purposes, such as fiber retted from cannabis stalks for use in manufacturing textiles or rope; (iii) animal feed mixtures that contain sterilized cannabis seeds and other ingredients (not derived from the cannabis plant) in a formula designed, marketed and distributed for nonhuman consumption; and (iv) personal care products that contain oil from sterilized cannabis seeds, such as shampoos, soaps, and body...
lotions (provided that such products do not cause THC to enter the human body);

- (27) 2,5-dimethoxyamphetamine;
- (28) 4-bromo-2,5-dimethoxyamphetamine;
- (29) 4-bromo-2,5-dimethoxyphenylethylamine;
- (30) 4-methoxyamphetamine;
- (31) Ethylamine analog of phencyclidine (PCE);
- (32) Pyrrolidine analog of phencyclidine (PHP, PCPy);
- (33) Thiophene analog of phencyclidine;
- (34) Parahexyl;
- (35) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine (TCPy);
- (36) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenylethylamine, N-ethyl MDA, MDE, MDEA);
- (37) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy MDA, N-OHMDA, and N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenylethylamine);
- (38) Salvia divinorum;
- (39) Synthetic cannabinoids:
  - (A) (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol (also known as HU-210 or 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);
  - (B) Naphthoylindoles and naphthylmethylindoles, being any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane, whether or not substituted in the indole ring to any extent, or in the naphthyl ring to any extent;
  - (C) Naphthoylpyrroles, being any compound structurally derived from 3-(1-naphthoyl)pyrrole, whether or not substituted in the pyrrole ring to any extent, or in the naphthyl ring to any extent;
  - (D) Naphthylmethylindenones, being any compound structurally derived from 1-(1-naphthylmethyl)indene, whether or not substituted in the indene ring to any extent or in the naphthyl ring to any extent;
  - (E) Phenylacetylindoles, being any compound structurally derived from 3-phenylacetylindole, whether or not substituted in the indole ring to any extent or in the phenyl ring to any extent;
  - (F) Cyclohexylphenols, being any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol, whether or not substituted in the cyclohexyl ring to any extent or in the phenolic ring to any extent;
  - (G) Benzoylindoles, whether or not substituted in the indole ring to any extent or in the phenyl ring to any extent;
  - (H) Adamantoylindoles, whether or not substituted in the indole ring to any extent or in the adamantoyl ring system to any extent;
  - (I) Tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives, except where contained in cannabis or cannabis resin.
(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 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) Gamma-hydroxybutyric acid (other names include: GHB, gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
- (2) Mecloqualone;
- (3) Methaqualone.

(e) **Stimulants.** Any material, compound, mixture or preparation which contains any quantity of the following central nervous system stimulants including optical salts, isomers and salts of isomers unless specifically excepted or unless listed in another schedule:

- (1) Aminorex;
- (2) N-benzylpiperazine (also known as BZP; 1-benzylpiperazine);
- (3) Fenethylline;
- (4) N-ethyl-amphetamine;
- (5) 4-methylaminorex (also known as 2-amino-4-methyl-5-phenyl-2-oxazoline);
- (6) Any material, compound, mixture or preparation which contains any quantity of N,N-dimethylamphetamine. (Other names include: N,N-alpha-trimethyl-benzeneethanamine, and N,N-alphatrimethylphenethylamine);
- (7) Cathinone, methcathinone, 4-methylmethcathinone (mephedrone), methylenedioxypyrovalerone (MDPV), and, unless listed in another schedule, any compound other than bupropion that is structurally derived from 2-Amino-1-phenyl-1-propanone by modification in any of the following ways:
  - (i) By substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;
  - (ii) By substitution at the 3-position with an alkyl substituent;
  - (iii) By substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure.

§ 41-29-115. Schedule II of controlled substances

- (A) The controlled substances listed in this section are included in Schedule II.
  
  **SCHEDULE II**

  (a) **Substances, vegetable origin or chemical synthesis.** Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:
(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding naloxone hydrochloride, apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene and naltrexone, but including the following:

- (i) Codeine;
- (ii) Dihydroetorphine;
- (iii) Ethylmorphine;
- (iv) Etorphine hydrochloride;
- (v) Granulated opium;
- (vi) Hydrocodone;
- (vii) Hydromorphone;
- (viii) Metopon;
- (ix) Morphine;
- (x) Opium extracts;
- (xi) Opium fluid extracts;
- (xii) Oripavine;
- (xiii) Oxycodone;
- (xiv) Oxymorphone;
- (xv) Powdered opium;
- (xvi) Raw opium;
- (xvii) Thebaine;
- (xviii) Tincture of opium.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium;

(3) Opium poppy and poppy straw;

(4) Coca leaves and any salt, compound, derivative, or preparation of cocaine or coca leaves, including cocaine and ecgonine and any salt, compound, derivative, isomer, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which 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. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specified 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;
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- (11) Levo-alphacetylmethadol (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. Any material, compound, mixture, or preparation which contains any quantity of the following substances:
- (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (2) Phenmetrazine and its salts;
- (3) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;
- (4) Methylphenidate and its salts;
- (5) Lisdexamfetamine, its salts, isomers and salts of isomers.

(d) Depressants. Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:
- (1) Amobarbital;
- (2) Secobarbital;
- (3) Pentobarbital;
- (4) Glutethimide.

(e) Hallucinogenic substances. Nabilone [other names include: (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a- hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo(b,d)pyran-9-one].

(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) Amphetamine and methamphetamine immediate precursor: Phenylacetone (other names include: phenyl-2-propanone; P2P; benzyl methyl ketone; and methyl benzyl ketone);
- (2) Phencyclidine immediate precursors:
  - (i) 1-phenylcyclohexylamine;
  - (ii) 1-piperidinocyclohexanecarbonitrile (PCC);
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- (3) Fentanyl immediate precursor: 4-anilino-N-phenethyl-4-piperidine (ANPP);
- (g) Other substances. Pentazocine and its salts in injectable dosage form.

(B) Any material, compound, mixture or preparation which contains any quantity of a Schedule II controlled substance and is listed as an exempt substance in CFR, Section 1308.24 or .32, shall be exempted from the provisions of the Uniform Controlled Substances Law.

§ 41-29-117. Schedule III of controlled substances

(A) The controlled substances listed in this section are included in Schedule III.

SCHEDULE III

(a) Stimulants. Any material, compound, mixture, or preparation which contains any quantity of the following substances or their salts, isomers, or salts of isomers, of the following substances:

- (1) Benzphetamine;
- (2) Clortermine;
- (3) Phendimetrazine.

(b) Depressants. Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

- (1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules;
- (2) Unless specifically excepted or unless listed in another schedule, any compound, mixture or preparation containing any of the following substances or any salt of the substances specifically included in this subsection (2) and one or more other active medicinal ingredients which are not listed in any other schedule:
  - (i) Amobarbital;
  - (ii) Secobarbital;
  - (iii) Pentobarbital;
- (3) Any suppository dosage form containing any of the following substances or any salt of any of the substances specifically included in this subsection (3) approved by the Food and Drug Administration for marketing only as a suppository:
  - (i) Amobarbital;
  - (ii) Secobarbital;
  - (iii) Pentobarbital;
- (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; other names include (+)-2-(2-chlorophenyl)-2-(methylamino)cyclohexanone;
- (8) Lysergic acid;
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- (9) Lysergic acid amide;
- (10) Methyprylon;
- (11) Sulfondiethylmethane;
- (12) Sulfonethylmethane;
- (13) Sulfonmethane;
- (14) Tiletamine and zolazepam or any salt thereof;

other names for the tiletamine and zolazepam combination product include: telazol; other names for tiletamine include: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; other names for zolazepam include: 4-(2-fluorophenyl)-6,8-dihydro 1,3, 8-trimethylpyrazolo-[3,4-e](1,4)-diazepin-7(1H)-one, flupyrazapon.

- (c) Nalorphine.
- (d) Any material, compound, mixture or preparation which contains any quantity of ephedrine or pseudoephedrine.
- (e) Narcotic drugs. Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:
  - (1) Not more than one and eight-tenths (1.8) grams of codeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
  - (2) Not more than one and eight-tenths (1.8) grams of codeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
  - (3) Not more than three hundred (300) milligrams of dihydrocodeinone (also known as hydrocodone), or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;
  - (4) Not more than three hundred (300) milligrams of dihydrocodeinone (also known as hydrocodone), or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;
  - (5) Not more than one and eight-tenths (1.8) grams of dihydrocodeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
  - (6) Not more than three hundred (300) milligrams of ethylmorphine, or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
  - (7) Not more than five hundred (500) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams, or not more than twenty-five (25) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
  - (8) Not more than fifty (50) milligrams of morphine, or any of its salts, per one hundred (100) milliliters or per one hundred
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(100) grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(f) **Anabolic steroids.** Any material, compound, mixture or preparation containing any quantity of any of the following anabolic steroids, which means any drug or hormonal substance chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids and dehydroepiandrosterone) that promotes muscle growth, unless listed in another schedule or excepted:

- (1) 3beta,17-dihydroxy-5a-androstane;
- (2) 3alpha,17beta-dihydroxy-5a-androstane;
- (3) 5alpha-androst-3,17-dione;
- (4) 1-androstenediol (3beta,17beta-dihydroxy-5alpha-androst-1-ene);
- (5) 1-androstenediol (3alpha,17beta-dihydroxy-5alpha-androst-1-ene);
- (6) 4-androstenediol (3beta,17beta-dihydroxy-androst-4-ene);
- (7) 5-androstenediol (3beta,17beta-dihydroxy-androst-5-ene);
- (8) 1-androstenedione ([5alpha]-androst-1-en-3, 17-dione);
- (9) 4-androstenedione (androst-4-en-3,17-dione);
- (10) 5-androstenedione (androst-5-en-3,17-dione);
- (11) Bolasterone (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
- (12) Boldenone (17beta-hydroxyandrost-1,4-diene-3-one);
- (13) Boldione (androsta-1,4-diene-3,17-dione);
- (14) Calusterone (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
- (15) Clostebol (4-chloro-17beta-hydroxyandrost-4-en-3-one);
- (16) Dehydrochloromethyltestosterone (4-chloro-17beta-hydroxy-17alpha-methylandrost-1,4-dien-3-one);
- (17) Delta1-dihydrotestosterone (also known as 1-testosterone) (17beta-hydroxy-5alpha-androst-1-en-3-one);
- (18) 4-dihydrotestosterone (17beta-hydroxyandrostan-3-one);
- (19) Drostanolone (17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);
- (20) Ethylestrenol (17alpha-ethyl-17beta-hydroxyestr-4-ene);
- (21) Fluoxymesterone (9-fluoro-17alpha-methyl-11beta, 17beta-dihydroxyandrost-4-en-3-one);
- (22) Formebolone (2-formyl-17alpha-methyl-11alpha,17beta-dihydroxyandrost-1, 4-dien-3-one);
- (23) Furazabol (17alpha-methyl-17beta-hydroxyandrostano[2,3-c]-furazan);
- (24) 13beta-ethyl-17alpha-hydroxygon-4-en-3-one;
- (25) 4-hydroxytestosterone (4,17beta-dihydroxyandrost-4-en-3-one);
- (26) 4-hydroxy-19-nortestosterone (4,17beta-dihydroxy-estr-4-en-3-one);
Desoxymethyltestosterone (17alpha-methyl-5alpha-androst-2-en-17beta-ol, also known as madol);

Mestanolone (17alpha-methyl-17beta-hydroxy-5-androstan-3-one);

Mesterolone (1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);

Methandienone (17alpha-methyl-17beta-hydroxyandrost-1,4-dien-3-one);

Methandriol (17alpha-methyl-3beta, 17beta-dihydroxyandrost-5-ene);

Methenolone (1-methyl-17beta-hydroxy-5alpha-androstane);

17alpha-methyl-3beta, 17beta-dihydroxy-5a-androstane;

17alpha-methyl-3alpha, 17beta-dihydroxy-5a-androstane;

17alpha-methyl-3beta, 17beta-dihydroxyandrost-4-ene;

17alpha-methyl-4-hydroxynandrolone (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);

Methylidienolone (17alpha-methyl-17beta-hydroxyestr-4,9(10)-dien-3-one);

Methyltrienolone (17alpha-methyl-17beta-hydroxyestr-4,9-11-trien-3-one);

Methyltestosterone (17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);

Mibolerone (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);

17alpha-methyl-Delta1-dihydrotestosterone (17b beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one) (also known as 17-alpha-methyl-1-testosterone);

Nandrolone (17beta-hydroxyestr-4-en-3-one);

19-nor-4-androstenediol (3beta,17beta-dihydroxyestr-4-en-3-one);

19-nor-4-androstenediol (3alpha,17beta-dihydroxyestr-4-en-3-one);

19-nor-5-androstenediol (3beta,17beta-dihydroxyestr-5-ene);

19-nor-5-androstenediol (3alpha,17beta-dihydroxyestr-5-ene);

19-nor-4-androstenediol (3beta,17beta-dihydroxyestr-5-ene);

19-nor-4,9(10)-androstadienedione (estr-4,9(10)-diene3,17-dione, 19-norandrost-4,9(10)-diene-3,17-dione);

19-nor-4-androstenedione (estr-4-en-3,17-dione);

Norbolethone (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);

Norclostebol (4-chloro-17beta-hydroxyestr-4-en-3-one);

Norethandrolone (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);
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- (53) Normethandrolone (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);
- (54) Oxandrolone (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androstan-3-one);
- (55) Oxymesterone (17alpha-methyl-4,17beta-dihydroxyandrost-4-en-3-one);
- (56) Oxymetholone (17alpha-methyl-2-hydroxyalkyl-17beta-hydroxy-[5alpha]-androst-3-one);
- (57) Stanolol (17alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);
- (58) Stenbolone (17beta-hydroxy-2-methyl-[5alpha]-androstan-3-one);
- (59) Testolactone (13-hydroxy-3-oxo-13,17-secoandrost-1,4-dien-17-oic acid lactone);
- (60) Testosterone (17beta-hydroxyandrost-4-en-3-one);
- (61) Tetrahydrogestrinone (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one);
- (62) Trenbolone (17beta-hydroxyestr-4,9,11-trien-3-one);
- (63) Any salt, ester, or ether of a drug or substance described in this paragraph. Except such term does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and that has been approved by the Secretary of Health and Human Services for such administration. If any person prescribes, dispenses, or distributes such steroid for human use, the person shall be considered to have prescribed, dispensed or distributed an anabolic steroid within the meaning of this paragraph;
- (64) Any salt, ester or ether of a drug or substance described or listed in this paragraph.
  - (g) Any material, compound, mixture or preparation which contains any quantity of buprenorphine or its salts.
  - (h) Any material, compound, mixture or preparation which contains any quantity of pentazocine or its salts in oral dosage form.
  - (i) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product.

- (B) Any material, compound, mixture or preparation which contains any quantity of a Schedule III controlled substance other than butalbital, and is listed as an exempt substance in CFR, Section 1308.22, .24, .26, .32 or .34, shall be exempted from the provisions of the Uniform Controlled Substances Law.

§ 41-29-119. Schedule IV of controlled substances

- (A) The controlled substances listed in this section are included in Schedule IV.
  - SCHEDULE IV
    - (a) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains limited quantities of the following narcotic drugs, or any salts thereof:
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- (1) Not more than one (1) milligram of difenoxin and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit;
- (2) Dextropropoxyphene, including its salts (Darvon, Darvon-N; also found in Darvon compound and Darvocet-N, etc.).

(b) **Depressants.** Any material, compound, mixture or preparation which contains any quantity of the following substances:

- (1) Alprazolam;
- (2) Barbital;
- (3) Bromazepam;
- (4) Camazepam;
- (5) Carisoprodol;
- (6) Chloral betaine;
- (7) Chloral hydrate;
- (8) Chlordiazepoxide and its salts, but does not include chlordiazepoxide hydrochloride and clidinium bromide or chlordiazepoxide and esterified estrogens;
- (9) Clobazam;
- (10) Clonazepam;
- (11) Clorazepate;
- (12) Clotiazepam;
- (13) Cloxazolam;
- (14) Delorazepam;
- (15) Diazepam;
- (16) Dichloralphenazone;
- (17) Estazolam;
- (18) Ethchlorvynol;
- (19) Ethinamate;
- (20) Ethyl lofazepate;
- (21) Fludiazepam;
- (22) Flunitrazepam;
- (23) Flurazepam;
- (24) Fospropofol;
- (25) Halazepam;
- (26) Haloxazolam;
- (27) Ketazolam;
- (28) Loprazolam;
- (29) Lorazepam;
- (30) Lormetazepam;
- (31) Mazindol;
- (32) Mebutamate;
- (33) Medazepam;
- (34) Meprobamate;
- (35) Methohexital;
- (36) Methylphenobarbital;
- (37) Midazolam;
- (38) Nimetazepam;
- (39) Nitrazepam;
- (40) Nordiazepam;
- (41) Oxazepam;
- (42) Oxazolam;
- (43) Paraldehyde;
- (44) Petrichloral;
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- (45) Phenobarbital;
- (46) Pinazepam;
- (47) Prazepam;
- (48) Quazepam;
- (49) Temazepam;
- (50) Tetrazepam;
- (51) Triazolam;
- (52) Zaleplon;
- (53) Zolpidem;
- (54) Zopiclone.

- (c) Fenfluramine.

- (d) **Stimulants.** Any material, compound, mixture or preparation which contains any quantity of the following substances:
  - (1) Diethylpropion;
  - (2) Phentermine;
  - (3) Pemoline (including any organometallic complexes and chelates thereof);
  - (4) Pipradrol;
  - (5) Sibutramine;
  - (6) SPA ((-)-1-dimethylamino-1,2-diphenylethane).
  - (7) Cathine ((+/-) Norpseudoephedrine);
  - (8) Fencamfamin;
  - (9) Fenproporex;
  - (10) Mefenorex;
  - (11) Modafinil.

- (e) **Other substances.**
  - (1) Butorphanol (including its optical isomers);
  - (2) Tramadol.

- (B) Any material, compound, mixture or preparation which contains any quantity of a Schedule IV controlled substance and is listed as an exempt substance in CFR, Section 1308.22, .24, .26, .32 or .34, shall be exempted from the provisions of the Uniform Controlled Substances Law.

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**§ 41-29-121. Schedule V of controlled substances**

- (A) The controlled substances listed in this section are included in Schedule V:

  **SCHEDULE V**

  - (a) **Narcotic drugs containing nonnarcotic active medicinal ingredients.** Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs, which also contains 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 the narcotic drug alone:
    - (1) Not more than two hundred (200) milligrams of codeine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams;
    - (2) Not more than one hundred (100) milligrams of dihydrocodeine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams;
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- **(3)** Not more than one hundred (100) milligrams of ethylmorphine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams;

- **(4)** Not more than two and five-tenths (2.5) milligrams of diphenoxylate and not less than twenty-five (25) micrograms of atropine sulphate per dosage unit;

- **(5)** Not more than one hundred (100) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams;

- **(6)** Not more than five-tenths (0.5) milligram of difenoxin and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit.

- **(b) Stimulants.** Unless specifically excepted or listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substance, including its salts, isomers and salts of isomers: Pyrovalerone.

- **(c) Depressants.** Unless specifically excepted or listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including their salts, isomers and salts of isomers:
  - **(1)** Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide];
  - **(2)** Pregabalin [(S)-3- (aminomethyl)-5-methylhexanoic acid].

- **(B)** Any material, compound, mixture or preparation which contains any quantity of a Schedule V controlled substance and is listed as an exempt substance in CFR, Section 1308.22, .24, .26, .32 or .34, shall be exempted from the provisions of the Uniform Controlled Substances Law.

### § 41-29-139. Prohibited acts; penalties

- **(a)** Except as authorized by this article, it is unlawful for any person knowingly or intentionally:
  - **(1)** To sell, barter, transfer, manufacture, distribute, dispense or possess with intent to sell, barter, transfer, manufacture, distribute or dispense, a controlled substance; or
  - **(2)** To create, sell, barter, transfer, distribute, dispense or possess with intent to create, sell, barter, transfer, distribute or dispense, a counterfeit substance.

- **(b)** Except as otherwise provided in subsections (f) and (g) of this section or in Section 41-29-142, any person who violates subsection (a) of this section shall be sentenced as follows:
  - **(1)** In the case of controlled substances classified in Schedule I or II, as set out in Sections 41-29-113 and 41-29-115, except thirty (30) grams or less of marihuana or synthetic cannabinoids, and except a first offender as defined in Section 41-29-149(e) who violates subsection (a) of this section with respect to less than one (1) kilogram but more than thirty (30) grams of marihuana or synthetic cannabinoids, such person may, upon conviction, be imprisoned for not more than thirty (30) years and shall be fined not less than Five Thousand Dollars ($ 5,000.00) nor more than One Million Dollars ($1,000,000.00), or both;
  - **(2)** In the case of a first offender who violates subsection (a) of this section with an amount less than one (1) kilogram but more than thirty (30)
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grams of marihuana or synthetic cannabinoids as classified in Schedule I, as set out in Section 41-29-113, such person is guilty of a felony and, upon conviction, may be imprisoned for not more than twenty (20) years or fined not more than Thirty Thousand Dollars ($ 30,000.00), or both;

(3) In the case of thirty (30) grams or less of marihuana or synthetic cannabinoids, such person may, upon conviction, be imprisoned for not more than three (3) years or fined not more than Three Thousand Dollars ($ 3,000.00), or both;

(4) In the case of controlled substances classified in Schedules III and IV, as set out in Sections 41-29-117 and 41-29-119, such person may, upon conviction, be imprisoned for not more than twenty (20) years and shall be fined not less than One Thousand Dollars ($ 1,000.00) nor more than Two Hundred Fifty Thousand Dollars ($ 250,000.00), or both; and

(5) In the case of controlled substances classified in Schedule V, as set out in Section 41-29-121, such person may, upon conviction, be imprisoned for not more than ten (10) years and shall be fined not less than One Thousand Dollars ($ 1,000.00) nor more than Fifty Thousand Dollars ($ 50,000.00), or both.

(c) It is unlawful for any person knowingly or intentionally to possess any controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this article. The penalties for any violation of this subsection (c) with respect to a controlled substance classified in Schedules I, II, III, IV or V, as set out in Section 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121, including marihuana or synthetic cannabinoids, shall be based on dosage unit as defined herein or the weight of the controlled substance as set forth herein as appropriate:

"Dosage unit (d.u.)" means a tablet or capsule, or in the case of a liquid solution, one (1) milliliter. In the case of lysergic acid diethylamide (LSD) the term, "dosage unit" means a stamp, square, dot, microdot, tablet or capsule of a controlled substance.

For any controlled substance that does not fall within the definition of the term "dosage unit," the penalties shall be based upon the weight of the controlled substance.

The weight set forth refers to the entire weight of any mixture or substance containing a detectable amount of the controlled substance.

If a mixture or substance contains more than one (1) controlled substance, the weight of the mixture or substance is assigned to the controlled substance that results in the greater punishment.

Any person who violates this subsection with respect to:

(1) A controlled substance classified in Schedule I or II, except marihuana or synthetic cannabinoids, in the following amounts shall be charged and sentenced as follows:

(A) Less than one-tenth (0.1) gram or one (1) dosage unit or less may be charged as a misdemeanor or felony. If charged by indictment as a felony: by imprisonment not less than one (1) nor more
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than four (4) years and a fine not more than Ten Thousand Dollars ($10,000.00). If charged as a misdemeanor: by imprisonment for up to one (1) year and a fine not more than One Thousand Dollars ($1,000.00).

- **(B)** One-tenth (0.1) gram but less than two (2) grams or two (2) dosage units but less than ten (10) dosage units, by imprisonment for not less than two (2) years nor more than eight (8) years and a fine of not more than Fifty Thousand Dollars ($50,000.00).

- **(C)** Two (2) grams but less than ten (10) grams or ten (10) dosage units but less than twenty (20) dosage units, by imprisonment for not less than four (4) years nor more than sixteen (16) years and a fine of not more than Two Hundred Fifty Thousand Dollars ($250,000.00).

- **(D)** Ten (10) grams but less than thirty (30) grams or twenty (20) dosage units but not more than forty (40) dosage units, by imprisonment for not less than six (6) years nor more than twenty-four (24) years and a fine of not more than Five Hundred Thousand Dollars ($500,000.00).

- **(E)** Thirty (30) grams or more or forty (40) dosage units or more, by imprisonment for not less than ten (10) years nor more than thirty (30) years and a fine of not more than One Million Dollars ($1,000,000.00).

- **(2)** Marihuana or synthetic cannabinoids in the following amounts shall be charged and sentenced as follows:

  - **(A)** Thirty (30) grams or less by a fine of not less than One Hundred Dollars ($100.00) nor more than Two Hundred Fifty Dollars ($250.00). The provisions of this paragraph shall be enforceable by summons, provided the offender provides proof of identity satisfactory to the arresting officer and gives written promise to appear in court satisfactory to the arresting officer, as directed by the summons. A second conviction under this section within two (2) years shall be punished by a fine of Two Hundred Fifty Dollars ($250.00) and not less than five (5) days nor more than sixty (60) days in the county jail and mandatory participation in a drug education program, approved by the Division of Alcohol and Drug Abuse of the State Department of Mental Health, unless the court enters a written finding that such drug education program is inappropriate. A third or subsequent conviction under this section within two (2) years is a misdemeanor punishable by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00) and confinement for not less than five (5) days nor more than six (6) months in the county jail. Upon a first or second conviction under this section, the courts shall forward a report of such conviction to the Mississippi Bureau of Narcotics which shall make and maintain a private, nonpublic record for a period not to exceed two (2) years from the date of conviction. The private, nonpublic record shall be solely for the use of the courts in determining the penalties which attach upon conviction under this section and shall not constitute a criminal record for the purpose of private or administrative inquiry and the record of each conviction shall be expunged at the end of the period of two (2) years following the date of such conviction;

  - **(B)** Additionally, a person who is the operator of a motor vehicle, who possesses on his person or knowingly keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers, more than one (1) gram, but not more than thirty (30) grams, of marihuana or synthetic cannabinoids is guilty of a
misdemeanor and upon conviction may be fined not more than One Thousand Dollars ($ 1,000.00) and confined for not more than ninety (90) days in the county jail. For the purposes of this subsection, such area of the vehicle shall not include the trunk of the motor vehicle or the areas not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers;

• (C) More than thirty (30) grams but less than two hundred fifty (250) grams may be fined not more than One Thousand Dollars ($ 1,000.00), or confined in the county jail for not more than one (1) year, or both; or fined not more than Three Thousand Dollars ($ 3,000.00), or imprisoned in the State Penitentiary for not more than three (3) years, or both;

• (D) Two hundred fifty (250) grams but less than five hundred (500) grams, by imprisonment for not less than two (2) years nor more than eight (8) years and by a fine of not more than Fifty Thousand Dollars ($ 50,000.00);

• (E) Five hundred (500) grams but less than one (1) kilogram, by imprisonment for not less than four (4) years nor more than sixteen (16) years and a fine of less than Two Hundred Fifty Thousand Dollars ($ 250,000.00);

• (F) One (1) kilogram but less than five (5) kilograms, by imprisonment for not less than six (6) years nor more than twenty-four (24) years and a fine of not more than Five Hundred Thousand Dollars ($ 500,000.00);

• (G) Five (5) kilograms or more, by imprisonment for not less than ten (10) years nor more than thirty (30) years and a fine of not more than One Million Dollars ($ 1,000,000.00).

(3) A controlled substance classified in Schedule III, IV or V as set out in Sections 41-29-117 through 41-29-121, upon conviction, may be punished as follows:

• (A) Less than fifty (50) grams or less than one hundred (100) dosage units is a misdemeanor and punishable by not more than one (1) year and a fine of not more than One Thousand Dollars ($ 1,000.00).

• (B) Fifty (50) grams but less than one hundred fifty (150) grams or one hundred (100) dosage units but less than five hundred (500) dosage units, by imprisonment for not less than one (1) year nor more than four (4) years and a fine of not more than Ten Thousand Dollars ($ 10,000.00).

• (C) One hundred fifty (150) grams but less than three hundred (300) grams or five hundred (500) dosage units but less than one thousand (1,000) dosage units, by imprisonment for not less than two (2) years nor more than eight (8) years and a fine of not more than Fifty Thousand Dollars ($ 50,000.00).

• (D) Three hundred (300) grams but less than five hundred (500) grams or one thousand (1,000) dosage units but less than two thousand five hundred (2,500) dosage units, by imprisonment for not less than four (4) years nor more than sixteen (16) years and a fine of not more than Two Hundred Fifty Thousand Dollars ($ 250,000.00).

• (E) Five hundred (500) grams or more or two thousand five hundred (2,500) dosage units or more, by imprisonment for not less than six (6) years nor more than twenty-four (24) years and a fine of not more than Five Hundred Thousand Dollars ($ 500,000.00).
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- **(d)**
  - (1) It is unlawful for a person who is not authorized by the State Board of Medical Licensure, State Board of Pharmacy, or other lawful authority to use, or to possess with intent to use, paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Law. Any person who violates this subsection is guilty of a misdemeanor and, upon conviction, may be confined in the county jail for not more than six (6) months, or fined not more than Five Hundred Dollars ($500.00), or both; however, no person shall be charged with a violation of this subsection when such person is also charged with the possession of one (1) ounce or less of marihuana or synthetic cannabinoids under subsection (c)(2)(A) of this section.
  - (2) It is unlawful for any person to deliver, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Law. Any person who violates this subsection is guilty of a misdemeanor and, upon conviction, may be confined in the county jail for not more than six (6) months, or fined not more than Five Hundred Dollars ($500.00), or both.
  - (3) Any person eighteen (18) years of age or over who violates subsection (d) (2) of this section by delivering or selling paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his junior is guilty of a misdemeanor and, upon conviction, may be confined in the county jail for not more than one (1) year, or fined not more than One Thousand Dollars ($1,000.00), or both.
  - (4) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as paraphernalia. Any person who violates this subsection is guilty of a misdemeanor and, upon conviction, may be confined in the county jail for not more than six (6) months, or fined not more than Five Hundred Dollars ($500.00), or both.

- **(e)** It shall be unlawful for any physician practicing medicine in this state to prescribe, dispense or administer any amphetamine or amphetamine-like anorectics and/or central nervous system stimulants classified in Schedule II, pursuant to Section 41-29-115, for the exclusive treatment of obesity, weight control or weight loss. Any person who violates this subsection, upon conviction, is guilty of a misdemeanor and may be confined for a period not to exceed six (6) months, or fined not more than One Thousand Dollars ($1,000.00), or both.

- **(f)** Except as otherwise authorized in this article, any person twenty-one (21) years of age or older who knowingly sells, barters, transfers, manufactures, distributes or dispenses during any twelve (12) consecutive month period: (i) ten (10) pounds or more of marihuana or synthetic cannabinoids; (ii) two (2) ounces or more of heroin; (iii) two (2) or more ounces of cocaine or of any mixture containing cocaine as described in 41-29-105(s), Mississippi Code of 1972; (iv)
two (2) or more ounces of methamphetamine; or (v) one hundred (100) or more
dosage units of morphine, Demerol, Dilaudid, oxycodone hydrochloride or a
derivative thereof, or 3,4-methylenedioxyamphetamine (MDMA) shall be
guilty of a felony and, upon conviction thereof, shall be sentenced to life
imprisonment and such sentence shall not be reduced or suspended nor shall
such person be eligible for probation or parole, the provisions of 41-29-149, -5-
139, -7-3 and -7-33, Mississippi Code of 1972, to the contrary notwithstanding.
The provisions of this subsection shall not apply to any person who furnishes
information and assistance to the bureau or its designee which, in the opinion of
the trial judge objectively should or would have aided in the arrest or prosecution
of others who violate this subsection. The accused shall have adequate
opportunity to develop and make a record of all information and assistance so
furnished.
• (g)  
  (1) Any person trafficking in controlled substances shall be guilty of a
felony and, upon conviction, shall be imprisoned for a term of thirty (30)
years and such sentence shall not be reduced or suspended nor shall such
person be eligible for probation or parole, the provisions of 41-29-149, -5-
139, -7-3 and -7-33, Mississippi Code of 1972, to the contrary notwithstanding and shall be fined not less than Five Thousand Dollars ($ 5,000.00) nor more than One Million Dollars ($ 1,000,000.00).
  (2) "Trafficking in controlled substances" as used herein means to
engage in three (3) or more component offenses within any twelve (12)
consecutive month period where at least two (2) of the component offenses
occurred in different counties. A component offense is any act which would
constitute a violation of subsection (a) of this section. Prior convictions shall
not be used as component offenses to establish the charge of trafficking in
controlled substances.
  (3) The charge of trafficking in controlled substances shall be set
forth in one (1) count of an indictment with each of the component offenses
alleged therein and it may be charged and tried in any county where a
component offense occurred. An indictment for trafficking in controlled
substances may also be returned by the State Grand Jury of Mississippi
provided at least two (2) of the component offenses occurred in different
circuit court districts.

§ 41-29-140. Fines and penalties; violation of Section 41-29-139
• (a) Except as otherwise authorized by the Uniform Controlled Substances
Law, it is unlawful for any person to:
  (1) Knowingly or intentionally receive or expend funds which he
knows to be derived from the commission of a felony offense under the
provisions of Section 41-29-139; or
  (2) Finance or invest funds which he knows to be intended to further
the commission of a felony under the provisions of Section 41-29-139.
• (b) Any person who violates subsection (a) of this section is guilty of a
felony and, upon conviction, may be sentenced to the custody of the State
Department of Corrections for not more than five (5) years or fined not more
than One Million Dollars ($ 1,000,000.00), or both.

§ 41-29-141. Prohibited acts B; penalties
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- It is unlawful for any person:
  - (1) Who is subject to Section 41-29-125 to distribute or dispense a controlled substance in violation of Section 41-29-137;
  - (2) Who is a registrant under Section 41-29-125 to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;
  - (3) To refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this article;
  - (4) To refuse a lawful entry into any premises for any inspection authorized by this article; or
  - (5) Knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this article for the purpose of using these substances, or which is used for keeping or selling them in violation of this article.

- Any person who violates this section shall, with respect to such violation, be subject to a civil penalty payable to the State of Mississippi of not more than twenty-five thousand dollars ($ 25,000.00).

  In addition to the civil penalty provided in the preceding paragraph, any person who knowingly or intentionally violates this section shall be guilty of a crime and upon conviction thereof may be confined for a period of not more than one (1) year or fined not more than one thousand dollars ($ 1,000.00), or both.

§ 41-29-142. Enhanced penalties for sale, etc. of controlled substances in, on or within specified distances of schools, churches and certain other buildings

- (1) Except as provided in subsection (f) of Section 41-29-139 or in subsection (2) of this section, any person who violates or conspires to violate 41-29-139(a)(1), Mississippi Code of 1972, by selling, bartering, transferring, manufacturing, distributing, dispensing or possessing with intent to sell, barter, transfer, manufacture, distribute or dispense, a controlled substance, in or on, or within one thousand five hundred (1,500) feet of, a building or outbuilding which is all or part of a public or private elementary, vocational or secondary school, or any church, public park, ballpark, public gymnasium, youth center or movie theater or within one thousand (1,000) feet of, the real property comprising such public or private elementary, vocational or secondary school, or any church, public park, ballpark, public gymnasium, youth center or movie theater shall, upon conviction thereof, be punished by the term of imprisonment or a fine, or both, of that authorized by Section 41-29-139(b) and, in the discretion of the court, may be punished by a term of imprisonment or a fine, or both, of up to twice that authorized by Section 41-29-139(b).

- (2) Except as otherwise provided in subsection (f) of Section 41-29-139, any person who violates or conspires to violate 41-29-139(a)(1), Mississippi Code of 1972, by selling, bartering, transferring, manufacturing, distributing, dispensing or possessing with intent to sell, barter, transfer, manufacture, distribute or dispense, a controlled substance, in or on, or within one thousand five hundred (1,500) feet of, a building or outbuilding which is all or part of a public or private elementary, vocational or secondary school, or any church, public park, ballpark, public gymnasium, youth center or movie theater or within one thousand (1,000)
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feet of, the real property comprising such public or private elementary, vocational or secondary school, or any church, public park, ballpark, public gymnasium, youth center or movie theater after a prior conviction under subsection (1) of this section has become final, shall, upon conviction thereof, be punished by a term of imprisonment of not less than three (3) years and not more than life, and in the discretion of the court, may be punished by a term of imprisonment of up to three (3) times that authorized by Section 41-29-139(b), for a first offense, or a fine of up to three (3) times that authorized by Section 41-29-139(b), for a first offense, or both.

§ 41-29-143. Prohibited acts; penalties

- It is unlawful for any person knowingly or intentionally:
  - (1) To distribute as a registrant a controlled substance classified in Schedule I or II, as set out in Sections 41-29-113 and 41-29-115, except pursuant to an order form as required by Section 41-29-135;
  - (2) To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person.
  - (3) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this article, or any record required to be kept by this article; or
  - (4) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

- Any person who violates this section is guilty of a crime and upon conviction may be confined for not more than one (1) year or fined not more than one thousand dollars ($1,000.00) or both.

§ 41-29-144. Acquiring or obtaining possession of controlled substance, legend drug or prescription by misrepresentation, fraud and the like; penalty.

- (1) It is unlawful for any person knowingly or intentionally to acquire or obtain possession or attempt to acquire or obtain possession of a controlled substance or a legend drug by larceny, embezzlement, misrepresentation, fraud, forgery, deception or subterfuge.
- (2) It is unlawful for any person knowingly or intentionally to possess, sell, deliver, transfer or attempt to possess, sell, deliver or transfer a false, fraudulent or forged prescription of a practitioner.
- (3) Any person who violates this section is guilty of a crime and upon conviction shall be confined for not less than one (1) year nor more than five (5) years and fined not more than One Thousand Dollars ($1,000.00), or both.

§ 41-29-145. Distribution to persons under age twenty-one

Any person twenty-one (21) years of age or over who violates subsections (a) and
(b) of Section 41-29-139 with reference to a controlled substance listed in Schedules I, II, III, IV and V as set out in Sections 41-29-113 through 41-29-121, inclusive, to a person under twenty-one (21) years of age may be punished by the fine authorized by Section 41-29-139, or by a term of imprisonment or confinement up to twice that authorized by said Section 41-29-139, or both, or he may be punished as provided in Section 41-29-142.

§ 41-29-146. False representation of prescription or legend drug; penalty

- (1) It shall be unlawful for any person to sell, produce, manufacture or possess with the intent to sell, produce, manufacture, distribute or dispense any substance which is falsely represented to be a prescription or legend drug or a controlled substance.
- (2) The provisions of this section shall not apply to a law enforcement officer acting in the course and scope of his employment or to a medical practitioner, pharmacist or other person authorized to dispense or administer controlled substances.
- (3) Any person who violates this section shall, upon conviction, be guilty of a felony and may be punished by confinement in the custody of the Department of Corrections for not more than five (5) years or by a fine of not more than Five Thousand Dollars ($5,000.00), or both.

§ 41-29-147. Second and subsequent offenses

Except as otherwise provided in Section 41-29-142, any person convicted of a second or subsequent offense under this article may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.

For purposes of this section, an offense is considered a second or subsequent offense, if, prior to his conviction of the offense, the offender has at any time been convicted under this article or under any statute of the United States or of any state relating to narcotic drugs, marihuana, depressant, stimulant or hallucinogenic drugs.

§ 41-29-149. Suspended sentences; eligibility for parole; resentencing

- (a) Regardless of the penalties provided heretofore for the violation of any section or portion of this article, the judge of the court of jurisdiction of any defendant may, in his discretion, suspend such penalty, penalties, or portions thereof, for any person charged with a first offense.
- (b) A person convicted under this article or under any prior law superseded by this article for a violation of the law regarding controlled substances shall be eligible for parole just as in any other criminal conviction as provided by Section 47-7-3.
- (c) Any person who was convicted and/or who is still serving a sentence in the Mississippi State Penitentiary for a first offense under any prior law superseded by this article, may petition the court of original jurisdiction for resentencing under the provisions of this article.
- (d) Any person previously indicted under a prior law for violation of any law regarding controlled substances but not yet sentenced shall be sentenced under the provisions of this article provided that the sentence imposed is not greater than that provided under said prior law.
(e) For the purposes of the sentencing provisions of this article, a first offense shall be deemed to be and include any offense, offenses, act or acts prohibited by said law, or any prior law superseded by said law, committed prior to a first indictment under said law or under prior law superseded by said law.

§ 41-29-150. Participation in drug rehabilitation programs; probation; expunction of record upon application to court

(a) Any person convicted under Section 41-29-139 may be required, in the discretion of the court, as a part of the sentence otherwise imposed, or in lieu of imprisonment in cases of probation or suspension of sentence, to attend a course of instruction conducted by the bureau, the State Board of Health, or any similar agency, on the effects, medically, psychologically and socially, of the misuse of controlled substances. The course may be conducted at any correctional institution, detention center or hospital, or at any center or treatment facility established for the purpose of education and rehabilitation of those persons committed because of abuse of controlled substances.

(b) Any person convicted under Section 41-29-139 who is found to be dependent upon or addicted to any controlled substance shall be required, as a part of the sentence otherwise imposed, or in lieu of imprisonment in cases of parole, probation or suspension of sentence, to receive medical treatment for such dependency or addiction. The regimen of medical treatment may include confinement in a medical facility of any correctional institution, detention center or hospital, or at any center or facility established for treatment of those persons committed because of a dependence or addiction to controlled substances.

(c) Those persons previously convicted of a felony under Section 41-29-139 and who are now confined at the Mississippi State Hospital at Whitfield, Mississippi, or at the East Mississippi State Hospital at Meridian, Mississippi, for the term of their sentence shall remain under the jurisdiction of the Mississippi Department of Corrections and shall be required to abide by all reasonable rules and regulations promulgated by the director and staff of said institutions and of the Department of Corrections. Any persons so confined who shall refuse to abide by said rules or who attempt an escape or who shall escape shall be transferred to the State Penitentiary or to a county jail, where appropriate, to serve the remainder of the term of imprisonment; this provision shall not preclude prosecution and conviction for escape from said institutions.

(d) If any person who has not previously been convicted of violating Section 41-29-139, or the laws of the United States or of another state relating to narcotic drugs, stimulant or depressant substances, other controlled substances or marihuana is found to be guilty of a violation of subsection (c) or (d) of Section 41-29-139, after trial or upon a plea of guilty, the court may, without entering a judgment of guilty and with the consent of such person, defer further proceedings and place him on probation upon such reasonable conditions as it may require and for such period, not to exceed three (3) years, as the court may prescribe. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against such person and discharge him from probation before the expiration of the maximum period prescribed for such person’s probation. If during the period of his probation such person does not violate any of the conditions of the probation, then upon expiration of such period the court shall discharge such person and dismiss the proceedings against him. Discharge and
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dismissal under this subsection shall be without court adjudication of guilt, but a nonpublic record thereof shall be retained by the bureau solely for the purpose of use by the courts in determining whether or not, in subsequent proceedings, such person qualifies under this subsection. Such discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the penalties prescribed under this article for second or subsequent conviction, or for any other purpose. Discharge and dismissal under this subsection may occur only once with respect to any person; and

(2) Upon the dismissal of a person and discharge of proceedings against him under paragraph (1) of this subsection, the person may apply to the court for an order to expunge from all official records, other than the nonpublic records to be retained by the bureau under paragraph (1) of this subsection, all recordation relating to his arrest, indictment, trial, finding of guilt, and dismissal and discharge pursuant to this section. If the court determines, after hearing, that such person was dismissed and the proceedings against him discharged, or that the person had satisfactorily served his sentence or period of probation and parole, it shall enter an order of expunction. The effect of the order shall be to restore the person, in the contemplation of the law, to the status he occupied before such arrest or indictment. No person as to whom such an order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his failures to recite or acknowledge such arrest, indictment or trial in response to any inquiry made of him for any purpose. A person as to whom an order has been entered, upon request, shall be required to advise the court, in camera, of the previous conviction and expunction in any legal proceeding wherein the person has been called as a prospective juror. The court shall thereafter and before the selection of the jury advise the attorneys representing the parties of the previous conviction and expunction.

(e) Every person who has been or may hereafter be convicted of a felony offense under Section 41-29-139 and sentenced under Section 41-29-150(c) shall be under the jurisdiction of the Mississippi Department of Corrections.

(f) It shall be unlawful for any person confined under the provisions of subsection (b) or (c) of this section to escape or attempt to escape from said institution, and, upon conviction, said person shall be guilty of a felony and shall be imprisoned for a term not to exceed two (2) years.

(g) It is the intent and purpose of the Legislature to promote the rehabilitation of persons convicted of offenses under the Uniform Controlled Substances Law.

§ 41-29-152. Enhancement of penalty for violations of Uniform Controlled Substances Law while in possession of firearm; "firearm" defined

(1) Any person who violates Section 41-29-313 or who violates Section 41-29-139 with reference to a controlled substance listed in Schedule I, II, III, IV or V as set out through , Mississippi Code of 1972, inclusive, and has in his possession any firearm, either at the time of the commission of the offense or at the time any arrest is made, may be punished by a fine up to twice that authorized by Section 41-29-139 or 41-29-313, or by a term of imprisonment or confinement up to twice that authorized by Section 41-29-139 or 41-29-313, or both.
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- (2) "Firearm" means any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.

§ 41-29-313. Purchase, possession, transfer, manufacture or distribution of listed chemical or drug with intent to unlawfully manufacture controlled substance prohibited; possession of anhydrous ammonia in unauthorized container constitutes prima facie evidence of intent to unlawfully manufacture controlled substance; purchase, possession, transfer or distribution of certain quantities of ephedrine and pseudoephedrine prohibited; rebuttable presumption of intent to manufacture for person in possession of certain quantities of ephedrine or pseudoephedrine; enhanced penalties for certain violations

- (1) (a) Except as authorized in this section, it is unlawful for any person to knowingly or intentionally:
  - (i) Purchase, possess, transfer, manufacture, attempt to manufacture or distribute any two (2) or more of the listed precursor chemicals or drugs in any amount with the intent to unlawfully manufacture a controlled substance;
  - (ii) Purchase, possess, transfer, manufacture, attempt to manufacture or distribute any two (2) or more of the listed precursor chemicals or drugs in any amount, knowing, or under circumstances where one reasonably should know, that the listed precursor chemical or drug will be used to unlawfully manufacture a controlled substance;

- (b) The term "precursor drug or chemical" means a drug or chemical that, in addition to legitimate uses, may be used in manufacturing a controlled substance in violation of this chapter. The term includes any salt, optical isomer or salt of an optical isomer, whenever the existence of a salt, optical isomer or salt of optical isomer is possible within the specific chemical designation. The chemicals or drugs listed in this section are included by whatever official, common, usual, chemical or trade name designated. A "precursor drug or chemical" includes, but is not limited to, the following:
  - (i) Ether;
  - (ii) Anhydrous ammonia;
  - (iii) Ammonium nitrate;
  - (iv) Pseudoephedrine;
  - (v) Ephedrine;
  - (vi) Denatured alcohol (Ethanol);
  - (vii) Lithium;
  - (viii) Freon;
  - (ix) Hydrochloric acid;
  - (x) Hydriodic acid;
  - (xi) Red phosphorous;
  - (xii) Iodine;
  - (xiii) Sodium metal;
  - (xiv) Sodium hydroxide;
  - (xv) Muriatic acid;
  - (xvi) Sulfuric acid;
  - (xvii) Hydrogen chloride gas;
  - (xviii) Potassium;
  - (xix) Methanol;
  - (xx) Isopropyl alcohol;
Mississippi Drug Statutes

- (xxi) Hydrogen peroxide;
- (xxii) Hexanes;
- (xxiii) Heptanes;
- (xxiv) Acetone;
- (xxv) Toluene;
- (xxvi) Xylenes.

(c) Any person who violates this subsection (1), upon conviction, is guilty of a felony and may be imprisoned for a period not to exceed thirty (30) years and shall be fined not less than Five Thousand Dollars ($5,000.00) nor more than One Million Dollars ($1,000,000.00), or both fine and imprisonment.

• (2)
  o (a) It is unlawful for any person to knowingly or intentionally steal or unlawfully take or carry away any amount of anhydrous ammonia or to break, cut, or in any manner damage the valve or locking mechanism on an anhydrous ammonia tank with the intent to steal or unlawfully take or carry away anhydrous ammonia.
  o (b)
    • (i) It is unlawful for any person to purchase, possess, transfer or distribute any amount of anhydrous ammonia knowing, or under circumstances where one reasonably should know, that the anhydrous ammonia will be used to unlawfully manufacture a controlled substance.
    • (ii) The possession of any amount of anhydrous ammonia in a container unauthorized for containment of anhydrous ammonia pursuant to Section 75-57-9 shall be prima facie evidence of intent to use the anhydrous ammonia to unlawfully manufacture a controlled substance.
  o (c)
    • (i) It is unlawful for any person to purchase, possess, transfer or distribute two hundred fifty (250) dosage units or fifteen (15) grams in weight (dosage unit and weight as defined in Section 41-29-139) of pseudoephedrine or ephedrine, knowing, or under circumstances where one reasonably should know, that the pseudoephedrine or ephedrine will be used to unlawfully manufacture a controlled substance.
    • (ii) Except as provided in this subparagraph, possession of one or more products containing more than twenty-four (24) grams of ephedrine or pseudoephedrine shall constitute a rebuttable presumption of intent to use the product as a precursor to methamphetamine or another controlled substance. The rebuttable presumption established by this subparagraph shall not apply to the following persons who are lawfully possessing the identified drug products in the course of legitimate business:
      ■ 1. A retail distributor of the drug products described in this subparagraph possessing a valid business license or wholesaler;
      ■ 2. A wholesale drug distributor, or its agents, licensed by the Mississippi State Board of Pharmacy;
      ■ 3. A manufacturer of drug products described in this subparagraph, or its agents, licensed by the Mississippi State Board of Pharmacy;
      ■ 4. A pharmacist licensed by the Mississippi State Board of Pharmacy; or
      ■ 5. A licensed health care professional possessing the drug products described in this subparagraph (ii) in the course of carrying out his profession.
(d) Any person who violates this subsection (2), upon conviction, is
 guilty of a felony and may be imprisoned for a period not to exceed five (5)
 years and shall be fined not more than Five Thousand Dollars ($ 5,000.00), or
 both fine and imprisonment.

(3) Nothing in this section shall preclude any farmer from storing or using
 any of the listed precursor drugs or chemicals listed in this section in the normal
 pursuit of farming operations.

(4) Nothing in this section shall preclude any wholesaler, retailer or
 pharmacist from possessing or selling the listed precursor drugs or chemicals in
 the normal pursuit of business.

(5) Any person who violates the provisions of this section with children
 under the age of eighteen (18) years present may be subject to a term of
 imprisonment or a fine, or both, of twice that provided in this section.

(6) Any person who violates the provisions of this section when the offense
 occurs in any hotel or apartment building or complex may be subject to a term of
 imprisonment or a fine, or both, of twice that provided in this section. For the
 purposes of this subsection (6), the following terms shall have the meanings
 ascribed to them:

(a) "Hotel" means a hotel, inn, motel, tourist court, apartment house,
 rooming house or any other place where sleeping accommodations are
 furnished or offered for pay if four (4) or more rooms are available for
 transient guests.

(b) "Apartment building" means any building having four (4) or more
 dwelling units, including, without limitation, a condominium building.

(7) Any person who violates the provisions of this section who has in his
 possession any firearm, either at the time of the commission of the offense or at
 the time any arrest is made, may be subject to a term of imprisonment or a fine,
 or both, of twice that provided in this section.

(8) Any person who violates the provisions of this section upon any premises
 upon which any booby trap has been installed or rigged may be subject to a term
 of imprisonment or a fine, or both, of twice that provided in this section. For the
 purposes of this subsection, the term "booby trap" means any concealed or
 camouflaged device designed to cause bodily injury when triggered by any action
 of a person making contact with the device. The term includes guns, ammunition
 or explosive devices attached to trip wires or other triggering mechanisms,
 sharpened stakes, nails, spikes, electrical devices, lines or wires with hooks
 attached, and devices designed for the production of toxic fumes or gases.
### North Carolina Drug Statutes Chart

**North Carolina General Statutes: Chapter 90 Medicine and Allied Occupations**

**SCHEDULE I:** N.C. Gen. Stat. § 90-89

1. **Opiates:** E.g., difenoxin
2. **Opium derivatives:** E.g., heroin, codeine compounds, morphine compounds, etc.
3. **Hallucinogenic substances:** E.g., marijuana, MDMA, mescaline, DMT, peyote, LSD, psilocybin, synthetic THC, PCP, etc.
4. **Depressants:** E.g., Qualuudes, GHB
5. **Stimulants:** E.g., fenethylline, MDPV, mephedrone

**90-89.1: Schedule I analogues**

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<tr>
<th>N.C. Gen. Stat. § 90-95 (All sentences are minimum ranges from structured sentencing chart in Appendix. Maximum sentences are listed in the chart according to prior convictions.)</th>
<th>Enhancements (see structured sentencing chart p. 13-17*)</th>
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<td>(b)(1) <strong>Manufacture or possession w/ intent (p.w.i.): Schedule I or II</strong>&lt;br&gt;Class H Felony: 5-6 months</td>
<td>Community and Intermediate sentencing permitted w/in discretion of the court*</td>
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<td>(b)(1)(i) <strong>Sale of Schedule I or II</strong>&lt;br&gt;Class G Felony: 10-13 months</td>
<td>Intermediate sentencing permitted</td>
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<td>No probation or suspended sentence</td>
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<td>(b)(1a) <strong>Packaging/labeling methamphetamine</strong>&lt;br&gt;Class H Felony: 5-6 months</td>
<td>15a-1340.16D. If police officer injured: +2yrs Community and Intermediate sentencing permitted w/in discretion of the court*</td>
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<tr>
<td>(d)(1) <strong>Possession of Schedule I</strong>&lt;br&gt;Class I Felony: 4-6 months</td>
<td>Community sentencing conditions imposed*</td>
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<td>(d)(1) <strong>Possession of &lt;1g MPDV</strong>&lt;br&gt;Class 1 misdemeanor: 1-45 days</td>
<td>Community sentencing conditions imposed*</td>
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**SCHEDULE II:** N.C. Gen. Stat. § 90-90

1. **Narcotics derived from vegetable origin or chemical synthesis:**
   - (A) Opium and opiates: e.g., raw opium, codeine, morphine and derived painkillers
   - (B) chemical equivalents to those listed in (A)
   - (C) Opium poppies and poppy straws
   - (D) Cocaine
   - (E) Poppy straw concentrate
2. **Other opiates:** e.g., methadone, dihydrocodeine
3. **Stimulants:** Ritalin,

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<tr>
<th>N.C. Gen. Stat. § 90-95 (All sentences are minimum ranges from structured sentencing chart in Appendix. Maximum sentences are listed in the chart according to prior convictions.)</th>
<th>Enhancements (see structured sentencing chart p. 13-17*)</th>
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<td>(d)(2) <strong>Possession of methamphetamine, amphetamine, PCP, cocaine</strong>&lt;br&gt;Class I felony: 4-6 months</td>
<td>Community sentencing conditions imposed*</td>
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<tr>
<td>(d)(2) <strong>Possession of &gt;4 units of hydromorphone</strong>&lt;br&gt;Class I felony: 4-6 months</td>
<td>Community sentencing conditions imposed*</td>
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<td>(d)(2) <strong>Possession of &gt;100 units of other Schedule II, III, IV</strong>&lt;br&gt;Class I felony: 4-6 months</td>
<td>Community sentencing conditions imposed*</td>
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<tr>
<td>(d)(2) <strong>Possession of &lt;100 units of other Schedule II, III, or IV</strong>&lt;br&gt;Class 1 misdemeanor: 1-45 days</td>
<td>Community sentencing conditions imposed*</td>
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<tr>
<td><strong>(b)</strong> Depressants: e.g., barbiturates, sedatives, anesthetics, Ketamine</td>
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<td><strong>(c)</strong> Nalorphine</td>
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<td><strong>(d)</strong> Limited narcotic drugs: Compounds w/ limited percentages of codeine, hydrocodone, dihydrocodone, opium, morphine</td>
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<td><strong>(e)</strong> Limited paregoric compounds</td>
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<td><strong>(j)</strong> Stimulants: e.g., appetite suppressants</td>
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<td><strong>(k)</strong> Anabolic Steroids and hormones (except those exempted)</td>
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<td><strong>(m)</strong> GHA</td>
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<td><strong>(n)</strong> Dronabinol</td>
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<tr>
<td><strong>(1)</strong> Depressants: e.g., alprazolam, clonazepam, fenfluramine &amp; pentazocine</td>
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<td><strong>(2)</strong> Stimulants: e.g., appetite suppressants</td>
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<td><strong>(4)</strong> Other substances: e.g., SPA, butorphanol</td>
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<td><strong>(5)</strong> Limited narcotic drugs: compounds w/ limited quantities of difenoxin &amp; buprenorphine</td>
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<td>Schedule V: N.C. Gen. Stat. § 90-93</td>
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<td>(1) Narcotics containing nonnarcotic active medicinal ingredients: e.g., limited percentages of codeine, opium, etc. (3) pyrovalerone</td>
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<td>§ 90-95(d2) Immediate precursor chemicals: chemicals used to manufacture controlled substances (e.g., acetone, pseudoephedrine, sulfuric acid, lithium)</td>
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<tr>
<td>§ 90-95(d2) Immediate precursor chemicals: chemicals used to manufacture controlled substances (e.g., acetone, pseudoephedrine, sulfuric acid, lithium) Enhancement</td>
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<tr>
<td>Trafficking Offenses 90-95(h)</td>
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<tr>
<td>Trafficking = sale, manufacture, delivery, transportation or possession in excess of specified quantity</td>
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<tr>
<th>(1) Marijuana: &gt;10lbs</th>
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<tr>
<td>a. 10-50lbs</td>
<td>Class H felony: 25-39 months; $5,000 min fine</td>
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<tr>
<td>b. 50-2,000lbs</td>
<td>Class G felony: 35-51 months; $25,000 min fine</td>
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<tr>
<td>c. 2,000-10,000lbs</td>
<td>Class F felony: 70-93 months; $50,000 min fine</td>
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<tr>
<td>d. &gt;10,000lbs</td>
<td>Class D felony: 175-222 months; $200,000 min fine</td>
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<tr>
<th>(1a) Synthetic cannabinoids: &gt;50 units(u) (unit=3 grams)</th>
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<td>a. 50-250u</td>
<td>Class H felony: 25-39 months; $5,000 min fine</td>
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<tr>
<td>b. 250-1250u</td>
<td>Class G felony: 35-51 months; $25,000 min fine</td>
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<td>c. 1250-3750u</td>
<td>Class F felony: 70-93 months; $50,000 min fine</td>
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<tr>
<td>d. &gt;3750u</td>
<td>Class D felony: 175-222 months; $200,000 min fine</td>
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<th>(2) Methaqualone (Qualuude): &gt;1,000u</th>
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<tr>
<td>a. 1,000-5,000u</td>
<td>Class G felony: 35-51 months; $25,000 min fine</td>
</tr>
<tr>
<td>b. 5,000-10,000u</td>
<td>Class F felony: 70-93 months; $50,000 min fine</td>
</tr>
<tr>
<td>c. &gt;10,000u</td>
<td>Class D felony: 175-222 months; $200,000 min fine</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(3) Cocaine: &gt;28g</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a. 28-200g</td>
<td>Class G felony: 35-51 months; $50,000 min fine</td>
</tr>
<tr>
<td>b. 200-400g</td>
<td></td>
</tr>
<tr>
<td>Class F felony: 70-93 months: $100,000 min fine</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>c. &gt;400g</td>
<td>Class D felony: 175-222 months: $250,000 min fine</td>
</tr>
</tbody>
</table>

(3b) **Methamphetamine:**

<table>
<thead>
<tr>
<th>&gt;28g</th>
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</thead>
<tbody>
<tr>
<td>a. 28-200g</td>
</tr>
<tr>
<td>Class F felony: 70-93 months; $50,000 min fine</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>b. 200-400g</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class E felony: 90-120 months; $100,000 min fine</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>c. &gt;400g</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class C felony: 225-282 months; $250,000 min fine</td>
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(3c) **Amphetamine:**

<table>
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<tbody>
<tr>
<td>a. 28-200g</td>
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<tr>
<td>Class H felony: 25-39 months; $5,000 min fine</td>
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<table>
<thead>
<tr>
<th>b. 200-400g</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class G felony: 35-51 months; $25,000 min fine</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>c. &gt;400g</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class E felony: 90-120 months; $100,000 min fine</td>
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</table>

(3d) **MDPV:**

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>a. 28-200g</td>
</tr>
<tr>
<td>Class F felony: 70-93 months; $50,000 min fine</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>b. 200-400g</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class E felony: 90-120 months; $100,000 min fine</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>c. &gt;400g</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class C felony: 225-282 months; $250,000 min fine</td>
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(3e) **Mephedrone:**

<table>
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</thead>
<tbody>
<tr>
<td>a. 28-200g</td>
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<tr>
<td>Class F felony: 70-93 months; $50,000 min fine</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>b. 200-400g</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class E felony: 90-120 months; $100,000 min fine</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>c. &gt;400g</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class C felony: 225-282 months; $250,000 min fine</td>
</tr>
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</table>

(4) **Opium, opiates, heroin:**

<table>
<thead>
<tr>
<th>&gt;4g</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. 4-14g</td>
</tr>
<tr>
<td>Class F felony: 70-93 months; $50,000 min fine</td>
</tr>
</tbody>
</table>

| b. 14-28g |
## North Carolina Drug Statutes Chart
### North Carolina General Statutes: Chapter 90 Medicine and Allied Occupations

<table>
<thead>
<tr>
<th>Class E felony: 90-120 months; $100,000 min fine</th>
</tr>
</thead>
</table>
| c. >28g  
Class C felony: 225-282 months; $500,000 min fine |
| (4a) **LSD: >100u** |
| a. 100-500u  
Class G felony: 35-51 months; $25,000 min fine |
| b. 500-1,000u  
Class F felony: 70-93 months; $50,000 min fine |
| c. >1,000u  
Class D felony: 175-222 months; $200,000 min fine |
| (4b) **MDA/MDMA: >28g/>100u** |
| a. 100-500u/28-200g  
Class G felony: 35-51 months; $25,000 min fine |
| b. 500-1,000u/200-400g  
Class F felony: 70-93 months; $50,000 min fine |
| c. >1,000u/>400g  
Class D felony: 175-222 months; $250,000 min fine |

### Additional Enhancement Offenses

<table>
<thead>
<tr>
<th><strong>Penalties</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>90-95.1 Continuing criminal enterprise</strong></td>
</tr>
</tbody>
</table>
| Class C felony: 58-73 months  
No probation or s.s. |
| **90-95.4 Employing minor to commit drug offense** |
| (a)(1) A person 18-21 years old employing minor over 13 years old  
Felony conviction 1 class higher than penalty imposed for offense |
| (a)(2) A person 18-21 years old employing minor under 13 years old  
Felony conviction 2 classes higher than penalty imposed for offense |
| (b)(1) A person over 21 years old employing minor over 13 years old  
Felony conviction 3 classes higher than penalty imposed for offense |
| (b)(2) A person over 21 years old employing minor under 13 years old  
Felony conviction 4 classes higher than penalty imposed for offense |
| **90-95.6 Promoting drug sales by a minor** |
| Class D felony: 51-64 months  
No probation or s.s. |
| **90-95.7 Participating in a drug violation by a minor** |
| Class G felony: 10-13 months  
Intermediate sentencing conditions permitted w/ discretion of the court* |
| **90-96 Conditional discharge for offense** |
| If person has not been convicted of prior felony in any state or any drug offense in this or any |

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### North Carolina Drug Statutes Chart

**North Carolina General Statutes: Chapter 90 Medicine and Allied Occupations**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>90-96.1 Immunity from prosecution for minors</td>
<td>A minor convicted of possession or distribution of controlled substance may be granted immunity from prosecution if minor discloses identity of person from whom he obtained controlled substances.</td>
</tr>
<tr>
<td>15A-1340.16A Use, display or threat of use of a firearm or deadly weapon in commission of a Class A, B1, B2, C, D, or E felony</td>
<td>60 months additional minimum sentence</td>
</tr>
</tbody>
</table>

#### 90-108 Prescription/Registration Offenses

| (1) impersonation of a practitioner to secure prescription drug | Class 1 misdemeanor: 1-45 days w/ intent: Class I felony: 4-6 months (Community sentencing conditions imposed*) |
| (2) practitioner dispensing controlled substance w/o prescription | Class 1 misdemeanor: 1-45 days w/ intent: Class I felony: 4-6 months (Community sentencing conditions imposed*) |
| (3) registered manufacturer or distributor manufacturing/distributing unauthorized substances | Class 1 misdemeanor: 1-45 days w/ intent: Class I felony: 4-6 months (Community sentencing conditions imposed*) |
| (4) omission, removal or altering symbol required by Federal Controlled Substances Act | Class 1 misdemeanor: 1-45 days w/ intent: Class I felony: 4-6 months (Community sentencing conditions imposed*) |
| (5) refusing or failing to keep records required | Class 1 misdemeanor: 1-45 days w/ intent: Class I felony: 4-6 months (Community sentencing conditions imposed*) |
| (6) refusing entry into premises for authorized inspections | Class 1 misdemeanor: 1-45 days w/ intent: Class I felony: 4-6 months (Community sentencing conditions imposed*) |
| (7) maintaining place or vehicle which is resorted to by persons using controlled substances for use, storage or sale | Class 1 misdemeanor: 1-45 days w/ intent or fortification of structure: Class I felony: 4-6 months (Community sentencing conditions imposed*) |
| (8) distribution of Schedule I or II substances by practitioner w/o required order form | Class 1 misdemeanor: 1-45 days w/ intent: Class I felony: 4-6 months (Community sentencing conditions imposed*) |
| (9) use of an unauthorized registration number to manufacture of distribute | Class 1 misdemeanor: 1-45 days w/ intent: Class I felony: 4-6 months (Community sentencing conditions imposed*) |
| (10) obtaining possession of a controlled substance by misrepresentation | Class 1 misdemeanor: 1-45 days w/ intent: Class I felony: 4-6 months (Community sentencing conditions imposed*) |
| (11) use of false information or omission of information in required documentation | Class 1 misdemeanor: 1-45 days w/ intent: Class I felony: 4-6 months (Community sentencing conditions imposed*) |
| (12) making, distributing or possessing anything to print or reproduce identifying marks to produce counterfeit substance | Class 1 misdemeanor: 1-45 days w/ intent: Class I felony: 4-6 months (Community sentencing conditions imposed*) |
| (13) obtaining controlled substance through use of legal prescription through willful misrepresentation or omission | Class 1 misdemeanor: 1-45 days w/ intent: Class I felony: 4-6 months (Community sentencing conditions imposed*) |
| (14) embezzlement of controlled substance by a practitioner's employee | Class 1 misdemeanor: 1-45 days w/ intent: Class I felony: 4-6 months (Community sentencing conditions imposed*) |

**Drug Paraphernalia Offense**

| 90-113.22 Possession | Class 1 misdemeanor: 1-45 days (Community sentencing conditions imposed*) |
| 90-113.23 **Manufacture or delivery** Delivery to a minor | Class 1 misdemeanor: 1-45 days Class I felony: 4-6 months (Community sentencing conditions imposed*) |
| 90-113.24 Advertisement of drug paraphernalia | Class 2 misdemeanor: 1-30 days (Community sentencing conditions imposed*) |
| 90-113.83 **Sale of potential drug paraphernalia in violation of sales restrictions** | Class 2 misdemeanor: 1-30 days (Community sentencing conditions imposed*) |
| 90-113.83 Misrepresentation of records maintained re: potential drug paraphernalia | Class 1 misdemeanor: 1-45 days (Community sentencing conditions imposed*) |

**Pseudoephedrine Control Offenses**

<p>| 90-113.52 <strong>Self-service sale of products; Sale to minor; Maintenance of sales records</strong> | Retailer: offense: Class A1 misdemeanor: 1-60 days Community and Intermediate sentencing permitted w/in discretion of the court* or subsequent offense: Class I felony (Community sentencing conditions imposed*) Purchaser: offense: Class 1 misdemeanor: 1-45 days (Community sentencing conditions imposed*) offense: Class A1 misdemeanor: 1-60 days Community and Intermediate sentencing permitted w/in discretion of the court* or subsequent offense: Class I felony: 4-6 months (Community sentencing conditions imposed*) |
| 90-113.53 <strong>Pseudoephedrine transaction limits</strong> (&lt;3.6g/day; &lt;9g/month) | Retailer: offense: Class A1 misdemeanor: 1-60 days Community and Intermediate sentencing |</p>
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>90-113.54 <strong>Required posting of signs</strong></td>
<td>offense: Class A1 misdemeanor: 1-60 days Community and Intermediate sentencing permitted w/in discretion of the court* or subsequent offense: Class I felony: 4-6 months</td>
</tr>
<tr>
<td>90-113.55 <strong>Required training of employees</strong></td>
<td>offense: &lt;$500; offense: &lt;$750; or subsequent offense: &lt;$1,000</td>
</tr>
</tbody>
</table>

* permitted w/in discretion of the court* or subsequent offense: Class I felony: 4-6 months
Purchaser:
offense: Class 1 misdemeanor: 1-45 days
offense: Class A1 misdemeanor: 1-60 days
Community and Intermediate sentencing permitted w/in discretion of the court* or subsequent offense: Class I felony: 4-6 months

**North Carolina Drug Statutes Chart**
**North Carolina General Statutes: Chapter 90 Medicine and Allied Occupations**
North Carolina Drug Statutes
(listed in numerical order)

N.C. Gen. Stat. § 15A-1340.16
• (d) Aggravating Factors. -- The following are aggravating factors:
  o (1) The defendant induced others to participate in the commission of the offense or occupied a position of leadership or dominance of other participants.
  o (2) The defendant joined with more than one other person in committing the offense and was not charged with committing a conspiracy.
  o (2a) The offense was committed for the benefit of, or at the direction of, any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, and the defendant was not charged with committing a conspiracy. A "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of felony or violent misdemeanor offenses, or delinquent acts that would be felonies or violent misdemeanors if committed by an adult, and having a common name or common identifying sign, colors, or symbols.
  o (3) The offense was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.
  o (4) The defendant was hired or paid to commit the offense.
  o (5) The offense was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.
  o (6) The offense was committed against or proximately caused serious injury to a present or former law enforcement officer, employee of the Division of Adult Correction of the Department of Public Safety, jailer, fireman, emergency medical technician, ambulance attendant, social worker, justice or judge, clerk or assistant or deputy clerk of court, magistrate, prosecutor, juror, or witness against the defendant, while engaged in the performance of that person's official duties or because of the exercise of that person's official duties.
  o (6a) The offense was committed against or proximately caused serious harm as defined in S. 14-163.1 or death to a law enforcement agency animal, an assistance animal, or a search and rescue animal as defined in S. 14-163., while engaged in the performance of the animal's official duties.
  o (7) The offense was especially heinous, atrocious, or cruel.
  o (8) The defendant knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person.
(9) The defendant held public elected or appointed office or public employment at the time of the offense and the offense directly related to the conduct of the office or employment.

(10) The defendant was armed with or used a deadly weapon at the time of the crime.

(11) The victim was very young, or very old, or mentally or physically infirm, or handicapped.

(12) The defendant committed the offense while on pretrial release on another charge.

(12a) The defendant has, during the 10-year period prior to the commission of the offense for which the defendant is being sentenced, been found by a court of this State to be in willful violation of the conditions of probation imposed pursuant to a suspended sentence or been found by the Post-Release Supervision and Parole Commission to be in willful violation of a condition of parole or post-release supervision imposed pursuant to release from incarceration.

(13) The defendant involved a person under the age of 16 in the commission of the crime.

(14) The offense involved an attempted or actual taking of property of great monetary value or damage causing great monetary loss, or the offense involved an unusually large quantity of contraband.

(15) The defendant took advantage of a position of trust or confidence, including a domestic relationship, to commit the offense.

(16) The offense involved the sale or delivery of a controlled substance to a minor.

(16a) The offense is the manufacture of methamphetamine and was committed where a person under the age of 18 lives, was present, or was otherwise endangered by exposure to the drug, its ingredients, its by-products, or its waste.

(16b) The offense is the manufacture of methamphetamine and was committed in a dwelling that is one of four or more contiguous dwellings.

(17) The offense for which the defendant stands convicted was committed against a victim because of the victim's race, color, religion, nationality, or country of origin.

(18) The defendant does not support the defendant's family.

(18a) The defendant has previously been adjudicated delinquent for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult.

(19) The serious injury inflicted upon the victim is permanent and debilitating.

(20) Any other aggravating factor reasonably related to the purposes of sentencing.
Evidence necessary to prove an element of the offense shall not be used to prove any factor in aggravation, and the same item of evidence shall not be used to prove more than one factor in aggravation. Evidence necessary to establish that an enhanced sentence is required under .S. 15A-1340.16A may not be used to prove any factor in aggravation.

The judge shall not consider as an aggravating factor the fact that the defendant exercised the right to a jury trial.

Notwithstanding the provisions of subsection (a1) of this section, the determination that an aggravating factor under .S. 15A-1340.16(d)(18a) is present in a case shall be made by the court, and not by the jury. That determination shall be made in the sentencing hearing.

(e) **Mitigating Factors.** The following are mitigating factors:

1. The defendant committed the offense under duress, coercion, threat, or compulsion that was insufficient to constitute a defense but significantly reduced the defendant's culpability.
2. The defendant was a passive participant or played a minor role in the commission of the offense.
3. The defendant was suffering from a mental or physical condition that was insufficient to constitute a defense but significantly reduced the defendant's culpability for the offense.
4. The defendant's age, immaturity, or limited mental capacity at the time of commission of the offense significantly reduced the defendant's culpability for the offense.
5. The defendant has made substantial or full restitution to the victim.
6. The victim was more than 16 years of age and was a voluntary participant in the defendant's conduct or consented to it.
7. The defendant aided in the apprehension of another felon or testified truthfully on behalf of the prosecution in another prosecution of a felony.
8. The defendant acted under strong provocation, or the relationship between the defendant and the victim was otherwise extenuating.
9. The defendant could not reasonably foresee that the defendant's conduct would cause or threaten serious bodily harm or fear, or the defendant exercised caution to avoid such consequences.
10. The defendant reasonably believed that the defendant's conduct was legal.
11. Prior to arrest or at an early stage of the criminal process, the defendant voluntarily acknowledged wrongdoing in connection with the offense to a law enforcement officer.
12. The defendant has been a person of good character or has had a good reputation in the community in which the defendant lives.
North Carolina Drug Statutes

- (13) The defendant is a minor and has reliable supervision available.
- (14) The defendant has been honorably discharged from the Armed Forces of the United States.
- (15) The defendant has accepted responsibility for the defendant's criminal conduct.
- (16) The defendant has entered and is currently involved in or has successfully completed a drug treatment program or an alcohol treatment program subsequent to arrest and prior to trial.
- (17) The defendant supports the defendant's family.
- (18) The defendant has a support system in the community.
- (19) The defendant has a positive employment history or is gainfully employed.
- (20) The defendant has a good treatment prognosis, and a workable treatment plan is available.
- (21) Any other mitigating factor reasonably related to the purposes of sentences.

§ 15A-1340.17. Punishment limits for each class of offense and prior record level

- (a) Offense Classification; Default Classifications. -- The offense classification is as specified in the offense for which the sentence is being imposed. If the offense is a felony for which there is no classification, it is a Class I felony.
- (b) Fines. -- Any judgment that includes a sentence of imprisonment may also include a fine. If a community punishment is authorized, the judgment may consist of a fine only. Additionally, when the defendant is other than an individual, the judgment may consist of a fine only. Unless otherwise provided, the amount of the fine is in the discretion of the court.
- (c) Punishments for Each Class of Offense and Prior Record Level; Punishment Chart Described. -- The authorized punishment for each class of offense and prior record level is as specified in the chart below. Prior record levels are indicated by the Roman numerals placed horizontally on the top of the chart. Classes of offense are indicated by the letters placed vertically on the left side of the chart. Each cell on the chart contains the following components:
  - (1) A sentence disposition or dispositions: "C" indicates that a community punishment is authorized; "I" indicates that an intermediate punishment is authorized; "A" indicates that an active punishment is authorized; and "Life Imprisonment Without Parole"
indicates that the defendant shall be imprisoned for the remainder of the prisoner's natural life.

(2) A presumptive range of minimum durations, if the sentence of imprisonment is neither aggravated or mitigated; any minimum term of imprisonment in that range is permitted unless the court finds pursuant to .S. 15A-1340.16 that an aggravated or mitigated sentence is appropriate. The presumptive range is the middle of the three ranges in the cell.

(3) A mitigated range of minimum durations if the court finds pursuant to .S. 15A-1340.16 that a mitigated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the mitigated range is permitted. The mitigated range is the lower of the three ranges in the cell.

(4) An aggravated range of minimum durations if the court finds pursuant to .S. 15A-1340.16 that an aggravated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the aggravated range is permitted. The aggravated range is the higher of the three ranges in the cell.

PRIOR RECORD LEVEL

<table>
<thead>
<tr>
<th>PRIOR RECORD LEVEL</th>
<th>DISPOSITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>A</td>
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<tr>
<td>II</td>
<td>A</td>
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<tr>
<td>III</td>
<td>A</td>
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<td>IV</td>
<td>A</td>
</tr>
<tr>
<td>V</td>
<td>A</td>
</tr>
<tr>
<td>VI</td>
<td>A</td>
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<td>18+ Pts</td>
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<td>Life Imprisonment</td>
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<td>Without Parole</td>
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<td>317-397</td>
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<tr>
<td>221-276</td>
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<td>254-317</td>
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<td>30-38</td>
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<tr>
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<tr>
<td>30-40</td>
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<tr>
<td>F</td>
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<tr>
<td>13-16</td>
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<tr>
<td>15-19</td>
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<tr>
<td>17-21</td>
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<td>26-33</td>
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### North Carolina Drug Statutes

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**Disposition:**
- Aggravated
- Presumptive
- Mitigated

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</table>

**Disposition:**
- Aggravated
- Presumptive
- Mitigated

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**(d) Maximum Sentences Specified for Class F through Class I Felonies.** -- Unless provided otherwise in a statute establishing a punishment for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of this section, expressed in months, the corresponding maximum term of imprisonment, also expressed in months, is as specified in the table below for Class F through Class I felonies. The first figure in each cell in the table is the minimum term and the second is the maximum term.

<table>
<thead>
<tr>
<th>3-13</th>
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<th>6-17</th>
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<td>48-67</td>
<td>49-68</td>
<td></td>
</tr>
</tbody>
</table>

**Disposition:**
- Aggravated
- Presumptive
- Mitigated

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**(e) Maximum Sentences Specified for Class B1 through Class E Felonies for Minimum Terms up to 339 Months.** -- Unless provided otherwise in a statute establishing a punishment for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of this section, expressed in months, the corresponding maximum term of imprisonment, also expressed in months, is as specified in the table below for Class B1 through Class E felonies. The first figure in each cell of the table is the minimum term and the second is the maximum term.

<table>
<thead>
<tr>
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<td>91-122</td>
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<td>107-141</td>
<td>108-142</td>
<td>109-143</td>
<td>110-144</td>
</tr>
</tbody>
</table>

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North Carolina Drug Statutes

• (e1) Maximum Sentences Specified for Class B1 through Class E Felonies for Minimum Terms of 340 Months or More. -- Unless provided otherwise in a statute establishing a punishment for a specific crime, when the minimum sentence is 340 months or more, the corresponding maximum term of imprisonment shall be equal to the sum of the minimum term of imprisonment and twenty percent (20%) of the minimum term of imprisonment, rounded to the next highest month, plus 12 additional months.

• (f) Maximum Sentences Specified for Class B1 Through Class E Sex Offenses. -- Unless provided otherwise in a statute establishing a punishment for a specific crime, for offenders sentenced for a Class B1 through E felony that is a reportable conviction subject to the registration requirement of Article 27A of Chapter 14 of the General Statutes, the maximum term of imprisonment shall be equal to the sum of the minimum term of imprisonment and twenty percent (20%) of the minimum term of imprisonment, rounded to the next highest month, plus 60 additional months.
§ 15A-1340.23. Punishment limits for each class of offense and prior conviction level

- **(a) Offense Classification; Default Classifications.** -- The offense classification is as specified in the offense for which the sentence is being imposed. If the offense is a misdemeanor for which there is no classification, it is as classified in S. 14-.

- **(b) Fines.** -- Any judgment that includes a sentence of imprisonment may also include a fine. Additionally, when the defendant is other than an individual, the judgment may consist of a fine only. If a community punishment is authorized, the judgment may consist of a fine only. Unless otherwise provided for a specific offense, the maximum fine that may be imposed is two hundred dollars ($200.00) for a Class 3 misdemeanor and one thousand dollars ($1,000) for a Class 2 misdemeanor. The amount of the fine for a Class 1 misdemeanor and a Class A1 misdemeanor is in the discretion of the court.

- **(c) Punishment for Each Class of Offense and Prior Conviction Level; Punishment Chart Described.** -- Unless otherwise provided for a specific offense, the authorized punishment for each class of offense and prior conviction level is as specified in the chart below. Prior conviction levels are indicated by the Roman numerals placed horizontally on the top of the chart. Classes of offenses are indicated by the Arabic numbers placed vertically on the left side of the chart. Each grid on the chart contains the following components:
  - **(1)** A sentence disposition or dispositions: "C" indicates that a community punishment is authorized; "I" indicates that an intermediate punishment is authorized; and "A" indicates that an active punishment is authorized; and
  - **(2)** A range of durations for the sentence of imprisonment: any sentence within the duration specified is permitted.

<table>
<thead>
<tr>
<th>MISDEMEANOR OFFENSE CLASS</th>
<th>PRIOR CONVICTION LEVELS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LEVEL I</td>
</tr>
<tr>
<td>No Prior Convictions</td>
<td>C/I/A</td>
</tr>
<tr>
<td>A1</td>
<td>1-60 days C/I/A</td>
</tr>
<tr>
<td>1</td>
<td>1-45 days C</td>
</tr>
<tr>
<td>2</td>
<td>1-30 days C</td>
</tr>
<tr>
<td>3</td>
<td>1-10 days C</td>
</tr>
</tbody>
</table>

§ 15A-1343. Conditions of probation
• **(a) In General.** -- The court may impose conditions of probation reasonably necessary to insure that the defendant will lead a law-abiding life or to assist him to do so.

• **(a1) Community and Intermediate Probation Conditions.** -- In addition to any conditions a court may be authorized to impose pursuant to **S. 14-208.40(a)**, the court may include any one or more of the following conditions as part of a community or intermediate punishment:
  
  2. Perform community service and pay the fee prescribed by law for this supervision.
  3. Submission to a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate months during the period of probation. The six days per month confinement provided for in this subdivision may only be imposed as two-day or three-day consecutive periods. When a defendant is on probation for multiple judgments, confinement periods imposed under this subdivision shall run concurrently and may total no more than six days per month.
  4a. Abstain from alcohol consumption and submit to continuous alcohol monitoring when alcohol dependency or chronic abuse has been identified by a substance abuse assessment.
  5. Participation in an educational or vocational skills development program, including an evidence-based program.
  6. Submission to satellite-based monitoring, pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes, if the defendant is described by **S. 14-208.40(a)**.

• **(b) Regular Conditions.** -- As regular conditions of probation, a defendant must:
  
  1. Commit no criminal offense in any jurisdiction.
  2. Remain within the jurisdiction of the court unless granted written permission to leave by the court or his probation officer.
  3. Report as directed by the court or his probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit him at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment.
  3a. Not to abscond, by willfully avoiding supervision or by willfully making the defendant's whereabouts unknown to the supervising probation officer.
  4. Satisfy child support and other family obligations as required by the court. If the court requires the payment of child
support, the amount of the payments shall be determined as provided in .S. 50-13.4(c).

- **(5)** Possess no firearm, explosive device or other deadly weapon listed in .S. 14-; the written permission of the court.

- **(6)** Pay a supervision fee as specified in subsection (c1).

- **(7)** Remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training that will equip him for suitable employment. A defendant pursuing a course of study or of vocational training shall abide by all of the rules of the institution providing the education or training, and the probation officer shall forward a copy of the probation judgment to that institution and request to be notified of any violations of institutional rules by the defendant.

- **(8)** Notify the probation officer if he fails to obtain or retain satisfactory employment.

- **(9)** Pay the costs of court, any fine ordered by the court, and make restitution or reparation as provided in subsection (d).

- **(10)** Pay the State of North Carolina for the costs of appointed counsel, public defender, or appellate defender to represent him in the case(s) for which he was placed on probation.

- **(11)** Repealed by Session Laws -62, s., as amended by Session Laws -412, s. 2., effective December 1, 2011, and applicable to offenses committed on or after December 1, 2011.

- **(12)** Attend and complete an abuser treatment program if (i) the court finds the defendant is responsible for acts of domestic violence and (ii) there is a program, approved by the Domestic Violence Commission, reasonably available to the defendant, unless the court finds that such would not be in the best interests of justice. A defendant attending an abuser treatment program shall abide by all of the rules of the program. If the defendant is discharged from the program for failure to comply with the program or its rules, such noncompliance shall be reported to the court. The probation officer shall forward a copy of the judgment, including all conditions of probation to the program, and the abuser treatment program shall notify the probation officer of any violations of program rules by the defendant.

- **(13)** Submit at reasonable times to warrantless searches by a probation officer of the probationer's person and of the probationer's vehicle and premises while the probationer is present, for purposes directly related to the probation supervision, but the probationer may not be required to submit to any other search that would otherwise be unlawful.

- **(14)** Submit to warrantless searches by a law enforcement officer of the probationer's person and of the probationer's vehicle,
North Carolina Drug Statutes

upon a reasonable suspicion that the probationer is engaged in
criminal activity or is in possession of a firearm, explosive device, or
other deadly weapon listed in .S. 14-269 without written permission of
the court.

(15) Not use, possess, or control any illegal drug or controlled
substance unless it has been prescribed for him or her by a licensed
physician and is in the original container with the prescription number
affixed on it; not knowingly associate with any known or previously
convicted users, possessors, or sellers of any such illegal drugs or
controlled substances; and not knowingly be present at or frequent
any place where such illegal drugs or controlled substances are sold,
kept, or used.

(16) Supply a breath, urine, or blood specimen for analysis of
the possible presence of prohibited drugs or alcohol when instructed
by the defendant's probation officer for purposes directly related to the
probation supervision. If the results of the analysis are positive, the
probationer may be required to reimburse the Division of Adult
Correction of the Department of Public Safety for the actual costs of
drug or alcohol screening and testing.

In addition to these regular conditions of probation, a defendant required to serve an
active term of imprisonment as a condition of special probation pursuant to .S. 15A-
1344(e) or .S. 15A-1351(a) shall, as additional regular conditions of probation, obey
the rules and regulations of the Division of Adult Correction of the Department of
Public Safety governing the conduct of inmates while imprisoned and report to a
probation officer in the State of North Carolina within 72 hours of his discharge from
the active term of imprisonment.

Regular conditions of probation apply to each defendant placed on supervised
probation unless the presiding judge specifically exempts the defendant from one or
more of the conditions in open court and in the judgment of the court. It is not
necessary for the presiding judge to state each regular condition of probation in open
court, but the conditions must be set forth in the judgment of the court.

Defendants placed on unsupervised probation are subject to the provisions of this
subsection, except that defendants placed on unsupervised probation are not subject
to the regular conditions contained in subdivisions (2), (3), (6), (8), (13), (14), and
(15) of this subsection. If a defendant placed on unsupervised probation is subject to
the condition contained in subdivision (12) of this subsection, the court shall
schedule a compliance review hearing within 60 days of judgment and every 60 days
thereafter until the defendant completes the abuser treatment program.

(b1) Special Conditions. -- In addition to the regular conditions of
probation specified in subsection (b), the court may, as a condition of
probation, require that during the probation the defendant comply with
one or more of the following special conditions:

(1) Undergo available medical or psychiatric treatment and
remain in a specified institution if required for that purpose.
Notwithstanding the provisions of .S. 15A-1344(e) or any other
provision of law, the defendant may be required to participate in such
treatment for its duration regardless of the length of the suspended
sentence imposed.

- **(2)** Attend or reside in a facility providing rehabilitation,
counseling, treatment, social skills, or employment training,
instruction, recreation, or residence for persons on probation.

- **(2a)** Repealed by Session Laws 2002, ch. 126, s. 17.18,
effective August 15, 2002.

- **(2b)** Participate in and successfully complete a Drug Treatment
Court Program pursuant to Article 62 of Chapter 7A of the General
Statutes.

- **(2c)** Abstain from alcohol consumption and submit to
continuous alcohol monitoring when alcohol dependency or chronic
abuse has been identified by a substance abuse assessment.

- **(3)** Submit to imprisonment required for special probation
under S. 15A-1351(a) S. 15A-1344(e).

- **(3a)** Repealed by Session Laws 1997-57, s. 3.

- **(3b)** Repealed by Session Laws -192, s. 1(g), effective
December 1, 2011.

- **(3c)** Remain at his or her residence. The court, in the
sentencing order, may authorize the offender to leave the offender's
residence for employment, counseling, a course of study, vocational
training, or other specific purposes and may modify that authorization.
The probation officer may authorize the offender to leave the
offender's residence for specific purposes not authorized in the court
order upon approval of the probation officer's supervisor. The offender
shall be required to wear a device which permits the supervising
agency to monitor the offender's compliance with the condition
electronically and to pay a fee for the device as specified in subsection
(c2) of this section.

- **(4)** Surrender his or her driver's license to the clerk of superior
court, and not operate a motor vehicle for a period specified by the
court.

- **(5)** Compensate the Department of Environment and Natural
Resources or the North Carolina Wildlife Resources Commission, as the
case may be, for the replacement costs of any marine and estuarine
resources or any wildlife resources which were taken, injured,
removed, harmfully altered, damaged or destroyed as a result of a
criminal offense of which the defendant was convicted. If any
investigation is required by officers or agents of the Department of
Environment and Natural Resources or the Wildlife Resources
Commission in determining the extent of the destruction of resources
involved, the court may include compensation of the agency for
investigative costs as a condition of probation. This subdivision does not apply in any case governed by .S. 143-215.3(a)(7).

(6) Perform community or reparation service under the supervision of the Section of Community Corrections of the Division of Adult Correction and pay the fee required .S. 143B-.

(7), (8) Repealed by Session Laws -372, s. 9(b), effective December 1, 2009, and applicable to offenses committed on or after that date.

(8a) Purchase the least expensive annual statewide license or combination of licenses to hunt, trap, or fish listed in .S. 113-270., -270., -270., -, -, and -272.2 that would be required to engage lawfully in the specific activity or activities in which the defendant was engaged and which constitute the basis of the offense or offenses of which he was convicted.

(9) If the offense is one in which there is evidence of physical, mental or sexual abuse of a minor, the court should encourage the minor and the minor's parents or custodians to participate in rehabilitative treatment and may order the defendant to pay the cost of such treatment.

(9a) Repealed by Session Laws 2004-186, s. 1.1, effective December 1, 2004, and applicable to offenses committed on or after that date.

(9b) Any or all of the following conditions relating to street gangs as defined in .S. 14-50.16(b):

- a. Not knowingly associate with any known street gang members and not knowingly be present at or frequent any place or location where street gangs gather or where street gang activity is known to occur.

- b. Not wear clothes, jewelry, signs, symbols, or any paraphernalia readily identifiable as associated with or used by a street gang.

- c. Not initiate or participate in any contact with any individual who was or may be a witness against or victim of the defendant or the defendant's street gang.

(9c) Participate in any Project Safe Neighborhood activities as directed by the probation officer.

(10) Satisfy any other conditions determined by the court to be reasonably related to his rehabilitation.

§ 90-89. Schedule I controlled substances

This schedule includes the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated. In determining that a substance comes within this schedule, the Commission shall find: a high potential for abuse, no
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currently accepted medical use in the United States, or a lack of accepted safety for use in treatment under medical supervision. The following controlled substances are included in this schedule:

(1) Any of the following opiates, including the isomers, esters, ethers, salts and salts of isomers, esters, and ethers, unless specifically excepted, or listed in another schedule, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:


b. Acetylmethadol.

c. Repealed by Session Laws 1987, c. 412, s. 2.

d. Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).

e. Allopropine.

f. Alphacetylmethadol.

g. Alphameprodine.

h. Alphamethadol.

i. Alpha-methylfentanyl (N-(1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl) propionilide; 1(1-methyl-2-phenyl-ethyl)-4-(N-propanilido) piperidine).

j. Benzethidine.

k. Betacetylmethadol.

l. Beta-hydroxfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide).

m. Beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide).

n. Betameprodine.

o. Betamethadol.


q. Clonitazene.

r. Dextromoramide.

s. Diamprome.

t. Diethylthiambutene.

u. Difenoxin.

v. Dimenoxadol.

w. Dimephoantanol.

x. Dimethylthiambutene.

y. Dioxaphethyl butyrate.

z. Dipipanone.

aa. Ethylmethylthiambutene.

bb. Etonitazene.

cc. Etoxeridine.

dd. Furethidine.
ee. Hydroxypethidine.
ff. Ketobemidone.
gg. Levomoramide.
hh. Levophenacylmorphan.
ii. 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
jj. 3-Methylfentanyl (N-[3-methyl-1-(2-Phenylethyl)-4-Piperidyl]-N-Phenylpropanamide).
kk. 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).
ll. Morperidine.
mn. Noracymethadol.
nn. Norlevorphanol.
oo. Normethadone.
qq. Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phen-ethyl)-4-piperidinyl]-pr opanamide.
rr. Phenadoxone.
su. Phenampromide.
tt. 1-(2-phenethyl)-4-phenyl-4-acetoxy piperidine (PEPAP).
uu. Phenomorphan.
vu. Phenoperidine.
ww. Piritramide.
xx. Proheptazine.
yy. Properidine.
zz. Propiram.
aaa. Racemoramide.
bbb. Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide.
ccc. Tilidine.
ddd. Trimeperidine.

(2) Any of the following opium derivatives, including their salts, isomers, and salts of isomers, unless specifically excepted, or listed in another schedule, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
a. Acetorphine.
b. Acetyldihydrocodeine.
c. Benzylmorphine.
d. Codeine methylbromide.
e. Codeine-N-Oxide.
f. Cyprenorphine.
g. Desomorphine.
h. Dihydromorphine.
i. Etorphine (except hydrochloride salt).
j. Heroin.
k. Hydromorphinol.
l. Methyldesorphone.
m. Methylidihydromorphine.
n. Morphine methylbromide.
o. Morphine methysulfonate.
p. Morphine-N-Oxide.
q. Myrophine.
r. Nicocodeine.
s. Nicomorphine.
t. Normorphine.
u. Pholcodine.
v. Thebacon.
w. Drotebanol.

(3) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers, unless specifically excepted, or listed in another schedule, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

a. 3, 4-methylenedioxyamphetamine.
b. 5-methoxy-3, 4-methylenedioxyamphetamine.
c. 3, 4-Methylenedioxymethamphetamine (MDMA).
d. 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4-(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, and MDEA).
e. N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4-(methylenedioxy)phenethylamine, and N-hydroxy MDA).
f. 3, 4, 5-trimethoxyamphetamine.
g. Alpha-ethyltryptamine. Some trade or other names: etryptamine, Monase, alpha-ethyl-1H-indole-3- ethanamine, 3-(2-aminobutyl) indole, alpha-ET, and AET.
h. Bufotenine.
i. Diethyltryptamine.
j. Dimethyltryptamine.
k. 4-methyl-2, 5-dimethoxyamphetamine.
l. Ibogaine.
m. Lysergic acid diethylamide.
n. Mescaline.
o. 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, salt, derivative, mixture or preparation of such plant, its seed or extracts.

- **p.** N-ethyl-3-piperidyl benzilate.
- **q.** N-methyl-3-piperidyl benzilate.
- **r.** Psilocybin.
- **s.** Psilocin.
- **t.** 2, 5-dimethoxyamphetamine.
- **u.** 2, 5-dimethoxy-4-ethylamphetamine. Some trade or other names: DOET.
- **v.** 4-bromo-2, 5-dimethoxyamphetamine.
- **w.** 4-methoxyamphetamine.
- **x.** Ethylamine analog of phencyclidine. Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE.
- **y.** Pyrrolidine analog of phencyclidine. Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP.
- **z.** Thiophene analog of phencyclidine. Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP.
- **aa.** 1-[1-(2-thienyl)cyclohexyl]pyrrolidine; Some other names: TCPy.
- **bb.** Parahexyl.
- **cc.** 4-Bromo-2, 5-Dimethoxyphenethylamine.
- **dd.** Alpha-Methyltryptamine.
- **ee.** 5-Methoxy-n-diisopropyltryptamine.

(4) 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, unless specifically excepted or unless listed in another schedule:

- **a.** Mecloqualone.
- **b.** Methaqualone.
- **c.** Gamma hydroxybutyric acid; Some other names: GHB, gamma-hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate.

(5) **Stimulants.** -- Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:
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- **a.** Aminorex. Some trade or other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine.
- **b.** Cathinone. Some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone.
- **c.** Fenethylline.
- **d.** Methcathinone. Some trade or other names: 2-(methylamino)-propiophenone, alpha-(methylamino)propiophenone, 2-(methylamino)-1-phenylpropan-1-one, alpha-N-methylamino-propiophenone, monomethylpropion, ephedrone, N-methylephedrine, methylcathinone, methylcathinone, AL-464, AL-422, AL-463, and UR1432.
- **e.** (+)--cis-4-methylaminorex [(+--)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine] (also known as 2-amino-4-methyl-5-phenyl-2-oxazoline).
- **f.** N,N-dimethylamphetamine. Some other names: N,N,alpha-trimethylbenzeneethaneamine; N,N,alpha-trimethylphenethylamine.
- **g.** N-ethylamphetamine.
- **h.** 4-methylmethcathinone (also known as mephedrone).
- **i.** 3,4-Methylenedioxypyrovalerone (also known as MDPV).
- **j.** A compound, other than bupropion, that is structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways: (i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents; (ii) by substitution at the 3-position with an alkyl substituent; or (iii) by substitution at the nitrogen atom with alkyl or diakyl groups or by inclusion of the nitrogen atom in a cyclic structure.
- **k.** N-Benzylpiperazine.
- **l.** 2,5 -- Dimethoxy-4-(n)-propylthiophenethylamine.

§ 90-89.1. Treatment of controlled substance analogues

A controlled substance analogue shall, to the extent intended for human consumption, be treated for the purposes of any State law as a controlled substance in Schedule I.

§ 90-90. Schedule II controlled substances

- This schedule includes the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated. In determining that a substance comes within this schedule, the Commission shall find: a high potential for abuse; currently accepted medical use in the United States, or
current accepted medical use with severe restrictions; and the abuse of the substance may lead to severe psychic or physical dependence. The following controlled substances are included in this schedule:

(1) 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, unless specifically excepted or unless listed in another schedule:

a. Opium and opiate, and any salt, compound, derivative, or preparation of opium and opiate, excluding apomorphine, nalbuphine, dextrophan, naltrexone, nalmefene, and their respective salts, but including the following:

1. Raw opium.
2. Opium extracts.
3. Opium fluid extracts.
4. Powdered opium.
5. Granulated opium.
6. Tincture of opium.
7. Codeine.
8. Ethylmorphine.
11. Metopon.
12. Morphine.
13. Oxycodone.
15. Thebaine.

b. Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph 1 of this subdivision, except that these substances shall not include the isoquinoline alkaloids of opium.

c. Opium poppy and poppy straw.

d. Cocaine and any salt, isomer, salts of isomers, compound, derivative, or preparation thereof, or coca leaves and any salt, isomer, salts of isomers, compound, derivative, or preparation of coca leaves, or any salt, isomer, salts of isomers, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocanized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

e. Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrine alkaloids of the opium poppy).

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation unless specifically exempted or listed in other schedules:

a. Alfentanil.
b. Alphaprodine.
c. Anileridine.
d. Bezitramide.
e. Carfentanil.
f. Dihydrocodeine.
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- **g.** Diphenoxylate.
- **h.** Fentanyl.
- **i.** Isomethadone.
- **j.** Levo-alphacetylmethadol. Some trade or other names: levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM.
- **k.** Levomethorphan.
- **l.** Levorphanol.
- **m.** Metazocine.
- **n.** Methadone.
- **o.** Methadone -- Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- **p.** Moramide -- Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- **q.** Pethidine.
- **r.** Pethidine -- Intermediate -- A, 4-cyano-1-methyl-4-phenylpiperidine.
- **s.** Pethidine -- Intermediate -- B, ethyl-4-phenylpiperidine-4-carboxylate.
- **t.** Pethidine -- Intermediate -- C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- **u.** Phenazocine.
- **v.** Piminodine.
- **w.** Racemethorphan.
- **x.** Racemorphan.
- **y.** Remifentanil.
- **z.** Sufentanil.
- **aa.** Tapentadol.

- **(3)** Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system unless specifically exempted or listed in another schedule:
  - **a.** Amphetamine, its salts, optical isomers, and salts of its optical isomers.
  - **b.** Phenmetrazine and its salts.
  - **c.** Methamphetamine, including its salts, isomers, and salts of isomers.
  - **d.** Methylphenidate.
  - **e.** Phenylacetone. Some trade or other names: Phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.
  - **f.** Lisdexamfetamine, including its salts, isomers, and salts of isomers.

- **(4)** 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, unless specifically exempted by the Commission or listed in another schedule:
  - **a.** Amobarbital
  - **b.** Glutethimide
  - **c.** Repealed by Session Laws 1983, c. 695, s. 2.
  - **d.** Pentobarbital
  - **e.** Phencyclidine
  - **f.** Phencyclidine immediate precursors:
    - **1.** 1-Phenylcyclohexylamine
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- 2. 1-Piperidinocyclohexanecarbonitrile (PCC)
  - g. Secobarbital.
- (5) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers, unless specifically excepted, or listed in another schedule, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
  - b. 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].

§ 90-91. Schedule III controlled substances

- This schedule includes the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated. In determining that a substance comes within this schedule, the Commission shall find: a potential for abuse less than the substances listed in Schedules I and II; currently accepted medical use in the United States; and abuse may lead to moderate or low physical dependence or high psychological dependence. The following controlled substances are included in this schedule:
  - (a) Repealed by Session Laws 1973, c. 540, s. 5.
  - (b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system unless specifically exempted or listed in another schedule:
    - 1. Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid.
    - 2. Chlorhexadol.
    - 3. Repealed by Session Laws 1993, c. 319, s. 5.
    - 4. Lysergic acid.
    - 5. Lysergic acid amide.
    - 6. Methyprylon.
    - 7. Sulfondiethylmethane.
    - 8. Sulfonethylmethane.
    - 9a. Tiletamine and zolazepam or any salt thereof. Some trade or other names for 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.

10. Any compound, mixture or preparation containing
   (i) Amobarbital.
   (ii) Secobarbital.
   (iii) Pentobarbital.

or any salt thereof and one or more active ingredients which are not included in any other schedule.

11. Any suppository dosage form containing
   (i) Amobarbital.
   (ii) Secobarbital.
   (iii) Pentobarbital.

or any salt of any of these drugs and approved by the federal Food and Drug Administration for marketing as a suppository.

12. Ketamine.

(c) Nalorphine.

(d) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof unless specifically exempted or listed in another schedule:

   1. Not more than 1.80 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.

   2. Not more than 1.80 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.

   3. Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit with a four-fold or greater quantity of an isoquinoline alkaloid of opium.

   4. Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

   5. Not more than 1.80 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.

   6. 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.
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7. 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.

8. 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.

(e) Any compound, mixture or preparation containing limited quantities of the following narcotic drugs, which shall include one or more active, nonnarcotic, medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

1. Paregoric, U.S.P.; provided, that no person shall purchase or receive by any means whatsoever more than one fluid ounce of paregoric within a consecutive 24-hour period, except on prescription issued by a duly licensed physician.

(f) Paregoric, U.S.P., may be dispensed at retail as permitted by federal law or administrative regulation without a prescription only by a registered pharmacist and no other person, agency or employee may dispense paregoric, U.S.P., even if under the direct supervision of a pharmacist.

(g) Notwithstanding the provisions of S. 90-91(f), after the pharmacist has fulfilled his professional responsibilities and legal responsibilities required of him in this Article, the actual cash transaction, credit transaction, or delivery of paregoric, U.S.P., may be completed by a nonpharmacist. A pharmacist may refuse to dispense a paregoric, U.S.P., substance until he is satisfied that the product is being obtained for medicinal purposes only.

(h) Paregoric, U.S.P., may only be sold at retail without a prescription to a person at least 18 years of age. A pharmacist must require every retail purchaser of a paregoric, U.S.P., substance to furnish suitable identification, including proof of age when appropriate, in order to purchase paregoric, U.S.P. The name and address obtained from such identification shall be entered in the record of disposition to consumers.

(i) The Commission may by regulation except any compound, mixture, or preparation containing any stimulant or depressant substance listed in paragraphs (a)1 and (a)2 of this schedule from the application of all or any part of this Article if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system; and if the ingredients are included therein in such combinations, quantity, proportion, or concentration that vitiate the potential for
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abuse of the substances which have a stimulant or depressant effect on the central nervous system.

(j) 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 said isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, unless specifically excluded or listed in some other schedule.

1. Benzphetamine.
2. Chlorphentermine.
3. Clortermine.
4. Repealed by Session Laws 1987, c. 412, s. 10.
5. Phendimetrazine.

(k) Anabolic steroids. The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, including, but not limited to, the following:

1. Methandrostenolone,
2. Stanozolol,
3. Ethylestrenol,
4. Nandrolone phenpropionate,
5. Nandrolone decanoate,
6. Testosterone propionate,
7. Chorionic gonadotropin,
8. Boldenone,
9. Chlorotestosterone (4-chlorotestosterone),
10. Clostebol,
11. Dehydrochlormethyltestosterone,
12. Dibydrotestosterone (4-dihydrotestosterone),
13. Drostanolone,
14. Fluoxymesterone,
15. Formebulone (formeboleone),
16. Mesterolene,
17. Methandienone,
18. Methandranone,
19. Methandriol,
20. Methenolene,
21. Methyltestosterone,
22. Mibolerone,
23. Nandrolene,
24. Norethandrolene,
25. Oxandrolone,
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- 26. Oxymesterone,
- 27. Oxymetholone,
- 28. Stanolone,
- 29. Testolactone,
- 30. Testosterone,
- 31. Trenbolone, and
- 32. Any salt, ester, or isomer of a drug or substance described or listed in this subsection, if that salt, ester, or isomer promotes muscle growth. Except such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for such administration. If any person prescribes, dispenses, or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this subsection.

  ( ) Repealed by Session Laws 2001-233, s. 3(a), effective June 21, 2001.

  (m) 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.

  (n) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product. [Some other names: (6aR-trans), -6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-o1 or (-)-delta-9-(trans)-tetrahydrocannabinol].

§ 90-92. Schedule IV controlled substances

- (a) This schedule includes the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated. In determining that a substance comes within this schedule, the Commission shall find: a low potential for abuse relative to the substances listed in Schedule III of this Article; currently accepted medical use in the United States; and limited physical or psychological dependence relative to the substances listed in Schedule III of this Article. The following controlled substances are included in this schedule:

  (1) 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:

    a. Alprazolam.
    b. Barbitral.
    c. Bromazepam.
    d. Camazepam.
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- e. Chloral betaine.
- f. Chloral hydrate.
- g. Clorazepate.
- h. Clorazepate.
- i. Clotiazepam.
- j. Cloxazolam.
- k. Diazepam.
- l. Diazepam.
- m. Diazepam.
- n. Diazepam.
- o. Diazepam.
- p. Ethchlorvynol.
- q. Ethinamate.
- r. Ethyl loflazepate.
- s. Fludiazepam.
- t. Flunitrazepam.
- u. Flurazepam.
- v. Repealed by Session Laws 2000, c. 140, s. 92.2(c), effective December 1, 2000.
- w. Halazepam.
- x. Haloxazolam.
- y. Ketazolam.
- z. Loprazolam.
- aa. Lorazepam.
- bb. Lormetazepam.
- cc. Mebutamate.
- dd. Medazepam.
- ee. Meprobamate.
- ff. Methohexital.
- gg. Methylphenobarbital (mephobarbital).
- hh. Midazolam.
- ii. Nimetazepam.
- jj. Nitrazepam.
- ll. Oxazepam.
- mm. Oxazolam.
- nn. Paraldehyde.
- oo. Petrichloral.
- pp. Phenobarbital.
- qq. Pinazepam.
- rr. Prazepam.
- ss. Quazepam.
- tt. Temazepam.
- uu. Tetrazepam.
- vv. Triazolam.
- ww. Zolpidem.
- xx. Zaleplon.

(2) Any material, compound, mixture, or preparation which contains any of the following substances, including its salts, or isomers and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

- a. Fenfluramine.
- b. Pentazocine.
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(3) **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, position, 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:

- a. Diethylpropion.
- b. Mazindol.
- c. Pemoline (including organometallic complexes and chelates thereof).
- d. Phentermine.
- e. Cathine.
- f. Fencamfamin.
- g. Fenproporex.
- h. Mefenorex.
- i. Sibutramine.
- j. Modafinil.

(4) **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:

- a. Dextropropoxyphene (Alpha-(plus)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane).
- b. Pipradrol.
- c. SPA ((-)-1-dimethylamino-1, 2-diphenylethane).
- d. Butorphanol.

(5) **Narcotic Drugs.** -- Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

- a. Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.
- b. Buprenorphine.

(b) The Commission may by regulation except any compound, mixture, or preparation containing any stimulant or depressant substance listed in this schedule from the application of all or any part of this Article if the compound, mixture, or preparation contains one or more active, nonnarcotic, medicinal ingredients not having a stimulant or depressant effect on the central nervous system; provided, that such admixtures shall be included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which do have a stimulant or depressant effect on the central nervous system.

§ 90-93. **Schedule V controlled substances**

(a) This schedule includes the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated. In determining that a substance comes within this schedule, the Commission shall find: a low potential for abuse relative to the substances listed in Schedule IV of this Article; currently accepted medical use in the United States; and limited physical or psychological dependence relative to the substances listed in Schedule IV of this Article. The following controlled substances are included in this schedule:
(1) Any compound, mixture or preparation containing any of
the following limited quantities of narcotic drugs or salts thereof, 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
the narcotic alone:
- a. Not more than 200 milligrams of codeine or any of its
    salts per 100 milliliters or per 100 grams.
- b. Not more than 100 milligrams of dihydrocodeine or any
    of its salts per 100 milliliters or per 100 grams.
- c. Not more than 100 milligrams of ethylmorphine or any
    of its salts per 100 milliliters or per 100 grams.
- d. Not more than 2.5 milligrams of diphenoxylate and not
    less than 25 micrograms of atropine sulfate per dosage unit.
- e. Not more than 100 milligrams of opium per 100
    milliliters or per 100 grams.
- f. Not more than 0.5 milligram of difenoxin and not less
    than 25 micrograms of atropine sulfate per dosage unit.

(2) Repealed by Session Laws 1985, c. 172, s. 9.

(3) 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:
- a. Repealed by Session Laws 1993, c. 319, s. 7.
- b. Pyrovalerone.

(b) A Schedule V substance may be sold at retail without a
prescription only by a registered pharmacist and no other person, agent
or employee may sell a Schedule V substance even if under the direct
supervision of a pharmacist.

(c) Notwithstanding the provisions of § 90-93(b), after the
pharmacist has fulfilled the responsibilities required of him in this Article,
the actual cash transaction, credit transaction, or delivery of a Schedule V
substance, may be completed by a nonpharmacist. A pharmacist may
refuse to sell a Schedule V substance until he is satisfied that the product
is being obtained for medicinal purposes only.

(d) A Schedule V substance may be sold at retail without a
prescription only to a person at least 18 years of age. The pharmacist
must require every retail purchaser of a Schedule V substance to furnish
suitable identification, including proof of age when appropriate, in order
to purchase a Schedule V substance. The name and address obtained
from such identification shall be entered in the record of disposition to
consumers.
§ 90-94. Schedule VI controlled substances

- This schedule includes the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated. In determining that such substance comes within this schedule, the Commission shall find: no currently accepted medical use in the United States, or a relatively low potential for abuse in terms of risk to public health and potential to produce psychic or physiological dependence liability based upon present medical knowledge, or a need for further and continuing study to develop scientific evidence of its pharmacological effects.

The following controlled substances are included in this schedule:

- (1) Marijuana.
- (2) Tetrahydrocannabinols.
- (3) Synthetic cannabinoids. — Any material, compound, mixture, or preparation that is not listed as a controlled substance in Schedule I through V, is not an FDA-approved drug, and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues, and salts of isomers and homologues, unless specifically excepted, whenever the existence of these salts, isomers, homologues, and salts of isomers and homologues is possible within the specific chemical designation:
  - a. Naphthoylindoles. Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Some trade or other names: JWH-015, JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200, JWH-210, JWH-398, AM-2201, WIN 55-212.
  - b. Naphthylmethylindoles. Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.
  - c. Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Another name: JWH-307.
  - d. Naphthylmethylindenes. Any compound containing a naphthyleneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.
  - e. Phenylacetylindoles. Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.
in the phenyl ring to any extent. Some trade or other names: SR-18, RCS-8, JWH-250, JWH-203.

- **f.** Cyclohexylphenols. Any compound containing a 2-(3-hydroxy-cyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent. Some trade or other names: CP 47,497 (and homologues), cannabicyclohexanol.

- **g.** Benzoylindoles. Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Some trade or other names: AM-694, Pravadoline (WIN 48,098), RCS-4.

- **h.** 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl-1-napthalenylmethanone. Some trade or other names: WIN 55,212-2.

- **i.** (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl) -- 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol 7370. Some trade or other names: HU-210.

### § 90-95. Violations; penalties

- **(a)** Except as authorized by this Article, it is unlawful for any person:
  - (1) To manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver, a controlled substance;
  - (2) To create, sell or deliver, or possess with intent to sell or deliver, a counterfeit controlled substance;
  - (3) To possess a controlled substance.

- **(b)** Except as provided in subsections (h) and (i) of this section, any person who
  - **(1)** A controlled substance classified in Schedule I or II shall be punished as a Class H felon, except as follows: (i) the sale of a controlled substance classified in Schedule I or II shall be punished as a Class G felony, and (ii) the manufacture of methamphetamine shall be punished as provided by subdivision (1a) of this subsection.
  - **(1a)** The manufacture of methamphetamine shall be punished as a Class C felony unless the offense was one of the following: packaging or repackaging methamphetamine, or labeling or relabeling the methamphetamine container. The offense of packaging or repackaging methamphetamine, or labeling or relabeling the methamphetamine container shall be punished as a Class H felony.
  - **(2)** A controlled substance classified in Schedule III, IV, V, or VI shall be punished as a Class I felon, except that the sale of a controlled substance classified in Schedule III, IV, V, or VI shall be punished as a Class H felon. The transfer of less than 5 grams of marijuana or less than 2.5 grams of a synthetic cannabinoid or any
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mixture containing such substance for no remuneration shall not constitute a delivery in violation of \( S. 90-95(a)(1) \).

- **(c)** Any person who violates \( S. 90-95(a)(2) \) shall be punished as a Class I felon.
- **(d)** Except as provided in subsections (h) and (i) of this section, any person who \( S. 90-95(a)(3) \) with respect to:
  - **(1)** A controlled substance classified in Schedule I shall be punished as a Class I felon. However, if the controlled substance is MDPV and the quantity of the MDPV is 1 gram or less, the violation shall be punishable as a Class 1 misdemeanor.
  - **(2)** A controlled substance classified in Schedule II, III, or IV shall be guilty of a Class 1 misdemeanor. If the controlled substance exceeds four tablets, capsules, or other dosage units or equivalent quantity of hydromorphone or if the quantity of the controlled substance, or combination of the controlled substances, exceeds one hundred tablets, capsules or other dosage units, or equivalent quantity, the violation shall be punishable as a Class I felony. If the controlled substance is methamphetamine, amphetamine, phencyclidine, or cocaine and any salt, isomer, salts of isomers, compound, derivative, or preparation thereof, or coca leaves and any salt, isomer, salts of isomers, compound, derivative, or preparation of coca leaves, or any salt, isomer, salts of isomers, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances (except decocanized coca leaves or any extraction of coca leaves which does not contain cocaine or ecgonine), the violation shall be punishable as a Class I felony.
  - **(3)** A controlled substance classified in Schedule V shall be guilty of a Class 2 misdemeanor;
  - **(4)** A controlled substance classified in Schedule VI shall be guilty of a Class 3 misdemeanor, but any sentence of imprisonment imposed must be suspended and the judge may not require at the time of sentencing that the defendant serve a period of imprisonment as a special condition of probation. If the quantity of the controlled substance exceeds one-half of an ounce (avoirdupois) of marijuana, 7 grams of a synthetic cannabinoid or any mixture containing such substance, or one-twentieth of an ounce (avoirdupois) of the extracted resin of marijuana, commonly known as hashish, the violation shall be punishable as a Class 1 misdemeanor. If the quantity of the controlled substance exceeds one and one-half ounces (avoirdupois) of marijuana, 21 grams of a synthetic cannabinoid or any mixture containing such substance, or three-twentieths of an ounce (avoirdupois) of the extracted resin of marijuana, commonly known as hashish, or if the controlled substance consists of any quantity of synthetic tetrahydrocannabinols or tetrahydrocannabinols isolated
from the resin of marijuana, the violation shall be punishable as a Class I felony.

- **(d1)** (1) Except as authorized by this Article, it is unlawful for any person to:
  - a. Possess an immediate precursor chemical with intent to manufacture a controlled substance; or
  - b. Possess or distribute an immediate precursor chemical knowing, or having reasonable cause to believe, that the immediate precursor chemical will be used to manufacture a controlled substance.

Any person who violates this subsection shall be punished as a Class H felon, unless the immediate precursor is one that can be used to manufacture methamphetamine.

- **(2)** Except as authorized by this Article, it is unlawful for any person to:
  - a. Possess an immediate precursor chemical with intent to manufacture methamphetamine; or
  - b. Possess or distribute an immediate precursor chemical knowing, or having reasonable cause to believe, that the immediate precursor chemical will be used to manufacture methamphetamine.

Any person who violates this subdivision shall be punished as a Class F felon.

- **(d2)** The immediate precursor chemicals to which subsection (d1) and (d1a) of this section applies are those immediate precursor chemicals designated by the Commission pursuant to its authority under S. 90- and the following (until otherwise specified by the Commission):
  - (1) Acetic anhydride.
  - (2) Acetone.
  - (3) Anhydrous ammonia.
  - (4) Anthranilic acid.
  - (5) Benzyl chloride.
  - (6) Benzyl cyanide.
  - (7) 2-Butanone (Methyl Ethyl Ketone).
  - (8) Chloroephedrine.
  - (9) Chloropseudoephedrine.
  - (10) D-lysergic acid.
  - (11) Ephedrine.
  - (12) Ergonovine maleate.
  - (13) Ergotamine tartrate.
  - (14) Ethyl ether.
  - (15) Ethyl Malonate.
  - (16) Ethylamine.
  - (17) Gamma-butyrolactone.
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- (18) Hydrochloric Acid.
- (19) Iodine.
- (20) Isosafrole.
- (21) Lithium.
- (22) Malonic acid.
- (23) Methylamine.
- (24) Methyl Isobutyl Ketone.
- (25) N-acetylanthranilic acid.
- (26) N-ethylephedrine.
- (27) N-ethylepseudoephedrine.
- (28) N-methylephedrine.
- (29) N-methylpseudoephedrine.
- (30) Norpseudoephedrine.
- (31) Phenyl-2-propane.
- (32) Phenylacetic acid.
- (33) Phenylpropanolamine.
- (34) Piperidine.
- (35) Piperonal.
- (36) Propionic anhydride.
- (37) Pseudoephedrine.
- (38) Pyrrolidine.
- (39) Red phosphorous.
- (40) Safrole.
- (41) Sodium.
- (42) Sulfuric Acid.
- (43) Tetrachloroethylene.
- (44) Thionylchloride.
- (45) Toluene.

- (e) The prescribed punishment and degree of any offense under this Article shall be subject to the following conditions, but the punishment for an offense may be increased only by the maximum authorized under any one of the applicable conditions:
  - (1), (2) Repealed by Session Laws 1979, c. 760, s. 5.
  - (3) If any person commits a Class 1 misdemeanor under this Article and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be punished as a Class I felon. The prior conviction used to raise the current offense to a Class I felony shall not be used to calculate the prior record level.
  - (4) If any person commits a Class 2 misdemeanor, and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he
shall be guilty of a Class 1 misdemeanor. The prior conviction used to raise the current offense to a Class 1 misdemeanor shall not be used to calculate the prior conviction level.

(5) Any person 18 years of age or over who violates § 90-95(a)(1) by selling or delivering a controlled substance to a person under 16 years of age but more than 13 years of age or a pregnant female shall be punished as a Class D felon. Any person 18 years of age or over who violates § 90-95(a)(1) by selling or delivering a controlled substance to a person who is 13 years of age or younger shall be punished as a Class C felon. Mistake of age is not a defense to a prosecution under this section. It shall not be a defense that the defendant did not know that the recipient was pregnant.

(6) For the purpose of increasing punishment under § 90-95(e)(3) and (e)(4), previous convictions for offenses shall be counted by the number of separate trials at which final convictions were obtained and not by the number of charges at a single trial.

(7) If any person commits an offense under this Article for which the prescribed punishment requires that any sentence of imprisonment be suspended, and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be guilty of a Class 2 misdemeanor.

(8) Any person 21 years of age or older who commits an offense under § 90-95(a)(1) on property used for a child care center, or for an elementary or secondary school or within 1,000 feet of the boundary of real property used for a child care center, or for an elementary or secondary school shall be punished as a Class E felon. For purposes of this subdivision, the transfer of less than five grams of marijuana for no remuneration shall not constitute a delivery in violation of § 90-95(a)(1). For purposes of this subdivision, a child care center is as defined in § 110-86(3)a., and that is licensed by the Secretary of the Department of Health and Human Services.

(9) Any person who violates § 90-95(a)(3) on the premises of a penal institution or local confinement facility shall be guilty of a Class H felony.

(10) Any person 21 years of age or older who commits an offense under § 90-95(a)(1) on property that is a public park or within 1,000 feet of the boundary of real property that is a public park shall be punished as a Class E felon. For purposes of this subdivision, the transfer of less than five grams of marijuana for no remuneration shall not constitute a delivery in violation of § 90-95(a)(1).
maximum active term that could have been imposed may, in addition, be sentenced to a term of special probation. Except as indicated in this subsection, the administration of special probation shall be the same as probation. The conditions of special probation shall be fixed in the same manner as probation, and the conditions may include requirements for rehabilitation treatment. Special probation shall follow the active sentence. No term of special probation shall exceed five years. Special probation may be revoked in the same manner as probation; upon revocation, the original term of imprisonment may be increased by no more than the difference between the active term of imprisonment actually served and the maximum active term that could have been imposed at trial for the offense or offenses for which the person was convicted, and the resulting term of imprisonment need not be diminished by the time spent on special probation.

**• (g) Whenever matter is submitted to the North Carolina State Crime Laboratory, the Charlotte, North Carolina, Police Department Laboratory or to the Toxicology Laboratory, Reynolds Health Center, Winston-Salem for chemical analysis to determine if the matter is or contains a controlled substance, the report of that analysis certified to upon a form approved by the Attorney General by the person performing the analysis shall be admissible without further authentication and without the testimony of the analyst in all proceedings in the district court and superior court divisions of the General Court of Justice as evidence of the identity, nature, and quantity of the matter analyzed. Provided, however, the provisions of this subsection may be utilized by the State only if:

  - **(1)** The State notifies the defendant at least 15 business days before the proceeding at which the report would be used of its intention to introduce the report into evidence under this subsection and provides a copy of the report to the defendant, and
  - **(2)** The defendant fails to file a written objection with the court, with a copy to the State, at least five business days before the proceeding that the defendant objects to the introduction of the report into evidence.

If the defendant's attorney of record, or the defendant if that person has no attorney, fails to file a written objection as provided in this subsection, then the report may be admitted into evidence without the testimony of the analyst. Upon filing a timely objection, the admissibility of the report shall be determined and governed by the appropriate rules of evidence.

Nothing in this subsection precludes the right of any party to call any witness or to introduce any evidence supporting or contradicting the evidence contained in the report.

**• (g1) Procedure for establishing chain of custody without calling unnecessary witnesses. --**
(1) For the purpose of establishing the chain of physical custody or control of evidence consisting of or containing a substance tested or analyzed to determine whether it is a controlled substance, a statement signed by each successive person in the chain of custody that the person delivered it to the other person indicated on or about the date stated is prima facie evidence that the person had custody and made the delivery as stated, without the necessity of a personal appearance in court by the person signing the statement.

(2) The statement shall contain a sufficient description of the material or its container so as to distinguish it as the particular item in question and shall state that the material was delivered in essentially the same condition as received. The statement may be placed on the same document as the report provided for in subsection (g) of this section.

(3) The provisions of this subsection may be utilized by the State only if:

   a. The State notifies the defendant at least 15 days before trial of its intention to introduce the statement into evidence under this subsection and provides the defendant with a copy of the statement, and
   b. The defendant fails to notify the State at least five days before trial that the defendant objects to the introduction of the statement into evidence.

(4) Nothing in this subsection precludes the right of any party to call any witness or to introduce any evidence supporting or contradicting the evidence contained in the statement.

(h) Notwithstanding any other provision of law, the following provisions apply except as otherwise provided in this Article.

(1) Any person who sells, manufactures, delivers, transports, or possesses in excess of 10 pounds (avoirdupois) of marijuana shall be guilty of a felony which felony shall be known as "trafficking in marijuana" and if the quantity of such substance involved:

   a. Is in excess of 10 pounds, but less than 50 pounds, such person shall be punished as a Class H felon and shall be sentenced to a minimum term of 25 months and a maximum term of 39 months in the State's prison and shall be fined not less than five thousand dollars ($ 5,000);
   b. Is 50 pounds or more, but less than 2,000 pounds, such person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 51 months in the State's prison and shall be fined not less than twenty-five thousand dollars ($ 25,000);
   c. Is 2,000 pounds or more, but less than 10,000 pounds, such person shall be punished as a Class F felon and shall be...
sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than fifty thousand dollars ($ 50,000);

  d. Is 10,000 pounds or more, such person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 222 months in the State's prison and shall be fined not less than two hundred thousand dollars ($ 200,000).

(1a) For the purpose of this subsection, a "dosage unit" shall consist of 3 grams of synthetic cannabinoid or any mixture containing such substance. Any person who sells, manufactures, delivers, transports, or possesses in excess of 50 dosage units of a synthetic cannabinoid or any mixture containing such substance, shall be guilty of a felony, which felony shall be known as "trafficking in synthetic cannabinoids," and if the quantity of such substance involved:

  a. Is in excess of 50 dosage units, but less than 250 dosage units, such person shall be punished as a Class H felon and shall be sentenced to a minimum term of 25 months and a maximum term of 39 months in the State's prison and shall be fined not less than five thousand dollars ($ 5,000);

  b. Is 250 dosage units or more, but less than 1250 dosage units, such person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 51 months in the State's prison and shall be fined not less than twenty-five thousand dollars ($ 25,000);

  c. Is 1250 dosage units or more, but less than 3750 dosage units, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than fifty thousand dollars ($ 50,000);

  d. Is 3750 dosage units or more, such person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 222 months in the State's prison and shall be fined not less than two hundred thousand dollars ($ 200,000).

(2) Any person who sells, manufactures, delivers, transports, or possesses 1,000 tablets, capsules or other dosage units, or the equivalent quantity, or more of methaqualone, or any mixture containing such substance, shall be guilty of a felony which felony shall be known as "trafficking in methaqualone" and if the quantity of such substance or mixture involved:

  a. Is 1,000 or more dosage units, or equivalent quantity, but less than 5,000 dosage units, or equivalent quantity, such person shall be punished as a Class G felon and shall be sentenced
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to a minimum term of 35 months and a maximum term of 51 months in the State's prison and shall be fined not less than twenty-five thousand dollars ($25,000);

▪  **b.** Is 5,000 or more dosage units, or equivalent quantity, but less than 10,000 dosage units, or equivalent quantity, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than fifty thousand dollars ($50,000);

▪  **c.** Is 10,000 or more dosage units, or equivalent quantity, such person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 222 months in the State's prison and shall be fined not less than two hundred thousand dollars ($200,000).

    (3) Any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of cocaine and any salt, isomer, salts of isomers, compound, derivative, or preparation thereof, or any coca leaves and any salt, isomer, salts of isomers, compound, derivative, or preparation of coca leaves, and any salt, isomer, salts of isomers, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances (except decocainized coca leaves or any extraction of coca leaves which does not contain cocaine) or any mixture containing such substances, shall be guilty of a felony, which felony shall be known as "trafficking in cocaine" and if the quantity of such substance or mixture involved:

▪  **a.** Is 28 grams or more, but less than 200 grams, such person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 51 months in the State's prison and shall be fined not less than fifty thousand dollars ($50,000);

▪  **b.** Is 200 grams or more, but less than 400 grams, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than one hundred thousand dollars ($100,000);

▪  **c.** Is 400 grams or more, such person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 222 months in the State's prison and shall be fined at least two hundred fifty thousand dollars ($250,000).

(3a) Repealed by Session Laws 1999-370, s. 1, effective December 1, 1999.

(3b) Any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of methamphetamine or any mixture
containing such substance shall be guilty of a felony which felony shall be known as "trafficking in methamphetamine" and if the quantity of such substance or mixture involved:

- **a.** Is 28 grams or more, but less than 200 grams, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than fifty thousand dollars ($50,000);
- **b.** Is 200 grams or more, but less than 400 grams, such person shall be punished as a Class E felon and shall be sentenced to a minimum term of 90 months and a maximum term of 120 months in the State's prison and shall be fined not less than one hundred thousand dollars ($100,000);
- **c.** Is 400 grams or more, such person shall be punished as a Class C felon and shall be sentenced to a minimum term of 225 months and a maximum term of 282 months in the State's prison and shall be fined at least two hundred fifty thousand dollars ($250,000).

(3c) Any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of amphetamine or any mixture containing such substance shall be guilty of a felony, which felony shall be known as "trafficking in amphetamine", and if the quantity of such substance or mixture involved:

- **a.** Is 28 grams or more, but less than 200 grams, such person shall be punished as a Class H felon and shall be sentenced to a minimum term of 25 months and a maximum term of 39 months in the State's prison and shall be fined not less than five thousand dollars ($5,000);
- **b.** Is 200 grams or more, but less than 400 grams, such person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 51 months in the State's prison and shall be fined not less than twenty-five thousand dollars ($25,000);
- **c.** Is 400 grams or more, such person shall be punished as a Class E felon and shall be sentenced to a minimum term of 90 months and a maximum term of 120 months in the State's prison and shall be fined at least one hundred thousand dollars ($100,000).

(3d) Any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of MDPV or any mixture containing such substance shall be guilty of a felony, which felony shall be known as "trafficking in MDPV," and if the quantity of such substance or mixture involved:
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- **a.** Is 28 grams or more, but less than 200 grams, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than fifty thousand dollars ($50,000);

- **b.** Is 200 grams or more, but less than 400 grams, such person shall be punished as a Class E felon and shall be sentenced to a minimum term of 90 months and a maximum term of 120 months in the State's prison and shall be fined not less than one hundred thousand dollars ($100,000);

- **c.** Is 400 grams or more, such person shall be punished as a Class C felon and shall be sentenced to a minimum term of 225 months and a maximum term of 282 months in the State's prison and shall be fined at least two hundred fifty thousand dollars ($250,000).

  (3e) Any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of mephedrone or any mixture containing such substance shall be guilty of a felony, which felony shall be known as "trafficking in mephedrone," and if the quantity of such substance or mixture involved:

  - **a.** Is 28 grams or more, but less than 200 grams, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than fifty thousand dollars ($50,000);

  - **b.** Is 200 grams or more, but less than 400 grams, such person shall be punished as a Class E felon and shall be sentenced to a minimum term of 90 months and a maximum term of 120 months in the State's prison and shall be fined not less than one hundred thousand dollars ($100,000);

  - **c.** Is 400 grams or more, such person shall be punished as a Class C felon and shall be sentenced to a minimum term of 225 months and a maximum term of 282 months in the State's prison and shall be fined at least two hundred fifty thousand dollars ($250,000).

  (4) Any person who sells, manufactures, delivers, transports, or possesses four grams or more of opium or opiate, or any salt, compound, derivative, or preparation of opium or opiate (except apomorphine, nalbuphine, analoxone and naltrexone and their respective salts), including heroin, or any mixture containing such substance, shall be guilty of a felony which felony shall be known as "trafficking in opium or heroin" and if the quantity of such controlled substance or mixture involved:
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- a. Is four grams or more, but less than 14 grams, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than fifty thousand dollars ($ 50,000);

- b. Is 14 grams or more, but less than 28 grams, such person shall be punished as a Class E felon and shall be sentenced to a minimum term of 90 months and a maximum term of 120 months in the State's prison and shall be fined not less than one hundred thousand dollars ($ 100,000);

- c. Is 28 grams or more, such person shall be punished as a Class C felon and shall be sentenced to a minimum term of 225 months and a maximum term of 282 months in the State's prison and shall be fined not less than five hundred thousand dollars ($ 500,000).

(4a) Any person who sells, manufactures, delivers, transports, or possesses 100 tablets, capsules, or other dosage units, or the equivalent quantity, or more, of Lysergic Acid Diethylamide, or any mixture containing such substance, shall be guilty of a felony, which felony shall be known as "trafficking in Lysergic Acid Diethylamide". If the quantity of such substance or mixture involved:

- a. Is 100 or more dosage units, or equivalent quantity, but less than 500 dosage units, or equivalent quantity, such person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 51 months in the State's prison and shall be fined not less than twenty-five thousand dollars ($ 25,000);

- b. Is 500 or more dosage units, or equivalent quantity, but less than 1,000 dosage units, or equivalent quantity, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than fifty thousand dollars ($ 50,000);

- c. Is 1,000 or more dosage units, or equivalent quantity, such person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 222 months in the State's prison and shall be fined not less than two hundred thousand dollars ($ 200,000).

(4b) Any person who sells, manufactures, delivers, transports, or possesses 100 or more tablets, capsules, or other dosage units, or 28 grams or more of 3,4-methylenedioxymethylamphetamine (MDA), including its salts, isomers, and salts of isomers, or 3,4-methylenedioxymethamphetamine (MDMA), including its salts, isomers, and salts of isomers, or any mixture containing such
substances, shall be guilty of a felony, which felony shall be known as "trafficking in MDA/MDMA." If the quantity of the substance or mixture involved:

- **a.** Is 100 or more tablets, capsules, or other dosage units, but less than 500 tablets, capsules, or other dosage units, or 28 grams or more, but less than 200 grams, the person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 51 months in the State's prison and shall be fined not less than twenty-five thousand dollars ($25,000);

- **b.** Is 500 or more tablets, capsules, or other dosage units, but less than 1,000 tablets, capsules, or other dosage units, or 200 grams or more, but less than 400 grams, the person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than fifty thousand dollars ($50,000);

- **c.** Is 1,000 or more tablets, capsules, or other dosage units, or 400 grams or more, the person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 222 months in the State's prison and shall be fined not less than two hundred fifty thousand dollars ($250,000).

**o (5)** Except as provided in this subdivision, a person being sentenced under this subsection may not receive a suspended sentence or be placed on probation. The sentencing judge may reduce the fine, or impose a prison term less than the applicable minimum prison term provided by this subsection, or suspend the prison term imposed and place a person on probation when such person has, to the best of his knowledge, provided substantial assistance in the identification, arrest, or conviction of any accomplices, accessories, co-conspirators, or principals if the sentencing judge enters in the record a finding that the person to be sentenced has rendered such substantial assistance.

**o (6)** Sentences imposed pursuant to this subsection shall run consecutively with and shall commence at the expiration of any sentence being served by the person sentenced hereunder.

**• (i)** The penalties provided in subsection (h) of this section shall also apply to any person who is convicted of conspiracy to commit any of the offenses described in subsection (h) of this section.

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§ 90-95.1. Continuing criminal enterprise
(a) Any person who engages in a continuing criminal enterprise shall be punished as a Class C felon and in addition shall be subject to the forfeiture prescribed in subsection (b) of this section.

(b) Any person who is convicted under subsection (a) of engaging in a continuing criminal enterprise shall forfeit to the State of North Carolina:

(1) The profits obtained by him in such enterprise, and
(2) Any of his interest in, claim against, or property or contractual rights of any kind affording a source of influence over, such enterprise.

(c) For purposes of this section, a person is engaged in a continuing criminal enterprise if:

(1) He violates any provision of this Article, the punishment of which is a felony; and
(2) Such violation is a part of a continuing series of violations of this Article;
   a. Which are undertaken by such person in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management; and
   b. From which such person obtains substantial income or resources.

(d) Repealed by Session Laws 1979, c. 760, s. 5.

§ 90-95.4. Employing or intentionally using minor to commit a drug law violation

(a) A person who is at least 18 years old but less than 21 years old who hires or intentionally uses a minor to violate § 90-95(a)(1) shall be guilty of a felony. An offense under this subsection shall be punishable as follows:

(1) If the minor was more than 13 years of age, then as a felony that is one class more severe than the violation of § 90-95(a)(1) for which the minor was hired or intentionally used.

(2) If the minor was 13 years of age or younger, then as a felony that is two classes more severe than the violation of § 90-95(a)(1) for which the minor was hired or intentionally used.

(b) A person 21 years of age or older who hires or intentionally uses a minor to § 90-95(a)(1) shall be guilty of a felony. An offense under this subsection shall be punishable as follows:

(1) If the minor was more than 13 years of age, then as a felony that is three classes more severe than the violation of § 90-95(a)(1) for which the minor was hired or intentionally used.

(2) If the minor was 13 years of age or younger, then as a felony that is four classes more severe than the violation of § 90-95(a)(1) for which the minor was hired or intentionally used.

(c) Mistake of Age. -- Mistake of age is not a defense to a prosecution under this section.

(d) The term "minor" as used in this section is defined as an individual who is less than 18 years of age.

§ 90-95.5. Civil liability -- employing a minor to commit a drug offense
A person 21 years of age or older, who hires, employs, or intentionally uses a person under 18 years of age to commit a violation of \textsc{S. 90-95} is liable in a civil action for damages for drug addiction proximately caused by the violation. The doctrines of contributory negligence and assumption of risk are no defense to liability under this section.

\textbf{§ 90-95.6. Promoting drug sales by a minor}

- (a) A person who is 21 years of age or older is guilty of promoting drug sales by a minor if the person knowingly:
  - (1) Entices, forces, encourages, or otherwise facilitates a minor in violating \textsc{S. 90-95(a)(1)}.
  - (2) Supervises, supports, advises, or protects the minor in violating \textsc{S. 90-95(a)(1)}.
- (b) Mistake of age is not a defense to a prosecution under this section.
- (c) A violation of this section is a Class D felony.

\textbf{§ 90-95.7. Participating in a drug violation by a minor}

- (a) A person 21 years of age or older who purchases or receives a controlled substance from a minor 13 years of age or younger who possesses, sells, or delivers the controlled substance in violation of \textsc{S. 90-95(a)(1)} is guilty of participating in a drug violation of a minor.
- (b) Mistake of age is not a defense to a prosecution under this section.
- (c) A violation of this section is a Class G felony.

\textbf{§ 90-96. Conditional discharge for first offense}

- (a) Whenever any person who has not previously been convicted of (i) any felony offense under any state or federal laws; (ii) any offense under this Article; or (iii) an offense under any statute of the United States or any state relating to those substances included in Article 5 or 5A of Chapter 90 or to that paraphernalia included in Article 5B of Chapter 90 of the General Statutes pleads guilty to or is found guilty of (i) a misdemeanor under this Article by possessing a controlled substance included within Schedules I through VI of this Article or by possessing drug paraphernalia as prohibited by \textsc{S. 90-113.}, or (ii) a felony \textsc{S. 90-95(a)(3)}, the court shall, without entering a judgment of guilt and with the consent of such person, defer further proceedings and place him on probation upon such reasonable terms and conditions as it may require. Notwithstanding the provisions of \textsc{S. 15A-1342(c)} or any other statute or law, probation may be imposed under this section for an offense under this Article for which the prescribed punishment includes only a fine. To fulfill the terms and conditions of probation the court may allow the
defendant to participate in a drug education program approved for this purpose by the Department of Health and Human Services or in the Treatment for Effective Community Supervision Program under Article 6B of Chapter 143B of the General Statutes. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge such person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime including the additional penalties imposed for second or subsequent convictions under this Article. Discharge and dismissal under this section or .S. 90-113.14 may occur only once with respect to any person. Disposition of a case to determine discharge and dismissal under this section at the district court division of the General Court of Justice shall be final for the purpose of appeal. Prior to taking any action to discharge and dismiss under this section the court shall make a finding that the defendant has no record of previous convictions as provided in this subsection.

(a1) Upon the first conviction only of any offense which qualifies under the provisions of subsection (a) of this section, and the provisions of this subsection, the court may place defendant on probation under this section for an offense under this Article including an offense for which the prescribed punishment includes only a fine. The probation, if imposed, shall be for not less than one year and shall contain a minimum condition that the defendant who was found guilty or pleads guilty enroll in and successfully complete, within 150 days of the date of the imposition of said probation, the program of instruction at the drug education school approved by the Department of Health and Human Services pursuant to .S. 90-96.. The court may impose probation that does not contain a condition that defendant successfully complete the program of instruction at a drug education school if:

1. There is no drug education school within a reasonable distance of the defendant's residence; or
2. There are specific, extenuating circumstances which make it likely that defendant will not benefit from the program of instruction.

The court shall enter such specific findings in the record; provided that in the case of subdivision (2) above, such findings shall include the specific, extenuating circumstances which make it likely that the defendant will not benefit from the program of instruction.

Upon fulfillment of the terms and conditions of the probation, the court shall discharge such person and dismiss the proceedings against the person.
For the purposes of determining whether the conviction is a first conviction or whether a person has already had discharge and dismissal, no prior offense occurring more than seven years before the date of the current offense shall be considered. In addition, convictions for violations of a provision of S. 90-95(a)(1) or -95(a)(2) or -95(a)(3), or 113., or -113., or -113., or -113.22 shall be considered previous convictions.

Failure to complete successfully an approved program of instruction at a drug education school shall constitute grounds to revoke probation pursuant to this subsection and deny application for expunction of all recordation of defendant's arrest, indictment, or information, trial, finding of guilty, and dismissal and discharge pursuant to S. 15A-145.. For purposes of this subsection, the phrase "failure to complete successfully the prescribed program of instruction at a drug education school" includes failure to attend scheduled classes without a valid excuse, failure to complete the course within 150 days of imposition of probation, willful failure to pay the required fee for the course as provided in S. 90-96.01(b), or any other manner in which the person fails to complete the course successfully. The instructor of the course to which a person is assigned shall report any failure of a person to complete successfully the program of instruction to the court which imposed probation. Upon receipt of the instructor's report that the person failed to complete the program successfully, the court shall revoke probation, shall not discharge such person, shall not dismiss the proceedings against the person, and shall deny application for expunction of all recordation of defendant's arrest, indictment, or information, trial, finding of guilty, and dismissal and discharge pursuant to S. 15A-145.. A person may obtain a hearing before the court of original jurisdiction prior to revocation of probation or denial of application for expunction.

This subsection is supplemental and in addition to existing law and shall not be construed so as to repeal any existing provision contained in the General Statutes of North Carolina.

(b) Upon the discharge of such person, and dismissal of the proceedings against the person under subsection (a) or (a1) of this section, such person, if he or she was not over 21 years of age at the time of the offense, may be eligible to apply for expunction of certain records relating to the offense pursuant to S. 15A-145.2(a).

(c) Repealed by Session Laws -510, s. 8(b), effective October 1, 2010.

(d) Whenever any person is charged with a misdemeanor under this Article by possessing a controlled substance included within Schedules I through VI of this Article or a felony under S. 90-95(a)(3), upon dismissal by the State of the charges against such person, upon entry of a nolle prosequi, or upon a finding of not guilty or other adjudication of innocence, the person may be eligible to apply for expunction of certain records relating to the offense pursuant to S. 15A-145.2(b).

(e) Whenever any person who has not previously been convicted of (i) any felony offense under any state or federal laws; (ii) any offense under this Article; or (iii) an offense under any statute of the United States or any state relating to controlled substances included in any schedule of this Article or to that paraphernalia included in Article 5B of
North Carolina Drug Statutes

Chapter 90 of the General Statutes pleads guilty to or has been found guilty of (i) a misdemeanor under this Article by possessing a controlled substance included within Schedules I through VI of this Article, or by possessing drug paraphernalia as prohibited by S. 90-113.22 or (ii) a felony under S. 90-95(a)(3), the person may be eligible to apply for cancellation of the judgment and expulsion of certain records related to the offense pursuant to S. 15A-145.2(c).

- (f) Repealed by Session Laws -577, s., effective December 1, 2009, and applicable to petitions for expunctions filed on or after that date.

§ 90-96.1. Immunity from prosecution for minors

Whenever any person who is not more than 18 years of age, who has not previously been convicted of any offense under this Article or under any statute of the United States of any state relating to controlled substances included in any schedule of this Article, is accused with possessing or distributing a controlled substance in violation of S. 90-95(a)(1) or 95(a)(2) or -95(a)(3), the court may, upon recommendation of the district attorney, grant said person immunity from prosecution for said violation(s) if said person shall disclose the identity of the person or persons from whom he obtained the controlled substance(s) for which said person is being accused of possessing or distributing.

§ 90-108. Prohibited acts; penalties

- (a) It shall be unlawful for any person:
  - (1) Other than practitioners licensed under Articles 1, 2, 4, 6, 11, 12A of this Chapter to represent to any registrant or practitioner who manufactures, distributes, or dispenses a controlled substance under the provision of this Article that he is a licensed practitioner in order to secure or attempt to secure any controlled substance as defined in this Article or to in any way impersonate a practitioner for the purpose of securing or attempting to secure any drug requiring a prescription from a practitioner as listed above and who is licensed by this State;
  - (2) Who is subject to the requirements of S. 90-101 or a practitioner to distribute or dispense a controlled substance in violation of S. 90-105 or -
  - (3) Who is a registrant to manufacture, distribute, or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;
  - (4) To omit, remove, alter, or obliterate a symbol required by the Federal Controlled Substances Act or its successor;
(5) To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice or information required under this Article;

(6) To refuse any entry into any premises or inspection authorized by this Article;

(7) To knowingly keep or maintain any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by persons using controlled substances in violation of this Article for the purpose of using such substances, or which is used for the keeping or selling of the same in violation of this Article;

(8) Who is a registrant or a practitioner to distribute a controlled substance included in Schedule I or II of this Article in the course of his legitimate business, except pursuant to an order form as required by S. 90-;

(9) To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;

(10) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge;

(11) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this Article, or any record required to be kept by this Article;

(12) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit controlled substance;

(13) To obtain controlled substances through the use of legal prescriptions which have been obtained by the knowing and willful misrepresentation to or by the intentional withholding of information from one or more practitioners;

(14) Who is an employee of a registrant or practitioner and who is authorized to possess controlled substances or has access to controlled substances by virtue of his employment, to embezzle or fraudulently or knowingly and willfully misapply or divert to his own use or other unauthorized or illegal use or to take, make away with or secrete, with intent to embezzle or fraudulently or knowingly and willfully misapply or divert to his own use or other unauthorized or illegal use any controlled substance which shall have come into his possession or under his care.

(b) Any person who violates this section shall be guilty of a Class 1 misdemeanor. Provided, that if the criminal pleading alleges that the
violation was committed intentionally, and upon trial it is specifically found that the violation was committed intentionally, such violations shall be a Class I felony. A person who violates subdivision (7) of subsection (a) of this section and also fortifies the structure, with the intent to impede law enforcement entry, (by barricading windows and doors) shall be punished as a Class I felon.

§ 90-113.22. Possession of drug paraphernalia

- (a) It is unlawful for any person to knowingly use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, package, repackage, store, contain, or conceal a controlled substance which it would be unlawful to possess, or to inject, ingest, inhale, or otherwise introduce into the body a controlled substance which it would be unlawful to possess.
- (b) Violation of this section is a Class 1 misdemeanor.

§ 90-113.23. Manufacture or delivery of drug paraphernalia

- (a) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, package, repackage, store, contain, or conceal a controlled substance which it would be unlawful to possess, or that it will be used to inject, ingest, inhale, or otherwise introduce into the body a controlled substance which it would be unlawful to possess.
- (b) Delivery, possession with intent to deliver, or manufacture with intent to deliver, of each separate and distinct item of drug paraphernalia is a separate offense.
- (c) Violation of this section is a Class 1 misdemeanor. However, delivery of drug paraphernalia by a person over 18 years of age to someone under 18 years of age who is at least three years younger than the defendant shall be punishable as a Class I felony.


- (a) It is unlawful for any person to purchase or otherwise procure an advertisement in any newspaper, magazine, handbill, or other publication, or purchase or otherwise procure an advertisement on a billboard, sign, or other outdoor display, when he knows that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia described in this Article.
- (b) Violation of this section is a Class 2 misdemeanor.

§ 90-113.56. Penalties

- (a) If a retailer willfully and knowingly violates the provisions of § 90-113., -113., -113., or -113., the retailer shall be guilty of a Class A1 misdemeanor for the first offense and a Class I felony for a second or subsequent offense. A retailer convicted of a third offense occurring on the premises of a single establishment shall be prohibited from making pseudoephedrine products available for sale at that establishment.
(b) Any purchaser or employee who willfully and knowingly violates § 90-113., § 90-113.52(c) or § 90-113.53 shall be guilty of a Class 1 misdemeanor for the first offense, a Class A1 misdemeanor for a second offense, and a Class I felony for a third or subsequent offense. This subsection shall not be construed to apply to bona fide innocent purchasers.

(c) A retailer who fails to train employees in accordance with § 90-113., adequately supervise employees in transactions involving pseudoephedrine products, or reasonably discipline employees for violations of this Article shall be fined up to five hundred dollars ($500.00) for the first violation, up to seven hundred fifty dollars ($750.00) for the second violation, and up to one thousand dollars ($1,000) for a third or subsequent violation of this section.

§ 90-113.83. Penalties

(a) A retailer, or an employee of the retailer, who willfully and knowingly violates any one of the subsections of § 90-113.82 shall be guilty of a Class 2 misdemeanor.

(b) Any person who knowingly makes a false statement or representation in fulfilling the requirements in § 90-113.82(b) shall be guilty of a Class 1 misdemeanor.
<table>
<thead>
<tr>
<th>SCHEDULE</th>
<th>OFFENSE/PENALTY</th>
<th>ENHANCEMENT/\BENEFIT\RESTRICTIONS</th>
</tr>
</thead>
</table>
| **2-203. Schedule I**  
**Characteristics:** (1) High potential for abuse; (2) No accepted med use in US or lacks accepted safety for use in treatment under med supervision | **2-401(B)(1) Distribution or possess w/ intent (p.w.i.) to distribute or manufacture a Sched I or II narcotic substance or LSD, GHB (or its chemical alternatives):**  
5yrs-life; <$100,000 | or subsequent offense: felony under habitual offender statute; 2x fine imposed by penalty and no s.s. or p.p. |
| **2-204 Schedule I Substances:**  
(A) Opiates: e.g., acetylmmethadol, dextromoramide  
(B) Opium derivatives: e.g., codeine and morphine compounds, heroic  
(C) Hallucinogenic substances: e.g., LSD, marihuana, mescaline, BZP, psilocybin, DMT  
(D) Depressants and Stimulants: e.g., Qualuudes, GHB, N-ethylamphetamine  
(F) synthetic cannabinoids | **2-401(C)(1) Manufacture, cultivation, distribution or p.w.i to distribute a synthetic controlled substances:**  
felony; <Life; <$25,000 | or subsequent offense: felony under habitual offender statute & <$100,000 |
| **2-205. Schedule II**  
**characteristics:** (1) high potential for abuse; (2) accepted med use in US w/ severe restrictions; and (3) abuse may lead to severe psych or phys dependence | **2-401(B)(2) Distribution or possess w/ intent (p.w.i.) to distribute or manufacture other Schedule I, II, III, or IV substances:**  
2yrs-life; <$20,000 | or subsequent offense: felony under habitual offender statute; 2x fine imposed by penalty and no s.s. or p.p. |
| **2-206. Schedule II substances:**  
(A) Narcotics derived from vegetable origin or chemical synthesis:  
(1) Opium and opiates: e.g., raw opium, codeine, morphine and derived painkillers  
(2) chemical equivalents to those listed in (A)  
(3) Opium poppies and poppy straws  
(4) Cocaine  
(B) Other opiates: e.g., | **2-401(G)(3) Aggravated Manufacturing of a controlled substance in the amount listed below:**  
20yrs-life; >$50,000  
a. >1kg of heroin mixture  
b. >5kg of cocaine mixture  
c. >50g of chemical precursors containing cocaine base  
d. >100g of PCP mixture  
e. >10g of LSD mixture  
f. >400g of N-phenyl-N-1-(2-phenylethyl)-4-piperidinyl propanamide mixture | Required to serve 85% of sentence before becoming eligible for parole  
or subsequent offense: felony under habitual offender statute; 2x fine imposed by penalty and no s.s. or p.p. |
### Oklahoma Drug Statutes Chart

#### Oklahoma Statutes Title 63 Public Health and Safety

<table>
<thead>
<tr>
<th>Compound Description</th>
<th>Penalty</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>methadone, dihydrocodeine</td>
<td>g. &gt;1,000kg/1,000plants of marijuana</td>
<td></td>
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<tr>
<td>(C) Other stimulants and hallucinogenic substances: e.g., synthetic THC (nabilone), amphetamine, methamphetamine</td>
<td>h. &gt;50g of methamphetamine</td>
<td></td>
</tr>
<tr>
<td>(D) Other depressants and stimulants: e.g., amobarbital, glutethimide, Vyvanse, Ritalin</td>
<td>401(G)(5)Subsequent attempt to acquire pseudoephedrine: &gt;14yrs</td>
<td></td>
</tr>
<tr>
<td>2-207. <strong>Schedule III characteristics:</strong> (1) abuse potential less than Schedule I and II; (2) accepted med use in US; and (3) abuse may lead to moderate/low phys dependence or high psych dependence</td>
<td>2-402(B)(2) Possession of Sched III, IV, V, Sched II(D) substances or marihuana: Misdemeanor; &lt;1yr; &lt;$1,000</td>
<td></td>
</tr>
<tr>
<td>2-208. <strong>Schedule III substances:</strong> (A) compounds containing stimulants or depressants: (1) GHB products (2) Anabolic steroids and hormones (3) Barbiturates (B) Nalorphine (C) Compounds containing limited narcotic quantities: e.g., codeine, opium and morphine compounds</td>
<td>2-209. <strong>Schedule IV characteristics:</strong> (1) low abuse potential relative to Schedule III; (2) accepted med use in US; and (3) abuse may lead to limited phys dependence or psych dependence relative to Schedule III</td>
<td></td>
</tr>
<tr>
<td>2-210. <strong>Schedule IV Substances:</strong> (1) Prescription medication containing potentially abusive quantities of certain narcotics: E.g., Klonipin, Ativan, ephedrine, phenobarbital, butorphanol tartate, anti-obesity medication (fenfluramine, etc.)</td>
<td>2-211. <strong>Schedule V</strong></td>
<td>2-401(B)(3) Distribution or possess or subsequent</td>
</tr>
</tbody>
</table>

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### Oklahoma Drug Statutes Chart

**Oklahoma Statutes Title 63 Public Health and Safety**

<table>
<thead>
<tr>
<th>Characteristics: (1) low abuse potential relative to Schedule IV; (2) accepted med use is US; and (3) abuse may lead to limited phys dependence or psych dependence relative to Schedule IV</th>
<th>w/ intent (p.w.i.) to distribute or manufacture Sched V substance: &lt;5yrs; &lt;$1,000</th>
<th>offense: felony under habitual offender statute; 2x fine imposed by penalty and no s.s. or p.p.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-212. Schedule V Substances: (1) Narcotics containing nonnarcotic active medicinal ingredients: e.g., limited percentages of codeine, opium, etc. (2) Compounds containing pseudoephedrine or ephedrine (3) Compounds containing pregabalin</td>
<td>2-401(B)(4) Distribution or possess w/ intent (p.w.i.) to distribute or manufacture an imitation controlled substance: misdemeanor; &lt;1yr; &lt;$1,000</td>
<td>offense: felony; &lt;5yrs; &lt;$5,000</td>
</tr>
<tr>
<td>2-322. Chemical Precursors: e.g., d-lysergic acid, ephedrine, pseudoephedrine, methylamine, etc.</td>
<td>2-401(G) Manufacture or possession of precursors w/ intent to manufacture controlled substance Felony; 7yrs-life; &gt;$50,000</td>
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#### ENHANCEMENT OFFENSES/MITIGATING OFFENSES

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<tr>
<th>ENHANCED/REDUCED PENALTIES</th>
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<td>2-401(E) Use of minor to distribute, dispense, transport w/ intent</td>
</tr>
<tr>
<td>2-419 Use of minors in transport, sale of controlled substances</td>
</tr>
<tr>
<td>2-401(F) Distribution, dispensing, possession w/ intent to distribute controlled substance w/in 2000 ft of school, rec center, park, public housing, or child care facility</td>
</tr>
<tr>
<td>2-402(C) Possession or purchase of a controlled substance w/in 1000 ft of school, rec center, park, public housing, or child care facility, or in presence of child under 12</td>
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<tr>
<td>2-410 Conditional release for offense</td>
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</table>

#### ADDITIONAL OFFENSES

<table>
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<th>PENALTIES/ENHANCEMENTS/BENEFIT RESTRICTIONS</th>
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<td>2-403(A) Larceny, theft or burglary of a</td>
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<tr>
<td>Section</td>
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<tr>
<td>2-403(B)</td>
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<td>2-405</td>
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<td>2-407.1</td>
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<td>3-415</td>
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<table>
<thead>
<tr>
<th>controlled substance</th>
<th>&gt;10 yrs; no s.s. or p. p.</th>
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<tbody>
<tr>
<td>2-403(B) robbery of controlled substance from practitioner or manufacturer</td>
<td>offense: felony; &gt;5 yrs; or subsequent: felony; life imprisonment; no s.s. or p. p.</td>
</tr>
<tr>
<td>2-405 Possession/Delivery/Sale of Drug Paraphernalia</td>
<td>offense: &lt;1 yr and/or &lt;$1,000 offense: &lt;1 yr and/or &lt;$5,000 or subsequent: &lt;1 yr and/or &lt;$10,000</td>
</tr>
<tr>
<td>2-404 Registered Practitioners, distributors, manufacturers who:</td>
<td></td>
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<tr>
<td>(1) dispense a controlled substance in violation of requirements</td>
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<td>(2) manufacture, distribution of controlled substance not authorized by registration</td>
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<td>(3) omit, remove, alter symbol required by Federal Controlled substance act</td>
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<td>(4) refuse or fail to maintain required records</td>
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<td>(5) refuse entry for authorized inspection</td>
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<tr>
<td>(6) maintain place or vehicle which is resorted to by persons using controlled dangerous substances or keeping/selling controlled substances</td>
<td></td>
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<tr>
<td>B. Civil Fine of &lt;$1,000 If violation committed intentionally: felony; &lt;5 yrs; &lt;$100,000 or subsequent: 2x penalty imposed</td>
<td></td>
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<tr>
<td>2-406 Registered practitioners, distributors, manufacturers who knowingly:</td>
<td></td>
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<tr>
<td>(1) distributes Sched I or II substances w/o order form</td>
<td></td>
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<tr>
<td>(2) use of an invalid registration number</td>
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<tr>
<td>(3) Acquire possession of a controlled substance by misrepresentation</td>
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<tr>
<td>(4) furnish false information in required documentation</td>
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<tr>
<td>(5) Makes counterfeit controlled substances</td>
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<tr>
<td>offense: felony; &lt;20 yrs and/or &lt;$250,000 or subsequent offense: 2x punishment imposed; no s.s. or p. p.</td>
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<tr>
<td>2-407 Obtaining prescription substance by fraud, forgery, misrepresentation; Creation or possession of a counterfeit or invalid prescription form</td>
<td>offense: felony; &lt;10 yrs and/or &lt;$10,000 or subsequent offense: 4-20 yrs and/or &lt;$20,000; no s.s. or p. p.</td>
</tr>
<tr>
<td>2-407.1 Possession, purchase or sale of certain substances causing intoxication, distortion or disturbance of auditory, visual, muscular or mental processes (e.g., ethylchlordide, butyl nitrite, etc.)</td>
<td>Misdemeanor; &lt;90 days; &lt;$500.00</td>
</tr>
<tr>
<td>3-415 Trafficking Offenses</td>
<td>Enhanced penalties for all trafficking offenses:</td>
</tr>
<tr>
<td>1. offense: at least 2x the term imposed by</td>
<td></td>
</tr>
</tbody>
</table>
Oklahoma Drug Statutes Chart
Oklahoma Statutes Title 63 Public Health and Safety

<table>
<thead>
<tr>
<th>Specific Offenses</th>
<th>Specific Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Marijuana:</strong></td>
<td></td>
</tr>
<tr>
<td>a. 25-1000lbs</td>
<td>$25,000-$100,000</td>
</tr>
<tr>
<td>b. &gt;1,000lbs</td>
<td>$100,00-$500,000 (15yrs min.)</td>
</tr>
<tr>
<td><strong>2. Cocaine</strong></td>
<td></td>
</tr>
<tr>
<td>a. 28-300g</td>
<td>$25,000-$100,000</td>
</tr>
<tr>
<td>b. 300-450g</td>
<td>$100,00-$500,000</td>
</tr>
<tr>
<td>c. &gt;450g</td>
<td>$100,000-$500,000 (15yrs min)</td>
</tr>
<tr>
<td><strong>3. Heroin</strong></td>
<td></td>
</tr>
<tr>
<td>a. 10-28g</td>
<td>$25,000-$50,000</td>
</tr>
<tr>
<td>b. &gt;28g</td>
<td>$50,000-$500,000</td>
</tr>
<tr>
<td><strong>4. Amphetamine or methamphetamine</strong></td>
<td></td>
</tr>
<tr>
<td>a. 20-200g</td>
<td>$25,000-$200,000</td>
</tr>
<tr>
<td>b. 200-450g</td>
<td>$50,000-$500,000</td>
</tr>
<tr>
<td>c. &gt;450g</td>
<td>$50,000-$500,000 (15yrs min)</td>
</tr>
<tr>
<td><strong>5. LSD</strong></td>
<td></td>
</tr>
<tr>
<td>a. 1-10g</td>
<td>$50,000-$100,000</td>
</tr>
<tr>
<td>b. &gt;10g</td>
<td>$100,000-$250,000</td>
</tr>
<tr>
<td><strong>6. PCP</strong></td>
<td></td>
</tr>
<tr>
<td>a. 20-150g</td>
<td>$20,000-$50,000</td>
</tr>
<tr>
<td>b. &gt;150g</td>
<td>$50,000-$250,000</td>
</tr>
<tr>
<td><strong>7. Cocaine base</strong></td>
<td></td>
</tr>
<tr>
<td>a. 5-50g</td>
<td>$25,000-$100,000</td>
</tr>
<tr>
<td>b. &gt;50g</td>
<td>$100,000-$500,000</td>
</tr>
<tr>
<td><strong>8. MDMA</strong></td>
<td></td>
</tr>
<tr>
<td>a. 30tablets/10g-100tablet/30g</td>
<td>$25,000-$100,000</td>
</tr>
<tr>
<td>b. &gt;100tablets/30g</td>
<td>$100,000-$500,000</td>
</tr>
</tbody>
</table>
§ 2-203. Schedule I characteristics

- Schedule I includes substances with the following characteristics:
  - 1. High potential for abuse;
  - 2. No accepted medical use in the United States or lacks accepted safety for use in treatment under medical supervision.

§ 2-204. Schedule I

- The controlled substances listed in this section are included in Schedule I.
  - A. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, when the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:
    1. Acetylmethadol;
    2. Allylprodine;
    3. Alphacetylmethadol;
    4. Alphameprodine;
    5. Alphamethadol;
    6. Benzethidine;
    7. Betacetylmethadol;
    8. Betameprodine;
    9. Betamethadol;
   10. Betaproprine;
   11. Clonitazene;
   12. Dextromoramide;
   13. Dextrorphan (except its methyl ether);
   14. Diampromide;
   15. Diethylthiambutene;
   16. Dimenoxadol;
   17. Dimephoethanol;
   18. Dimethylthiambutene;
   19. Dioxaphetyl butyrate;
   20. Dipipanone;
   21. Ethylmethylthiambutene;
   22. Etonitazene;
   23. Etoxeridine;
   24. Furethidine;
   25. Hydroxypethidine;
   26. Ketobemidone;
   27. Levomoramide;
   28. Levophenacylomorphan;
   29. Morpheridine;
   30. Noracymethadol;
   31. Norlevorphanol;
   32. Normethadone;
   33. Norpipanone;
   34. Phenadoxone;
   35. Phenampramide;
   36. Phenomorphan;
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- 37. Phenoperidine;
- 38. Piriramide;
- 39. Proheptazine;
- 40. Properidine;
- 41. Racemoramide; or
- 42. Trimeperidine.

B. Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, when the existence of these 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. Dihydromorphone;
- 9. Etorphine;
- 10. Heroin;
- 11. Hydromorphinol;
- 12. Methyldesorphine;
- 13. Methylhydromorphine;
- 14. Morphine methylbromide;
- 15. Morphine methylsulfonate;
- 16. Morphine-N-Oxide;
- 17. Myrophine;
- 18. Nicocodeine;
- 19. Nicomorphine;
- 20. Normorphine;
- 21. Phoclodine; or
- 22. Thebacon.

C. Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, when the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- 1. Methcathinone;
- 2. 3, 4-methylenedioxymethylamphetamine;
- 3. 3, 4-methylenedioxymethamphetamine;
- 4. 5-methoxy-3, 4-methylenedioxymethylamphetamine;
- 5. 3, 4, 5-trimethoxyamphetamine;
- 6. Bufotenine;
- 7. Diethyltryptamine;
- 8. Dimethyltryptamine;
- 9. 4-methyl-2, 5-dimethoxyamphetamine;
- 10. Ibogaine;
- 11. Lysergic acid diethylamide;
- 12. Mariguana;
- 13. Mescaline;
- 14. N-benzylpiperazine;
- 15. N-ethyl-3-piperidyl benzilate;
- 16. N-methyl-3-piperidyl benzilate;
- 17. Psilocybin;
- 18. Psilocyn;
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- 19. 2, 5 dimethoxyamphetamine;
- 20. 4 Bromo-2, 5-dimethoxyamphetamine;
- 21. 4 methoxyamphetamine;
- 22. Cyclohexamine;
- 23. Salvia Divinorum;
- 24. Salvinorin A;
- 25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine; TPCP, TCP;
- 26. Phencyclidine (PCP);
- 27. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-Phenyclyclohexyl) -- Pyrrolidine, PCPy, PHP;
- 28. 1-(3-trifluoromethylphenyl) piperazine;
- 29. Flunitrazepam;
- 30. B-hydroxy-amphetamine;
- 31. B-ketoamphetamine;
- 32. 2,5-dimethoxy-4-nitroamphetamine;
- 33. 2,5-dimethoxy-4-bromophenethylamine;
- 34. 2,5-dimethoxy-4-chlorophenethylamine;
- 35. 2,5-dimethoxy-4-iodoamphetamine;
- 36. 2,5-dimethoxy-4-iodophenethylamine;
- 37. 2,5-dimethoxy-4-methylphenethylamine;
- 38. 2,5-dimethoxy-4-ethylphenethylamine;
- 39. 2,5-dimethoxy-4-fluorophenethylamine;
- 40. 2,5-dimethoxy-4-nitrophenethylamine;
- 41. 2,5-dimethoxy-4-ethylthio-phenethylamine;
- 42. 2,5-dimethoxy-4-propylthio-phenethylamine;
- 43. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
- 44. 2,5-dimethoxy-4-propylthio-phenethylamine;
- 45. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
- 46. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;
- 47. 5-methoxy-N, N-dimethyltryptamine;
- 48. N-methyltryptamine;
- 49. A-ethyltryptamine;
- 50. A-methyltryptamine;
- 51. N, N-diethyltryptamine;
- 52. N, N-diisopropyltryptamine;
- 53. N, N-dipropyltryptamine;
- 54. 5-methoxy-a-methyltryptamine;
- 55. 4-hydroxy-N, N-diethyltryptamine;
- 56. 4-hydroxy-N, N-diisopropyltryptamine;
- 57. 5-methoxy-N, N-diisopropyltryptamine;
- 58. 4-hydroxy-N-isopropyl-N-methyltryptamine;
- 59. 3,4-Methylenedioxyamphetamine (Methionedone);
- 60. 3,4-Methylenedioxyamphetamine (MDPV);
- 61. 4-Methoxymethcathinone (Morphedrone);
- 62. 4-methoxymethcathinone;
- 63. 4-Fluoromethcathinone;
- 64. 3-Fluoromethcathinone;
- 65. 1-(8-bromobenzo1,2-b;4,5-b’difuran-4-yl)-2-aminopropane;
- 66. 2,5-Dimethoxy-4-chloroamphetamine;
- 67. 4-Methoxymethcathinone;
- 68. Pyrovalerone;
- 69. N,N-diallyl-5-methoxytryptamine;
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70. 3,4-Methylenedioxy-N-ethylcathinone (Ethylone);
71. B-keto-N-Methylbenzodioxolylbutanamine (Butylone); or

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

1. Fenethylline;
2. Mecloqualone;
3. N-ethylamphetamine;
4. Methaqualone;
5. Gamma-Hydroxybutyric Acid, also known as GHB, gamma-hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium oxybate, and sodium oxybutyrate;
6. Gamma-Butyrolactone (GBL) as packaged, marketed, manufactured or promoted for human consumption, with the exception of legitimate food additive and manufacturing purposes;
7. Gamma Hydroxyvalerate (GHV) as packaged, marketed, or manufactured for human consumption, with the exception of legitimate food additive and manufacturing purposes;
8. Gamma Valerolactone (GVL) as packaged, marketed, or manufactured for human consumption, with the exception of legitimate food additive and manufacturing purposes; or
9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed, manufactured, or promoted for human consumption with the exception of legitimate manufacturing purposes.

E. 1. The following industrial uses of Gamma-Butyrolactone, Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol are excluded from all schedules of controlled substances under this title:
   a. pesticides,
   b. photochemical etching,
   c. electrolytes of small batteries or capacitors,
   d. viscosity modifiers in polyurethane,
   e. surface etching of metal coated plastics,
   f. organic paint disbursements for water soluble inks,
   g. pH regulators in the dyeing of wool and polyamide fibers,
   h. foundry chemistry as a catalyst during curing,
   i. curing agents in many coating systems based on urethanes and amides,
   j. additives and flavoring agents in food, confectionary, and beverage products,
   k. synthetic fiber and clothing production,
   l. tetrahydrofuran production,
   m. gamma butyrolactone production,
   n. polybutylene terephthalate resin production,
   o. polyester raw materials for polyurethane elastomers and foams,
   p. coating resin raw material, and
   q. as an intermediate in the manufacture of other chemicals and pharmaceuticals.
   2. At the request of any person, the Director may exempt any other product containing Gamma-Butyrolactone, Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol from being included as a Schedule I controlled substance if such product is labeled, marketed, manufactured and
distributed for legitimate industrial use in a manner that reduces or eliminates the likelihood of abuse.

3. In making a determination regarding an industrial product, the Director, after notice and hearing, shall consider the following:
   a. the history and current pattern of abuse,
   b. the name and labeling of the product,
   c. the intended manner of distribution, advertising and promotion of the product, and
   d. other factors as may be relevant to and consistent with the public health and safety.

4. The hearing shall be held in accordance with the procedures of the Administrative Procedures Act.

F. Any quantity of a synthetic chemical compound that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring substances including:

1. JWH-004;
2. JWH-007;
3. JWH-009;
4. JWH-015;
5. JWH-016;
6. JWH-018;
7. JWH-019;
8. JWH-020;
9. JWH-030;
10. JWH-046;
11. JWH-047;
12. JWH-048;
13. JWH-049;
14. JWH-050;
15. JWH-070;
16. JWH-071;
17. JWH-072;
18. JWH-073;
19. JWH-076;
20. JWH-079;
21. JWH-080;
22. JWH-081;
23. JWH-082;
24. JWH-094;
25. JWH-096;
26. JWH-098;
27. JWH-116;
28. JWH-120;
29. JWH-122;
30. JWH-145;
31. JWH-146;
32. JWH-147;
33. JWH-148;
34. JWH-149;
35. JWH-150;
36. JWH-156;
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- 37. JWH-167;
- 38. JWH-175;
- 39. JWH-180;
- 40. JWH-181;
- 41. JWH-182;
- 42. JWH-184;
- 43. JWH-185;
- 44. JWH-189;
- 45. JWH-192;
- 46. JWH-193;
- 47. JWH-194;
- 48. JWH-195;
- 49. JWH-196;
- 50. JWH-197;
- 51. JWH-198;
- 52. JWH-199;
- 53. JWH-200;
- 54. JWH-201;
- 55. JWH-202;
- 56. JWH-203;
- 57. JWH-204;
- 58. JWH-205;
- 59. JWH-206;
- 60. JWH-207;
- 61. JWH-208;
- 62. JWH-209;
- 63. JWH-210;
- 64. JWH-211;
- 65. JWH-212;
- 66. JWH-213;
- 67. JWH-234;
- 68. JWH-235;
- 69. JWH-236;
- 70. JWH-237;
- 71. JWH-239;
- 72. JWH-240;
- 73. JWH-241;
- 74. JWH-242;
- 75. JWH-243;
- 76. JWH-244;
- 77. JWH-245;
- 78. JWH-246;
- 79. JWH-248;
- 80. JWH-249;
- 81. JWH-250;
- 82. JWH-251;
- 83. JWH-252;
- 84. JWH-253;
- 85. JWH-262;
- 86. JWH-292;
- 87. JWH-293;
- 88. JWH-302;
- 89. JWH-303;
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- 90. JWH-304;
- 91. JWH-305;
- 92. JWH-306;
- 93. JWH-307;
- 94. JWH-308;
- 95. JWH-311;
- 96. JWH-312;
- 97. JWH-313;
- 98. JWH-314;
- 99. JWH-315;
- 100. JWH-316;
- 101. JWH-346;
- 102. JWH-348;
- 103. JWH-363;
- 104. JWH-364;
- 105. JWH-365;
- 106. JWH-367;
- 107. JWH-368;
- 108. JWH-369;
- 109. JWH-370;
- 110. JWH-371;
- 111. JWH-373;
- 112. JWH-386;
- 113. JWH-387;
- 114. JWH-392;
- 115. JWH-394;
- 116. JWH-395;
- 117. JWH-397;
- 118. JWH-398;
- 119. JWH-399;
- 120. JWH-400;
- 121. JWH-412;
- 122. JWH-413;
- 123. JWH-414;
- 124. JWH-415;
- 125. CP-55, 940;
- 126. CP-47, 497;
- 127. HU-210;
- 128. HU-211;
- 129. WIN-55, 212-2;
- 130. AM-2201;
- 131. AM-2233; and
- 132. JWH-018 adamantyl-carboxamide.

§ 2-205. Schedule II characteristics

- Schedule II includes substances with the following characteristics:
  - 1. High potential for abuse;
  - 2. Currently accepted medical use in the United States, or currently accepted medical use with severe restrictions; and
  - 3. The abuse of the substance may lead to severe psychic or physical dependence.
§ 2-206. Schedule II

The controlled substances listed in this section are included in Schedule II.

A. Any of the following substances except those narcotic drugs listed in other schedules whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

1. Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;
2. Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph 1 of this subsection, but not including the isoquinoline alkaloids of opium;
3. Opium poppy and poppy straw; or
4. Coca leaves except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers and salts of isomers; or any compound, mixture or preparation which contains any quantity of any of the substances referred to in this paragraph.

B. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, when the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

1. Alphaprodine;
2. Anileridine;
3. Bezitramide;
4. Dihydrocodeine;
5. Diphenoxylate;
6. Fentanyl;
7. Hydromorphone;
8. Isomethadone;
9. Levomethorphan;
10. Levorphanol;
11. Metazocine;
12. Methadone;
13. Methadone -- Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
14. Moramide -- Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
15. Oxycodone;
16. Oxymorphone;
17. Pethidine (Meperidine);
18. Pethidine -- Intermediate -- A, 4-cyano-1-methyl-4-phenylpiperidine;
19. Pethidine -- Intermediate -- B, ethyl-4-phenylpiperidine-4-carboxylate;
20. Pethidine -- Intermediate -- C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
21. Phenazocine;
22. Piminodine;
23. Racemethorphan;
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- 24. Racemorphan;
- 25. Etorphine Hydrochloride salt only;
- 26. Alfentanil hydrochloride;
- 27. Levo-alphacetylmethadol;
- 28. Codeine;
- 29. Hydrocodone;
- 30. Morphine;
- 31. Remifentanil; or
- 32. Sufentanil.

- C. Any substance which contains any quantity of:
  - 1. Methamphetamine, including its salts, isomers, and salts of isomers;
  - 2. Amphetamine, its salts, optical isomers, and salts of its optical isomers; or

- D. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following substances having stimulant or depressant effect on the central nervous system:
  - 1. Phenmetrazine and its salts;
  - 2. Methylphenidate;
  - 3. Amobarbital;
  - 4. Pentobarbital; or
  - 5. Secobarbital.

§ 2-207. Schedule III characteristics

- Schedule III includes substances with the following characteristics:
  - 1. A potential for abuse less than the substances listed in Schedules I and II;
  - 2. Currently accepted medical use in treatment in the United States; and
  - 3. Abuse may lead to moderate or low physical dependence or high psychological dependence.

§ 2-208. Schedule III

- The controlled substances listed in this section are included in Schedule III.
  - A. Unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following substances or any other substance having a potential for abuse associated with a stimulant or depressant effect on the central nervous system:
    - 1. Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application has been approved under Section 505 of the Federal Food, Drug, and Cosmetic Act;
    - 2. Any material, compound, mixture, or preparation which contains any quantity of the following hormonal substances or steroids, including their salts, isomers, esters and salts of isomers and esters, when the existence of these salts, isomers, esters, and salts of isomers and esters is possible within the specific chemical designation:
      - a. Boldenone,
      - b. Chlorotestosterone,
      - c. Clostebol,
      - d. Dehydrochloromethyltestosterone,
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- e. Dihydrotestosterone,
- f. Drostanolone,
- g. Ethylestrenol,
- h. Fluoxymesterone,
- i. Formebolone,
- j. Mesterolone,
- k. Methandienone,
- l. Methandranone,
- m. Methandriol,
- n. Methandrostenolone,
- o. Methenolone,
- p. Methyltestosterone, except as provided in subsection E of this section,
- q. Mibolerone,
- r. Nandrolone,
- s. Norethandrolone,
- t. Oxandrolone,
- u. Oxymesterone,
- v. Oxymetholone,
- w. Stanolone,
- x. Stanozolol,
- y. Testolactone,
- z. Testosterone, except as provided in subsection E of this section, and
- aa. Trenbolone;

3. Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid;

- 4. Benzphetamine and its salts;
- 5. Buprenorphine;
- 6. Butalbital/acetaminophen/caffeine;
- 7. Chlorhexadol;
- 8. Chlorphentermine and its salts;
- 9. Clortermine;
- 10. Glutethimide;
- 11. Hydrocodone with another active ingredient;
- 12. Ketamine, its salts, isomers, and salts of isomers;
- 13. Lysergic acid;
- 14. Lysergic acid amide;
- 15. Mazindol;
- 16. Methyprylon;
- 17. Phendimetrazine;
- 18. Phenylacetone (P2P);
- 19. Sulfon-diethylmethane;
- 20. Sulfonethylmethane;
- 21. Sulfonmethane;
- 22. Tetrahydrocannabinols;
- 23. 1-Phenycyclohexylamine; or
- 24. 1-Piperidinocyclohexanecarbo nitrile (PCC).

Livestock implants as regulated by the Federal Food and Drug Administration shall be exempt.
B. Nalorphine.

C. Unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

1. Not more than one and eight-tenths (1.8) grams of codeine or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

2. Not more than one and eight-tenths (1.8) grams of codeine or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

3. Not more than one and eight-tenths (1.8) grams of dihydrocodeine or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

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

5. Not more than five hundred (500) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams, or not more than twenty-five (25) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; or

6. Not more than fifty (50) milligrams of morphine or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

D. The Board of Pharmacy may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections A and B of this section from the application of all or any part of the Uniform Controlled Dangerous Substances Act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

E. The following hormonal substances or steroids are exempt from classification as Schedule III controlled dangerous substances:

1. Estratest, containing 1.25 mg esterified estrogens and 2.5 mg methyltestosterone;

2. Estratest HS, containing 0.625 mg esterified estrogens and 1.25 mg methyltestosterone;

3. Premarin with Methyltestosterone, containing 1.25 mg conjugated estrogens and 10.0 mg methyltestosterone;

4. Premarin with Methyltestosterone, containing 0.625 mg conjugated estrogens and 5.0 mg methyltestosterone;

5. Testosterone Cypionate -- Estriodiol Cypionate injection, containing 50 mg/ml Testosterone Cypionate; and

6. Testosterone Enanthate -- Estradiol Valerate injection, containing 90 mg/ml Testosterone Enanthate and 4 mg/ml Estradiol Valerate.

§ 2-208. Schedule III
The controlled substances listed in this section are included in Schedule III.

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

1. Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application has been approved under Section 505 of the Federal Food, Drug, and Cosmetic Act;

2. Any material, compound, mixture, or preparation which contains any quantity of the following hormonal substances or steroids, including their salts, isomers, esters and salts of isomers and esters, when the existence of these salts, isomers, esters, and salts of isomers and esters is possible within the specific chemical designation:

   a. Boldenone,
   b. Chlorotestosterone,
   c. Clostebol,
   d. Dehydrochlormethyltestosterone,
   e. Dihydrotestosterone,
   f. Drostanolone,
   g. Ethylestrenol,
   h. Fluoxymesterone,
   i. Formebolone,
   j. Mesterolone,
   k. Methandienone,
   l. Methandranone,
   m. Methandriol,
   n. Methandrostenolone,
   o. Methenolone,
   p. Methyltestosterone, except as provided in subsection E of this section,
   q. Mibolerone,
   r. Nandrolone,
   s. Norethandrolone,
   t. Oxandrolone,
   u. Oxymesterone,
   v. Oxymetholone,
   w. Stanolone,
   x. Stanozolol,
   y. Testolactone,
   z. Testosterone, except as provided in subsection E of this section, and

aa. Trenbolone;

3. Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid;

4. Benzphetamine and its salts;

5. Buprenorphine;

6. Butalbital/acetaminophen/caffeine;

7. Chlorhexadol;

8. Chlorphentermine and its salts;

9. Clortermine;

10. Glutethimide;

11. Hydrocodone with another active ingredient;
12. Ketamine, its salts, isomers, and salts of isomers;
13. Lysergic acid;
14. Lysergic acid amide;
15. Mazindol;
16. Methyprylon;
17. Phendimetrazine;
18. Phenylacetone (P2P);
19. Sulfondiethylmethane;
20. Sulfonethylmethane;
21. Sulphonmethane;
22. Tetrahydrocannabinols;
23. 1-Phenycyclohexylamine; or
24. 1-Piperidinocyclohexane-carbonitrile (PCC).

Livestock implants as regulated by the Federal Food and Drug Administration shall be exempt.

B. Nalorphine.

C. Unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:
   1. Not more than one and eight-tenths (1.8) grams of codeine or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
   2. Not more than one and eight-tenths (1.8) grams of codeine or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
   3. Not more than one and eight-tenths (1.8) grams of dihydrocodeine or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
   4. Not more than three hundred (300) milligrams of ethylmorphine or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;
   5. Not more than five hundred (500) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams, or not more than twenty-five (25) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; or
   6. Not more than fifty (50) milligrams of morphine or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

D. The Board of Pharmacy may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections A and B of this section from the application of all or any part of the Uniform Controlled Dangerous Substances Act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.
The following hormonal substances or steroids are exempt from classification as Schedule III controlled dangerous substances:

- 1. Estratest, containing 1.25 mg esterified estrogens and 2.5 mg methyltestosterone;
- 2. Estratest HS, containing 0.625 mg esterified estrogens and 1.25 mg methyltestosterone;
- 3. Premarin with Methyltestosterone, containing 1.25 mg conjugated estrogens and 10.0 mg methyltestosterone;
- 4. Premarin with Methyltestosterone, containing 0.625 mg conjugated estrogens and 5.0 mg methyltestosterone;
- 5. Testosterone Cypionate -- Estradiol Cypionate injection, containing 50 mg/ml Testosterone Cypionate; and
- 6. Testosterone Enanthate -- Estradiol Valerate injection, containing 90 mg/ml Testosterone Enanthate and 4 mg/ml Estradiol Valerate.

§ 2-209. Schedule IV characteristics

- Schedule IV includes substances with the following characteristics:
  - 1. Low potential for abuse relative to substances listed in Schedule III;
  - 2. Currently accepted medical use in treatment in use in the United States;
  - 3. Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances listed in Schedule III.

§ 2-210. Schedule IV

- A. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant or depressant effect on the central nervous system:
  - 1. Chloral betaine;
  - 2. Chloral hydrate;
  - 3. Ethchlorvynol;
  - 4. Ethinamate;
  - 5. Meprobamate;
  - 6. Paraldehyde;
  - 7. Petrichloral;
  - 8. Diethylpropion;
  - 9. Phentermine;
  - 10. Pemoline;
  - 11. Chlordiazepoxide;
  - 12. Chlordiazepoxide and its salts, but not including chlordiazepoxide hydrochloride and clidinium bromide or chlordiazepoxide and water-soluble esterified estrogens;
  - 13. Diazepam;
  - 14. Oxazepam;
  - 15. Clorazepate;
  - 16. Flurazepam and its salts;
  - 17. Clonazepam;
  - 18. Barbital;
  - 19. Mebutamate;
  - 20. Methohexital;
  - 21. Methylphenobarbital;
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22. Phenobarbital;
23. Fenfluramine;
24. Pentazocine;
25. Propoxyphene;
26. Butorphanol;
27. Alprazolam;
28. Halazepam;
29. Lorazepam;
30. Prazepam;
31. Temazepam;
32. Triazolam;
33. Carisoprodol;
34. Ephedrine, its salts, optical isomers, and salts of optical isomers as the only active ingredient, or in combination with other active ingredients;
35. Dichloralphenazone;
36. Estazolam;
37. Eszopiclone;
38. Midazolam;
39. Modafinil;
40. Zaleplon;
41. Zolpidem; or
42. Tramadol.

B. 1. The following nonnarcotic substances, which may, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C., Section 301), be lawfully sold over the counter without a prescription, are excluded from all schedules of controlled substances under this title:
a. Breathe-Aid,
b. BronCare,
c. Bronchial Congestion,
d. Bronkaid Tablets,
e. Bronkaid Dual Action Caplets,
f. Bronkotabs,
g. Bronkoliixir,
h. NeoRespin,
i. Pazo Hemorrhoid Ointment and Suppositories, 
j. Primatene Tablets,
k. Primatene "Dual Action" Formula, 
l. Quelidrine, 
m. Resp, and
n. Vatronal Nose Drops.

2. At the request of any person, the Director may exempt any other drug product containing ephedrine from being included as a Schedule IV controlled substance if such product:
a. is labeled and marketed in a manner consistent with the pertinent OTC tentative final or final monograph issued by the FDA, and
b. is manufactured and distributed for legitimate medicinal use and
   in a manner that reduces or eliminates the likelihood of abuse.

3. In making a determination regarding a drug product, the Director, after notice and hearing, shall consider the following:
a. the history and current pattern of abuse,
b. the name and labeling of the product,
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- c. the intended manner of distribution, advertising and promotion of the product, and
- d. other factors as may be relevant to and consistent with the public health and safety.

4. The hearing shall be held in accordance with the Administrative Procedures Act.

5. A list of current drug products meeting exemption requirements under this subsection may be obtained from the Bureau upon written request.

C. The Board of Pharmacy may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection A of this section from the application of all or any part of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

§ 2-211. Schedule V characteristics

- Schedule V includes substances with the following characteristics:
  - 1. Low potential for abuse relative to the controlled substances listed in Schedule IV;
  - 2. Currently accepted medical use in treatment in the United States; and
  - 3. Limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

§ 2-212. Schedule V

- A. The controlled substances listed in this section are included in Schedule V.
  - 1. Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains 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 the narcotic drug alone:
    - a. not more than two hundred (200) milligrams of codeine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams,
    - b. not more than one hundred (100) milligrams of dihydrocodeine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams,
    - c. not more than one hundred (100) milligrams of ethylmorphine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams,
    - d. not more than two and five-tenths (2.5) milligrams of diphenoxylate and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit, or
    - e. not more than one hundred (100) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams.
  - 2. Any compound, mixture, or preparation containing any detectable quantity of base pseudoephedrine or ephedrine, its salts or optical isomers, or salts of optical
isomers. If any compound, mixture, or preparation as specified in this paragraph is dispensed, sold, or distributed in a pharmacy:

- **a.** it shall be dispensed, sold, or distributed only by, or under the supervision of, a licensed pharmacist or a registered pharmacy technician,

- **b.** a service charge not to exceed the purchase price of the product, mixture or preparation may be assessed and collected by the licensed pharmacist or registered pharmacy technician at the point of sale from the person seeking to purchase, receive or otherwise acquire a pseudoephedrine product or products. Upon receipt of payment of the service charge, the licensed pharmacist or registered pharmacy technician shall access the methamphetamine offender registry and verify whether the person is an individual who is listed on the methamphetamine offender registry. Upon verification that the person is an individual who is listed on the methamphetamine offender registry, the person shall be prohibited from purchasing the pseudoephedrine product or products and shall be required to forfeit the service charge previously collected by the licensed pharmacist or registered pharmacy technician. Any pharmacy that requires the assessment and collection of a service charge for pseudoephedrine products shall post a clear and conspicuous sign at each public entrance to the place of business and at each register within the pharmacy that provides notice to customers of the pharmacy that a service charge shall be assessed and collected for pseudoephedrine products and, upon verification that the person is listed on the methamphetamine offender registry, the service charge shall be forfeited and retained by the pharmacy, and

- **c.** any person who is not an individual listed on the methamphetamine offender registry that is purchasing, receiving, or otherwise acquiring any compound, mixture, or preparation shall produce a driver license, passport, military identification, or other state-issued identification card and shall sign a written or electronic log, receipt, or other program or mechanism approved by the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, showing:

  - **(1)** the date and time of the transaction,
  - **(2)** name, address and date of birth of the purchaser,
  - **(3)** driver license number, passport, military identification, or state-issued identification number and state of residence of the purchaser,
  - **(4)** name and initials of the pharmacist or pharmacy technician conducting the transaction,
  - **(5)** the product being sold, and
  - **(6)** total quantity, in grams, of base pseudoephedrine or ephedrine purchased.

No person shall purchase, receive, or otherwise acquire more than three and six-tenths (3.6) grams of any product, mixture, or preparation per day or
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more than seven and two-tenths (7.2) grams of any product, mixture, or preparation within any thirty-day period, or sixty (60) grams of any product, mixture, or preparation within a twelve-month period. Once a person has purchased, received or otherwise acquired the daily limit of three and six-tenths (3.6) grams of any product, mixture or preparation, the person shall be prohibited from purchasing, receiving or otherwise acquiring any additional product, mixture or preparation containing any detectable quantity of base pseudoephedrine or ephedrine for a period of not less than seventy-two (72) hours following the last permitted purchase. The requirements of this paragraph shall not apply to any quantity of such product, mixture or preparation dispensed pursuant to a valid prescription. There shall be no protocol or procedure mandated by any individual or corporate entity that interferes with the professional duty of a pharmacist to counsel and evaluate the appropriate pharmaceutical needs of a patient and the exercise of the professional judgment of a pharmacist as to whether it is appropriate to dispense medication as set forth in this paragraph or otherwise.

3. Any compound, mixture, or preparation containing any detectable quantity of pregabalin.

B. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, by rule, may exempt other products from this Schedule which the Director finds are not used in the illegal manufacture of methamphetamine or other controlled dangerous substances. A manufacturer of a drug product may apply for removal of the product from the Schedule if the product is determined by the Director to have been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine.

§ 2-322. Precursor substances--License or permit

A. No person or business shall possess, sell, manufacture, transfer, or otherwise furnish any of the following precursor substances without first having a permit or license issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, except as provided in Section 2-327 of this title:

1. D-Lysergic acid;
2. Ergotamine and its salts;
3. Ergonovine and its salts;
4. Methylamine;
5. Ethylamine;
6. Phenyl-2-Propanone;
7. Phenylacetic acid and its salts;
8. Ephedrine, its salts, optical isomers and salts of optical isomers;
9. Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers;
10. Phenylpropanolamine, its salts, optical isomers and salts of optical isomers;
11. Benzyl cyanide;
12. N-methylephedrine, its salts, optical isomers and salts of optical isomers;
13. Pseudoephedrine, its salts, optical isomers and salts of optical isomers;
14. Chloroephedrine, its salts, optical isomers and salts of optical isomers;
15. Piperidine and its salts;
16. Pyrrolidine and its salts;
17. Propionic anhydride;
18. Isosafrole;
19. Safrole;
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20. Piperonal; and

B. Upon completion of an application for a license pursuant to Section 2-323 of this title, or a permit pursuant to Section 2-324 of this title, the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall either grant or deny such license or permit. A denial of an application for a permit or license shall be handled as provided by Section 2-325 of this title.

§ 2-401. Prohibited acts A--Penalties

A. Except as authorized by the Uniform Controlled Dangerous Substances Act, it shall be unlawful for any person:
1. To distribute, dispense, transport with intent to distribute or dispense, possess with intent to manufacture, distribute, or dispense, a controlled dangerous substance or to solicit the use of or use the services of a person less than eighteen (18) years of age to cultivate, distribute or dispense a controlled dangerous substance;
2. To create, distribute, transport with intent to distribute or dispense, or possess with intent to distribute, a counterfeit controlled dangerous substance; or
3. To distribute any imitation controlled substance as defined by Section 2-101 of this title, except when authorized by the Food and Drug Administration of the United States Department of Health and Human Services.

B. Any person who violates the provisions of this section with respect to:
1. A substance classified in Schedule I or II which is a narcotic drug, lysergic acid diethylamide (LSD), gamma butyrolactone, gamma hydroxyvalerate, gamma valerolactone, 1,4 butanediol, or gamma-hydroxybutyric acid as defined in Sections 2-204 and 2-208 of this title, upon conviction, shall be guilty of a felony and shall be sentenced to a term of imprisonment for not less than five (5) years nor more than life and a fine of not more than One Hundred Thousand Dollars ($ 100,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. Any sentence to the custody of the Department of Corrections shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation except when the conviction is for a first offense;
2. Any other controlled dangerous substance classified in Schedule I, II, III, or IV, upon conviction, shall be guilty of a felony and shall be sentenced to a term of imprisonment for not less than two (2) years nor more than life and a fine of not more than Twenty Thousand Dollars ($ 20,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. Any sentence to the custody of the Department of Corrections shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation except when the conviction is for a first offense;
3. A substance classified in Schedule V, upon conviction, shall be guilty of a felony and shall be sentenced to a term of imprisonment for not more than five (5) years and a fine of not more than One Thousand Dollars ($ 1,000. 00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment; or
4. An imitation controlled substance as defined by Section 2-101 of this title, upon conviction, shall be guilty of a misdemeanor and shall be sentenced to a term of imprisonment in the county jail for a period of not more than one (1) year and a
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fine of not more than One Thousand Dollars ($ 1,000.00). A person convicted of a second violation of the provisions of this paragraph shall be guilty of a felony and shall be sentenced to a term of imprisonment for not more than five (5) years and a fine of not more than Five Thousand Dollars ($ 5,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.

C.
1. Except when authorized by the Food and Drug Administration of the United States Department of Health and Human Services, it shall be unlawful for any person to manufacture, cultivate, distribute, or possess with intent to distribute a synthetic controlled substance.
2. Any person convicted of violating the provisions of this paragraph is guilty of a felony and shall be punished by imprisonment for a term not to exceed life and a fine of not more than Twenty-five Thousand Dollars ($ 25,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.
3. A second or subsequent conviction for the violation of the provisions of this paragraph is a felony punishable as a habitual offender pursuant to 51.1 of Title 21 of the Oklahoma Statutes.
4. In addition, the violator shall be fined an amount not more than One Hundred Thousand Dollars ($ 100,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.

D.
1. Any person convicted of a second or subsequent felony violation of the provisions of this section, except for paragraph 4 of subsection B of this section, shall be punished as a habitual offender pursuant to 51.1 of Title 21 of the Oklahoma Statutes.
2. In addition, the violator shall be fined twice the fine otherwise authorized, which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.
3. Convictions for second or subsequent violations of the provisions of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation.

E. Any person who is at least eighteen (18) years of age and who violates the provisions of this section by using or soliciting the use of services of a person less than eighteen (18) years of age to distribute, dispense, transport with intent to distribute or dispense or cultivate a controlled dangerous substance or by distributing a controlled dangerous substance to a person under eighteen (18) years of age, is punishable by twice the fine and by twice the imprisonment otherwise authorized.

F. Any person who violates any provision of this section by transporting with intent to distribute or dispense, distributing or possessing with intent to distribute a controlled dangerous substance to a person, or violation of subsection G of this section, in or on, or within two thousand (2,000) feet of the real property comprising a public or private elementary or secondary school, public vocational school, public or private college or university, or other institution of higher education, recreation center or public park, including state parks and recreation areas, public housing project, or child care facility as defined by 402 of Title 10 of the Oklahoma Statutes, shall be punished by:
1. For a first offense, a term of imprisonment, or by the imposition of a fine or by both, not exceeding twice that authorized by the appropriate provision of this section and shall serve a minimum of fifty percent (50%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of the sentence; or
2. For a second or subsequent offense, a term of imprisonment as provided for a habitual offender pursuant to 51.1 of Title 21 of the Oklahoma Statutes. In addition, the violator shall serve eighty-five percent (85%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of the sentence or eligibility for parole.

G.

1. Except as authorized by the Uniform Controlled Dangerous Substances Act, it shall be unlawful for any person to manufacture or attempt to manufacture any controlled dangerous substance or possess any substance listed in Section 2-322 of this title or any substance containing any detectable amount of pseudoephedrine or its salts, optical isomers or salts of optical isomers, iodine or its salts, optical isomers or salts of optical isomers, hydriodic acid, sodium metal, lithium metal, anhydrous ammonia, phosphorus, or organic solvents with the intent to use that substance to manufacture a controlled dangerous substance.

2. Any person violating the provisions of this subsection with respect to the unlawful manufacturing or attempting to unlawfully manufacture any controlled dangerous substance, or possessing any substance listed in this subsection or Section 2-322 of this title, upon conviction, is guilty of a felony and shall be punished by imprisonment for not less than seven (7) years nor more than life and by a fine of not less than Fifty Thousand Dollars ($ 50,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. The possession of any amount of anhydrous ammonia in an unauthorized container shall be prima facie evidence of intent to use such substance to manufacture a controlled dangerous substance.

3. Any person violating the provisions of this subsection with respect to the unlawful manufacturing or attempting to unlawfully manufacture any controlled dangerous substance in the following amounts:
   a. one (1) kilogram or more of a mixture or substance containing a detectable amount of heroin,
   b. five (5) kilograms or more of a mixture or substance containing a detectable amount of:
      (1) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, egsone, and derivatives of egsone or their salts have been removed,
      (2) cocaine, its salts, optical and geometric isomers, and salts of isomers,
      (3) egsone, its derivatives, their salts, isomers, and salts of isomers,
      (4) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in divisions (1) through (3) of this subparagraph,
   c. fifty (50) grams or more of a mixture or substance described in division (2) of subparagraph b of this paragraph which contains cocaine base,
   d. one hundred (100) grams or more of phencyclidine (PCP) or 1 kilogram or more of a mixture or substance containing a detectable amount of phencyclidine (PCP),
   e. ten (10) grams or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD),
   f. four hundred (400) grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-1-(2-pheylethy)-4-piperidinyl propanamide or 100 grams
or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-1-(2-phenylethyl)-4-piperidinyl propanamide,

- g. one thousand (1,000) kilograms or more of a mixture or substance containing a detectable amount of marihuana or one thousand (1000) or more marihuana plants regardless of weight, or

- h. fifty (50) grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers,

upon conviction, is guilty of aggravated manufacturing a controlled dangerous substance punishable by imprisonment for not less than twenty (20) years nor more than life and by a fine of not less than Fifty Thousand Dollars ($50,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. Any person convicted of a violation of the provisions of this paragraph shall be required to serve a minimum of eighty-five percent (85%) of the sentence received prior to becoming eligible for state correctional earned credits towards the completion of the sentence or eligible for parole.

4. Any sentence to the custody of the Department of Corrections for any violation of paragraph 3 of this subsection shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation. A person convicted of a second or subsequent violation of the provisions of paragraph 3 of this subsection shall be punished as a habitual offender pursuant to 51.1 of Title 21 of the Oklahoma Statutes and shall be required to serve a minimum of eighty-five percent (85%) of the sentence received prior to becoming eligible for state correctional earned credits or eligibility for parole.

5. Any person who has been convicted of manufacturing or attempting to manufacture methamphetamine pursuant to the provisions of this subsection and who, after such conviction, purchases or attempts to purchase, receive or otherwise acquire any product, mixture, or preparation containing any detectable quantity of base pseudoephedrine or ephedrine shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term in the range of twice the minimum term provided for in paragraph 2 of this subsection.

H. Any person convicted of any offense described in the Uniform Controlled Dangerous Substances Act may, in addition to the fine imposed, be assessed an amount not to exceed ten percent (10%) of the fine imposed. Such assessment shall be paid into a revolving fund for enforcement of controlled dangerous substances created pursuant to Section 2-506 of this title.

I. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2522 of this title.

J. For purposes of this section, "public housing project" means any dwelling or accommodations operated as a state or federally subsidized multifamily housing project by any housing authority, nonprofit corporation or municipal developer or housing projects created pursuant to the Oklahoma Housing Authorities Act.

K. When a person is found guilty of a violation of the provisions of this section, the court shall order, in addition to any other penalty, the defendant to pay a one-hundred-
dollar assessment to be deposited in the Drug Abuse Education and Treatment Revolving Fund created in Section 2-503.2 of this title, upon collection.

§ 2-402. Prohibited acts B--Penalties

• A.
   1. It shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice, or except as otherwise authorized by this act.
   2. It shall be unlawful for any person to purchase any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act pursuant to Section 2-313 of this title in an amount or within a time interval other than that permitted by Section 2-313 of this title.
   3. It shall be unlawful for any person or business to sell, market, advertise or label any product containing ephedrine, its salts, optical isomers, or salts of optical isomers, for the indication of stimulation, mental alertness, weight loss, appetite control, muscle development, energy or other indication which is not approved by the pertinent federal OTC Final Monograph, Tentative Final Monograph, or FDA-approved new drug application or its legal equivalent. In determining compliance with this requirement, the following factors shall be considered:
      a. the packaging of the product,
      b. the name of the product, and
      c. the distribution and promotion of the product, including verbal representations made at the point of sale.

• B. Any person who violates this section with respect to:
   1. Any Schedule I or II substance, except marihuana or a substance included in subsection D of Section 2-206 of this title, is guilty of a felony punishable by imprisonment for not less than two (2) years nor more than ten (10) years and by a fine not exceeding Five Thousand Dollars ($ 5,000.00). A second or subsequent violation of this section with respect to Schedule I or II substance, except marijuana or a substance included in subsection D of Section 2-206 of this title, is a felony punishable by imprisonment for not less than four (4) years nor more than twenty (20) years and by a fine not exceeding Ten Thousand Dollars ($ 10,000.00);
   2. Any Schedule III, IV or V substance, marihuana, a substance included in subsection D of Section 2-206 of this title, or any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act is guilty of a misdemeanor punishable by confinement for not more than one (1) year and by a fine not exceeding One Thousand Dollars ($ 1,000.00);
   3. Any Schedule III, IV or V substance, marijuana, a substance included in subsection D of Section 2-206 of this title, or any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act and who, during the period of any court-imposed probationary term or within ten (10) years of the date following the completion of the execution of any sentence or deferred judgment for a violation of this section, commits a second or subsequent violation of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not less than two (2) years nor more than ten (10) years and by a fine not exceeding Five Thousand Dollars ($ 5,000.00); or
   4. Any Schedule III, IV or V substance, marijuana, a substance included in subsection D of Section 2-206 of this title, or any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act and who, ten (10) or
more years following the date of completion of the execution of any sentence or deferred judgment for a violation of this section, commits a second or subsequent violation of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years and by a fine not exceeding Five Thousand Dollars ($ 5,000.00).

- **C.** Any person who violates any provision of this section by possessing or purchasing a controlled dangerous substance from any person, in or on, or within one thousand (1,000) feet of the real property comprising a public or private elementary or secondary school, public vocational school, public or private college or university, or other institution of higher education, recreation center or public park, including state parks and recreation areas, or in the presence of any child under twelve (12) years of age, shall be guilty of a felony and punished by:
  1. For a first offense, a term of imprisonment, or by the imposition of a fine, or by both, not exceeding twice that authorized by the appropriate provision of this section. In addition, the person shall serve a minimum of fifty percent (50%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence; or
  2. For a second or subsequent offense, a term of imprisonment not exceeding three times that authorized by the appropriate provision of this section and the person shall serve a minimum of ninety percent (90%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence, and imposition of a fine not exceeding Ten Thousand Dollars ($ 10,000.00).

- **D.** Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($ 100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of this title.

§ 2-403. Prohibited acts C--Penalties

- **A.** Any person found guilty of larceny, burglary or theft of controlled dangerous substances is guilty of a felony punishable by imprisonment for a period not to exceed ten (10) years. A second or subsequent offense under this subsection is a felony punishable by imprisonment for not less than ten (10) years. Convictions for second or subsequent violations of this subsection shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation.

- **B.** Any person found guilty of robbery or attempted robbery of controlled dangerous substances from a practitioner, manufacturer, distributor or agent thereof as defined in Section 2-101 of this title is guilty of a felony punishable by imprisonment for a period of not less than five (5) years, and such sentence shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation. A second or subsequent offense under this subsection is a felony punishable by life imprisonment. Convictions for second or subsequent offenses of this subsection shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation.

§ 2-404. Prohibited acts D--Penalties

- **A.** It shall be unlawful for any person:
  1. Who is subject to the requirements of Article III of this act to distribute or dispense a controlled dangerous substance in violation of Section 2-308 of this title;
  2. Who is a registrant to manufacture, distribute, or dispense a controlled dangerous substance not authorized by his registration to another registrant or other authorized person;
Oklahoma Drug Statutes

3. To omit, remove, alter, or obliterate a symbol required by the Federal Controlled Substances Act or this act;

4. To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under this act;

5. To refuse any entry into any premises or inspection authorized by this act;

or

6. To keep or maintain any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by persons using controlled dangerous substances in violation of this act for the purpose of using such substances, or which is used for the keeping or selling of the same in violation of this act.

B. Any person who violates this section is punishable by a civil fine of not more than One Thousand Dollars ($1,000.00); provided, that, if the violation is prosecuted by an information or indictment which alleges that the violation was committed knowingly or intentionally, and the trier of fact specifically finds that the violation was committed knowingly or intentionally, such person is guilty of a felony punishable by imprisonment for not more than five (5) years, and a fine of not more than Ten Thousand Dollars ($10,000.00), except that if such person is a corporation it shall be subject to a civil penalty of not more than One Hundred Thousand Dollars ($100,000.00). The fine provided for in this subsection shall be in addition to other punishments provided by law and shall not be in lieu of other punishment.

C. Any person convicted of a second or subsequent violation of this section is punishable by a term of imprisonment twice that otherwise authorized and by twice the fine otherwise authorized. The fine provided for in this subsection shall be in addition to other punishments provided by law and shall not be in lieu of other punishment.

D. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2522 of this title.

§ 2-405. Prohibited acts E--Penalties

A. No person shall use tincture of opium, tincture of opium camphorated, or any derivative thereof, by the hypodermic method, either with or without a medical prescription therefor.

B. No person shall use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act, except those persons holding an unrevoked license in the professions of podiatry, dentistry, medicine, nursing, optometry, osteopathy, veterinary medicine or pharmacy.

C. No person shall deliver, sell, possess or manufacture drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act.

D. Any person eighteen (18) years of age or over who violates subsection C of this section by delivering or selling drug paraphernalia to a person under eighteen (18) years of age shall, upon conviction, be guilty of a felony.

E. Any person who violates subsections A, B or C of this section shall, upon conviction, be guilty of a misdemeanor punishable as follows:
Oklahoma Drug Statutes

1. For a first offense the person shall be punished by imprisonment in the county jail for not more than one (1) year or by a fine of not more than One Thousand Dollars ($ 1,000.00), or both such fine and imprisonment;

2. For a second offense the person shall be punished by imprisonment in the county jail for not more than one (1) year or by a fine of not more than Five Thousand Dollars ($ 5,000.00), or both such fine and imprisonment; and

3. For a third or subsequent offense the person shall be punished by imprisonment in the county jail for not more than one (1) year or by a fine of not more than Ten Thousand Dollars ($ 10,000.00), or both such fine and imprisonment.

F. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($ 100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2522 of this title.

§ 2-406. Prohibited acts F--Penalties

A. It shall be unlawful for any registrant knowingly or intentionally:

1. To distribute, other than by dispensing or as otherwise authorized by this act, a controlled dangerous substance classified in Schedules I or II, in the course of his legitimate business, except pursuant to an order form as required by Section 2-308 of this title;

2. To use in the course of the manufacture or distribution of a controlled dangerous substance a registration number which is fictitious, revoked, suspended or issued to another person;

3. To acquire or obtain possession of a controlled dangerous substance by misrepresentation, fraud, forgery, deception or subterfuge;

4. To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this act, or any record required to be kept by this act; and

5. To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit controlled dangerous substance.

B. Any person who violates this section is guilty of a felony punishable by imprisonment for not more than twenty (20) years or a fine of not more than Two Hundred Fifty Thousand Dollars ($ 250,000.00), or both.

C. Any person convicted of a second or subsequent violation of this section is punishable by a term of imprisonment twice that otherwise authorized and by twice the fine otherwise authorized. Convictions for second or subsequent violations of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation.

D. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($ 100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2522 of this title.

§ 2-407. Prohibited acts G--Penalties

A. No person shall obtain or attempt to obtain any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act pursuant to Section 2-313 of this title in a manner inconsistent with the provisions of paragraph 1 of
subsection B of Section 2-313 of this title, or a controlled dangerous substance or procure or attempt to procure the administration of a controlled dangerous substance:
  o  1. By fraud, deceit, misrepresentation, or subterfuge;
  o  2. By the forgery of, alteration of, adding any information to or changing any information on a prescription or of any written order;
  o  3. By the concealment of a material fact; or
  o  4. By the use of a false name or the giving of a false address.

•  B. Except as authorized by this act, a person shall not manufacture, create, deliver, or possess with intent to manufacture, create, or deliver or possess a prescription form, an original prescription form, or a counterfeit prescription form. This shall not apply to the legitimate manufacture or delivery of prescription forms, or a person acting as an authorized agent of the practitioner.

•  C. Information communicated to a physician in an effort unlawfully to procure a controlled dangerous substance, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

•  D. Any person who violates this section is guilty of a felony punishable by imprisonment for not more than ten (10) years, by a fine of not more than Ten Thousand Dollars ($ 10,000.00), or by both such fine and imprisonment. A second or subsequent offense under this section is a felony punishable by imprisonment for not less than four (4) years nor more than twenty (20) years, by a fine of not more than Twenty Thousand Dollars ($ 20,000.00), or by both such fine and imprisonment.

•  E. Convictions for second or subsequent violations of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation.

•  F. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($ 100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2522 of this title.

§ 2-407.1. Certain substances causing intoxication, distortion or disturbances of auditory, visual, muscular or mental processes prohibited--Exemptions--Penalties

•  A. For the purpose of inducing intoxication or distortion or disturbance of the auditory, visual, muscular, or mental process, no person shall ingest, use, or possess any compound, liquid, or chemical which contains ethylchloride, butyl nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl nitrite, amyl nitrite, isopropyl nitrite, isopentyl nitrite, or mixtures containing butyl nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl nitrite, amyl nitrite, isopropyl nitrite, isopentyl nitrite, or any of their esters, isomers, or analogues, or any other similar compound.

•  B. No person shall possess, buy, sell, or otherwise transfer any substance specified in subsection A of this section for the purpose of inducing or aiding any other person to inhale or ingest such substance or otherwise violate the provisions of this section.

•  C. The provisions of subsections A and B of this section shall not apply to:
  o  1. The possession and use of a substance specified in subsection A of this section which is used as part of the care or treatment by a licensed physician of a disease, condition or injury or pursuant to a prescription of a licensed physician; and
  o  2. The possession of a substance specified in subsection A of this section which is used as part of a known manufacturing process or industrial operation when the possessor has obtained a permit from the State Department of Health.

•  D. The State Board of Health shall promulgate rules and regulations establishing procedures for the application, form and issuance of a permit to legitimate manufacturing and industrial applicants as provided for in subsection C of this section.
• E. Any person convicted of violating any provision of subsection A or B of this section shall be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed ninety (90) days or by the imposition of a fine not to exceed Five Hundred Dollars ($500.00), or by both such imprisonment and fine. Each violation shall be considered a separate offense.

• F. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2522 of this title.

§ 2-410. Conditional release for first offense--Effect of expungement--Persons not covered by section

• A. Whenever any person who has not previously been convicted of any offense under this act or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty or nolo contendere to or is found guilty of a violation of the Uniform Controlled Dangerous Substances Act, the court may, unless otherwise prohibited by law, without entering a judgment of guilt and with the consent of such person, defer further proceedings and place the person on probation upon such reasonable terms and conditions as it may require including the requirement that such person cooperate in a treatment and rehabilitation program of a state-supported or state-approved facility, if available. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge such person and dismiss the proceedings against the person. Discharge and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Discharge and dismissal under this section may occur only once with respect to any person.

• B. Any expunged arrest or conviction shall not thereafter be regarded as an arrest or conviction for purposes of employment, civil rights, or any statute, regulation, license, questionnaire or any other public or private purpose; provided, that, any plea of guilty or nolo contendere or finding of guilt to a violation of the Uniform Controlled Dangerous Substances Act shall constitute a conviction of the offense for the purpose of the Uniform Controlled Dangerous Substances Act or any other criminal statute under which the existence of a prior conviction is relevant for a period of ten (10) years following the completion of any court imposed probationary term; provided, the person has not, in the meantime, been convicted of a misdemeanor involving moral turpitude or a felony.

• C. The provisions of this section shall not apply to any person who pleads guilty or nolo contendere to or is found guilty of a violation of the Trafficking in Illegal Drugs Act or the Drug Money Laundering and Wire Transmitter Act.

§ 2-415. Application--Fines and penalties

• A. The provisions of the Trafficking in Illegal Drugs Act shall apply to persons convicted of violations with respect to the following substances:
  o 1. Marihuana;
  o 2. Cocaine or coca leaves;
  o 3. Heroin;
  o 4. Amphetamine or methamphetamine;
  o 5. Lysergic acid diethylamide (LSD);
  o 6. Phencyclidine (PCP);
  o 7. Cocaine base, commonly known as "crack" or "rock"; or
Oklahoma Drug Statutes

8. 3,4-Methylenedioxy methamphetamine, commonly known as "ecstasy" or MDMA.

B. Except as otherwise authorized by the Uniform Controlled Dangerous Substances Act, it shall be unlawful for any person to:

1. Knowingly distribute, manufacture, bring into this state or possess a controlled substance specified in subsection A of this section in the quantities specified in subsection C of this section;

2. Possess any controlled substance with the intent to manufacture a controlled substance specified in subsection A of this section in quantities specified in subsection C of this section; or

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

Violation of this section shall be known as "trafficking in illegal drugs". Separate types of controlled substances described in subsection A of this section when possessed at the same time in violation of any provision of this section shall constitute a separate offense for each substance.

Any person who commits the conduct described in paragraph 1, 2 or 3 of this subsection and represents the quantity of the controlled substance to be an amount described in subsection C of this section shall be punished under the provisions appropriate for the amount of controlled substance represented, regardless of the actual amount.

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

1. Marihuana:
   a. twenty-five (25) pounds or more of a mixture or substance containing a detectable amount of marihuana, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($ 25,000.00) and not more than One Hundred Thousand Dollars ($ 100,000.00), or
   b. one thousand (1,000) pounds or more of a mixture or substance containing a detectable amount of marihuana, such violation shall be deemed aggravated trafficking punishable by a fine of not less than One Hundred Thousand Dollars ($ 100,000.00) and not more than Five Hundred Thousand Dollars ($ 500,000.00);

2. Cocaine or coca leaves:
   a. twenty-eight (28) grams or more of a mixture or substance containing a detectable amount of cocaine or coca leaves, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($ 25,000.00) and not more than One Hundred Thousand Dollars ($ 100,000.00),
   b. three hundred (300) grams or more of a mixture or substance containing a detectable amount of cocaine or coca leaves, such violation shall be punishable by a fine of not less than One Hundred Thousand Dollars ($ 100,000.00) and not more than Five Hundred Thousand Dollars ($ 500,000.00), or
   c. four hundred fifty (450) grams or more of a mixture or substance containing a detectable amount of cocaine or coca leaves, such violation shall be deemed aggravated trafficking punishable by a
3. Heroin:
   a. ten (10) grams or more of a mixture or substance containing a detectable amount of heroin, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($ 25,000.00) and not more than Fifty Thousand Dollars ($ 50,000.00), or
   b. twenty-eight (28) grams or more of a mixture or substance containing a detectable amount of heroin, such violation shall be punishable by a fine of not less than Fifty Thousand Dollars ($ 50,000.00) and not more than Five Hundred Thousand Dollars ($ 500,000.00);

4. Amphetamine or methamphetamine:
   a. twenty (20) grams or more of a mixture or substance containing a detectable amount of amphetamine or methamphetamine, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($ 25,000.00) and not more than Two Hundred Thousand Dollars ($ 200,000.00),
   b. two hundred (200) grams or more of a mixture or substance containing a detectable amount of amphetamine or methamphetamine, such violation shall be punishable by a fine of not less than Fifty Thousand Dollars ($ 50,000.00) and not more than Five Hundred Thousand Dollars ($ 500,000.00), or
   c. four hundred fifty (450) grams or more of a mixture or substance containing a detectable amount of amphetamine or methamphetamine, such violation shall be deemed aggravated trafficking punishable by a fine of not less than Fifty Thousand Dollars ($ 50,000.00) and not more than Five Hundred Thousand Dollars ($ 500,000.00);

5. Lysergic acid diethylamide (LSD):
   a. one (1) gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD), such violation shall be punishable by a fine of not less than Fifty Thousand Dollars ($ 50,000.00) and not more than One Hundred Thousand Dollars ($ 100,000.00), or
   b. ten (10) grams or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD), such violation shall be punishable by a fine of not less than One Hundred Thousand Dollars ($ 100,000.00) and not more than Two Hundred Fifty Thousand Dollars ($ 250,000.00);

6. Phencyclidine (PCP):
   a. twenty (20) grams or more of a substance containing a mixture or substance containing a detectable amount of phencyclidine (PCP), such violation shall be punishable by a fine of not less than Twenty Thousand Dollars ($ 20,000.00) and not more than Fifty Thousand Dollars ($ 50,000.00), or
   b. one hundred fifty (150) grams or more of a substance containing a mixture or substance containing a detectable amount of phencyclidine (PCP), such violation shall be punishable by a fine of not less than Fifty Thousand Dollars ($ 50,000.00) and not more than Two Hundred Fifty Thousand Dollars ($ 250,000.00);

7. Cocaine base:
   a. five (5) grams or more of a mixture or substance described in paragraph 2 of this subsection which contains cocaine base, such
violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($ 25,000.00) and not more than One Hundred Thousand Dollars ($ 100,000.00), or

b. fifty (50) grams or more of a mixture or substance described in paragraph 2 of this subsection which contains cocaine base, such violation shall be punishable by a fine of not less than One Hundred Thousand Dollars ($ 100,000.00) and not more than Five Hundred Thousand Dollars ($ 500,000.00); and

8. Methylenedioxy methamphetamine:

a. thirty (30) tablets or ten (10) grams of a mixture or substance containing a detectable amount of 3,4-Methylenedioxy methamphetamine, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($ 25,000.00) and not more than One Hundred Thousand Dollars ($ 100,000.00), or

b. one hundred (100) tablets or thirty (30) grams of a mixture or substance containing a detectable amount of 3,4-Methylenedioxy methamphetamine, such violation shall be punishable by a fine of not less than One Hundred Thousand Dollars ($ 100,000.00) and not more than Five Hundred Thousand Dollars ($ 500,000.00).

D. Any person who violates the provisions of this section with respect to a controlled substance specified in subsection A of this section in a quantity specified in subsection C of this section shall, in addition to any fines specified by this section, be punishable by a term of imprisonment as follows:

1. Not less than twice the term of imprisonment provided for in Section 2-401 of this title;

2. If the person has previously been convicted of one violation of this section or has been previously convicted of a felony violation of the Uniform Controlled Dangerous Substances Act arising from separate and distinct transactions, not less than three times the term of imprisonment provided for in Section 2-401 of this title;

3. If the person has previously been convicted of two or more violations of this section or any provision of the Uniform Controlled Dangerous Substances Act which constitutes a felony, or a combination of such violations arising out of separate and distinct transactions, life without parole; and

4. If the person is convicted of aggravated trafficking as provided in subparagraph b of paragraph 1 of subsection C of this section, subparagraph c of paragraph 2 of subsection C of this section or subparagraph c of paragraph 4 of subsection C of this section, a mandatory minimum sentence of imprisonment in the custody of the Department of Corrections for a term of fifteen (15) years of which the person shall serve eighty-five percent (85%) of such mandatory sentence before being eligible for parole consideration or any earned credits.

The terms of imprisonment specified in this subsection shall not be subject to statutory provisions for suspension, deferral or probation, or state correctional institution earned credits accruing from and after November 1, 1989, except for the achievement earned credits authorized by subsection H of 138 of Title 57 of the Oklahoma Statutes. To qualify for such achievement credits, such inmates must also be in compliance with the standards for Class level 2 behavior, as defined in subsection D of 138 of Title 57 of the Oklahoma Statutes.

Persons convicted of violations of this section shall not be eligible for appeal bonds.

E. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($ 100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in
§ 2-419.1. Use of minors in transportation, sale, etc. of controlled dangerous substances--Penalties

• **A.** It shall be unlawful for any individual eighteen (18) years of age or older to solicit, employ, hire, or use an individual under eighteen (18) years of age to unlawfully transport, carry, sell, give away, prepare for sale, or peddle any controlled dangerous substance.

• **B.** A person who violates subsection A of this section shall be guilty of a felony and, upon conviction, shall be punishable by a term of imprisonment, or fine, or both, not exceeding twice that authorized by § 2-401 of Title 63 of the Oklahoma Statutes.

• **C.** A person who violates subsection A of this section after a previous conviction pursuant to that subsection which has become final, shall be punishable by a term of imprisonment not exceeding three times that authorized by § 2-401 of Title 63 of the Oklahoma Statutes.

• **D.** A person who violates subsection A of this section by employing, hiring, or using an individual under fifteen (15) years of age, may be imprisoned for not more than twenty-five (25) years, fined not more than One Hundred Thousand Dollars ($100,000.00), or both, in addition to any other punishment authorized by this section.

• **E.** It shall not be a defense to this section that a person did not know the age of an individual
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<td><strong>SCHEDULE I:</strong></td>
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<tr>
<td>(a) A high potential for abuse;</td>
<td>(b)(1) <strong>Manufacture,</strong> distribution, purchase or possess w/ intent (p.w.i.) Schedule I(b)&amp;(c) narcotics, LSD, Schedule II narcotics Felony: &lt;15yrs and/or &lt;$25,000</td>
<td>offense: 5-30yrs and/or &lt;$50,000 or subsequent offense: 10-30yrs and/or &lt;$50,000 eligible for s.s. and p.p. if offense, or offense (and priors were possession convictions)</td>
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<td>(b) No accepted medical use in treatment in the United States;</td>
<td>(b)(2) <strong>Manufacture, distribution, p.w.i.</strong> Other Schedule I, II, or III, flunitrazepam or analogues Felony: &lt;5yrs and/or &lt;$5,000</td>
<td>offense: &lt;10yrs and/or &lt;$10,000 or subsequent offense: 5-20yrs and/or &lt;$20,000 eligible for s.s. and p.p. if offense, or offense (and priors were possession convictions)</td>
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<td>(c) A lack of accepted safety for use in treatment under medical supervision.</td>
<td>(d)(4) <strong>Prima facie guilt of Manufacture, distribution, p.w.i.</strong> Possession of more than: 1g of cocaine, 100mg of eucaine, 4grains of opium, 4grains of morphine, 2 grains of heroin, 100mg of isonipecaine, 28g/1oz of marijuana, 10oz of hashish, 50mcg of LSD or MDMA, 20ml of GHA</td>
<td>44-53-460 <strong>Reduced sentence for accommodation offense:</strong> delivery/distribution was only for accommodation to another individual and not for profit or to induce addiction Misdemeanor: &lt;6months and/or &lt;$1,000</td>
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<td><strong>(B) Opiates:</strong> E.g., difenoxin</td>
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<td><strong>(C) Opium derivatives:</strong> E.g., heroin, codeine compounds, morphine compounds, etc.</td>
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<td><strong>(D) Hallucinogenic substances:</strong> E.g., marijuana, MDMA, mescaline, DMT, peyote, LSD, psilocybin, THC, synthetic cannabinoids, etc.</td>
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<td><strong>(E) Depressants:</strong> E.g., Qualuudes, GHB</td>
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<td><strong>(F) Stimulants:</strong> E.g., fenethylline, MDPV, mephedrone</td>
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<td>S.C. Code Ann. § 44-53-190</td>
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<td><strong>SCHEDULE II:</strong></td>
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<td>(a) It has a high potential for abuse;</td>
<td>(d)(1) <strong>Possession</strong> Schedule I(b)&amp;(c) narcotics, LSD, Schedule II narcotics Misdemeanor: &lt;2yrs and/or &lt;$5,000</td>
<td>offense: felony: &lt;5yrs and/or &lt;$5,000 or subsequent offense: &lt;5yrs and/or &lt;$10,000 Eligible for s.s. and p.p.</td>
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<tr>
<td>(b) It has a currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and</td>
<td>(d)(3) <strong>Possession Cocaine (&lt;1g)</strong> Misdemeanor: &lt;3yrs and/or &lt;$5,000</td>
<td>Court may require drug rehab offense: felony: &lt;5yrs and/or &lt;$7,500 or subsequent offense: &lt;10yrs and/or &lt;$12,500 Eligible for s.s. and p.p.</td>
</tr>
<tr>
<td>(c) Abuse may lead to severe psychic or physical dependence.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S.C. Code Ann. § 44-53-200</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### South Carolina Drug Statutes

**South Carolina Code of Laws: Title 44 Health Code**

<table>
<thead>
<tr>
<th>(b) Narcotics derived from vegetable origin or chemical synthesis:</th>
<th>(d)(4) Possession Marijuana (&lt;28g/1oz) or hashish (&lt;10g)</th>
<th>or subsequent offense: misdemeanor: &lt;1yr and/or $200-$1,000 eligible for pretrial intervention, conditional discharge, s.s. and p.p.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Opium and opiates: e.g., raw opium, codeine, morphine and derived painkillers</td>
<td>Misdemeanor: &lt;30days and/or $100-$200</td>
<td></td>
</tr>
<tr>
<td>(2) chemical equivalents to those listed in (1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Opium poppies and poppy straws</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) Cocaine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Other opiates: e.g., methadone, dihydrocodeine</td>
<td>(d)(2) All other controlled substances Schedules I-V</td>
<td>offense: misdemeanor: &lt;1yr and/or $200-$1,000 eligible for s.s. and p.p.</td>
</tr>
<tr>
<td>(d) Stimulants: Ritalin, amphetamine, methamphetamine</td>
<td>Misdemeanor: &lt;6months and/or &lt;$1,000</td>
<td></td>
</tr>
<tr>
<td>(e) Limited narcotic drugs: Compounds w/ limited percentages of codeine, hydrocodone, dihydrocodone, opium, morphine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(f) Depressants: e.g., amobarbital, PCP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(g) Amphetamine precursors</td>
<td>(f) Administering, distributing, dispensing a controlled substance or GHB to a person w/ intent to commit crimes against that person (e.g., kidnapping, human trafficking, sexual battery, larceny)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SCHEDULE III:</strong></td>
<td>(g)(2) Other controlled substances or GHB</td>
<td>offense: 5-30yrs and/or &lt;$50,000 or subsequent offense: 15-30yrs and/or &lt;$50,000 offense eligible for p.p. or s.s., / offense not eligible</td>
</tr>
<tr>
<td>(a) It has a potential for abuse less than the substances listed in Schedules I and II;</td>
<td>Felony: &lt;20yrs and/or &lt;$30,000</td>
<td></td>
</tr>
<tr>
<td>(b) It has a currently accepted medical use in treatment in the United States; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Stimulants: e.g., appetite suppressants</td>
<td>(g)(2) Other controlled substances or GHB</td>
<td>offense: &lt;20yrs and/or &lt;$30,000 or subsequent offense: 5-25yrs and/or &lt;$40,000 offense eligible for p.p. or s.s., / offense not eligible</td>
</tr>
<tr>
<td>(c) Depressants: e.g., barbiturates, sedatives, anesthetics, lysergic acid, GHA</td>
<td>Felony: &lt;15yrs and/or &lt;$25,000</td>
<td></td>
</tr>
<tr>
<td>(d) Nalorphine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(e) Limited narcotic drugs: Compounds w/ limited percentages of codeine, hydrocodone, dihydrocodone, opium, morphine</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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### S.C. Code Ann. § 44-53-230

**SCHEDULE IV:**

| (a) It has a low potential for abuse relative to the substances in Schedule III; |
| (b) It has a currently accepted medical use in treatment in the United States; and |
| (c) Abuse of the substance may lead to limited physical or psychological dependence relative to substances in Schedule III. |


| (b)(3) Manufacture, distribution, p.w.i. Schedule IV (except for flunitrazepam) |
| Misdemeanor: <3yrs and/or <$3,000 |

or subsequent offenses: felony: <5yrs and/or <$6,000

Eligible for s.s. and p.p. if offense, or offense (and priors were possession convictions)

### S.C. Code Ann. § 44-53-250

**SCHEDULE V:**

| (a) It has a low potential for abuse relative to the substances listed in Schedule IV; |
| (b) It has a currently accepted medical use in treatment in the United States; and |
| (c) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances listed in Schedule IV. |


| (b)(4) Manufacture, distribution, p.w.i. Schedule V |
| Misdemeanor: <1yr and/or <$1,000 |

or subsequent offense: 2x the offense penalty

Eligible for s.s. and p.p. if offense, or offense (and priors were possession convictions)

### S.C. Code Ann. § 44-53-270

**1) Narcotics containing nonnarcotic active medicinal ingredients:** e.g., limited percentages of codeine, opium, etc.

S.C. Code Ann. § 44-53-391 Possession, manufacture, sale, advertise or p.w.i. drug paraphernalia

Civil fine: <$500; corporation: <$50,000

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### South Carolina Drug Statutes
South Carolina Code of Laws: Title 44 Health Code
### South Carolina Drug Statutes
South Carolina Code of Laws: Title 44 Health Code

<table>
<thead>
<tr>
<th>Trafficking Offenses 44-53-370 (e)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(1) Marijuana</strong></td>
</tr>
</tbody>
</table>
| **(a) 10-100lbs** | offense: 1-10yrs; $1,000
or subsequent offense: 25yrs; $25,000 |
| No p.p or s.s. |
| **(b) 100-2,000lbs/100-1,000 plants** | 25yrs; $25,000; No p.p or s.s. |
| **(c) 2,000-10,000lbs/1,000-10,000 plants** | 25yrs; $50,000; No p.p or s.s. |
| **(d) >10,000lbs/>10,000 plants** | 25-30yrs; $200,000; No p.p or s.s. |
| **(2) Cocaine** |
| **(a) 10-28g** | offense: 3-10yrs; $25,000; No p.p or s.s. |
or subsequent offense: 25yrs; $50,000; No p.p or s.s. |
| No p.p or s.s. |
| **(b) 28-100g** | offense: 7-25yrs; $50,000; No p.p or s.s. |
or subsequent offense: 25-30yrs; $50,000; No p.p or s.s. |
| No p.p or s.s. |
| **(c) 100-200g** | 25yrs; $50,000; No p.p or s.s. |
| **(d) 200-400g** | 25yrs; $100,000; No p.p or s.s. |
| **(e) >400g** | 25-30yrs; $200,000; No p.p or s.s. |
| **(3) morphine, opium, heroin** |
| **(a) 4-14g** | offense: 7-25yrs; $50,000; No p.p or s.s. |
or subsequent offense: 25yrs; $100,000; No p.p or s.s. |
| **(b) 14-28g** | 25yrs; $200,000 No p.p or s.s. |
| **(c) >28g** | 25-40yrs; $200,000; No p.p or s.s. |
| **(4) Methaqualone (Qualuude)** |
| **(a) 15-150g** | offense: 1-10yrs; $10,000; No p.p or s.s. |
or subsequent offense: 25yrs; $25,000; No p.p or s.s. |
| **(b) 150-1500g** | 25yrs; $25,000; No p.p or s.s. |
| **(c) 1500g-15kg** | 25yrs; $50,000; No p.p or s.s. |
| **(d) >15kg** | 25-30yrs; $200,000; No p.p or s.s. |
| **(5) LSD** |
| **(a) 100-400 units (u)** | offense: 3-10yrs; $20,000; No p.p or s.s. |
or subsequent offense: 25-30yrs; $50,000; No p.p or s.s. |
| **(b) 500-1,000u** | offense: 7-25yrs; $50,000; No p.p or s.s. |
or subsequent offense: 25-30yrs; $50,000; No p.p or s.s. |
## South Carolina Drug Statutes
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<table>
<thead>
<tr>
<th>(c) &gt;1,000u</th>
<th>25yrs; $100,000; No p.p. or s.s.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(6) Flunitrazepam</strong></td>
<td></td>
</tr>
<tr>
<td>(a) 1-100g</td>
<td>offense: 1-10yrs; $10,000; No p.p. or s.s. offense: 25yrs; $25,000; No p.p. or s.s.</td>
</tr>
<tr>
<td>(b) 100-1,000g</td>
<td>25yrs; $25,000 No p.p. or s.s.</td>
</tr>
<tr>
<td>(c) 1,000g-5kg</td>
<td>25yrs; $50,000; No p.p. or s.s.</td>
</tr>
<tr>
<td>(d) &gt;5kg</td>
<td>25-30yrs; $200,000; No p.p. or s.s.</td>
</tr>
<tr>
<td><strong>(7) GHA</strong></td>
<td></td>
</tr>
<tr>
<td>(a) 50ml/mg</td>
<td>offense: 1-10yrs; $10,000; No p.p. or s.s. 2nd or subsequent offense: 25yrs; $25,000; No p.p. or s.s.</td>
</tr>
<tr>
<td><strong>(8) MDMA</strong></td>
<td></td>
</tr>
<tr>
<td>(a) 100-500u</td>
<td>offense: 3-10yrs; $20,000; No p.p. or s.s. 2nd offense: 5-30yrs; $40,000; No p.p. or s.s. offense: 25-30yrs; $50,000; No p.p. or s.s.</td>
</tr>
<tr>
<td>(b) 500-1,000u</td>
<td>offense: 7-25yrs; $50,000; No p.p. or s.s. offense: 7-30yrs; $50,000; No p.p. or s.s. or subsequent offense: 25-30yrs; $50,000; No p.p. or s.s.</td>
</tr>
<tr>
<td>(c) &gt;1,000u</td>
<td>25yrs; $100,000; No p.p. or s.s.</td>
</tr>
</tbody>
</table>

### “Methamphetamine and Cocaine Base” Specific Offenses 44-53-375

<table>
<thead>
<tr>
<th>(A) Possession of &lt;1g of methamphetamine/cocaine base</th>
<th>offense: Misdemeanor: &lt;3yrs and/or &lt;$5,000; drug rehab may be required offense: felony: &lt;5yrs and/or &lt;$7,500 offense: felony: &lt;10yrs and/or &lt;$12,500 Eligible for p.p. and s.s.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(B) Manufacture, distribution, p.w.i. of methamphetamine/cocaine base (Felony)</td>
<td>offense: &lt;15yrs and/or &lt;$25,000 offense: 5-30yrs and/or &lt;$50,000 or subsequent offense: 10-30yrs and/or &lt;$50,000 Eligible for s.s. and p.p. if or offense (or offense and priors were possession convictions)</td>
</tr>
<tr>
<td>*Possession of &gt;1g is prima facie evidence of manufacture *</td>
<td></td>
</tr>
<tr>
<td><em>(D) Possession of equipment or paraphernalia used in manufacture is prima facie evidence of intent to manufacture</em></td>
<td></td>
</tr>
<tr>
<td>(C) Trafficking in methamphetamine and cocaine base (felony)</td>
<td>offense: 3-10yrs; $25,000; No p.p. or s.s. offense: 5-30yrs; $50,000; No p.p. or s.s. or subsequent offense: 25-30yrs; $50,000; No p.p. or s.s.</td>
</tr>
<tr>
<td>(1) 10-28g</td>
<td></td>
</tr>
<tr>
<td>(2) 28-100g</td>
<td>offense: 7-25yrs; $50,000; No p.p. or s.s. offense: 7-30yrs; $50,000; No p.p. or s.s. or subsequent offense: 25-30yrs; $50,000;</td>
</tr>
</tbody>
</table>
South Carolina Drug Statutes  
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| (3) 100-200g | No p.p. or s.s. |
| 25yrs; $50,000; No p.p. or s.s. |
| (4) 200-400g | No p.p. or s.s. |
| 25yrs; $100,000; No p.p. or s.s. |
| (5) >400g | No p.p. or s.s. |
| 25-30yrs; $200,000; No p.p. or s.s. |
| (E) Trafficking in pseudoephedrine, ephedrine, or phenylpropanolamine |
| (a) 9-28g | No p.p. or s.s. |
| offense: <10yrs; $25,000; No p.p. or s.s. |
| 2nd offense: 5-30yrs; $50,000; No p.p. or s.s. |
| or subsequent offense: 25-30yrs; $50,000; No p.p. or s.s. |
| (b) 28-100g | No p.p. or s.s. |
| offense: 7-25yrs; $50,000; No p.p. or s.s. |
| offense: 7-30yrs; $50,000; No p.p. or s.s. |
| or subsequent offense: 25-30yrs; $50,000 |
| (c) 100-200g | No p.p. or s.s. |
| 25yrs; $50,000; No p.p. or s.s. |
| (d) 200-400g | No p.p. or s.s. |
| 25yrs; $100,000; No p.p. or s.s. |
| (e) >400g | No p.p. or s.s. |
| 25-30yrs; $200,000; No p.p. or s.s. |

44-53-398 Retail Sale of products containing ephedrine or pseudoephedrine  

| (A) sale of nonprescription ephedrine, pseudoephedrine or phenylpropanolamine not behind a counter or other barrier |
| offense: <$5,000 |
| offense: <$10,000 |
| Misdemeanor |
| (B)(1) sale to an individual in any single day of a nonprescription product containing <3.6g |
| offense: <$5,000 |
| offense: <$10,000 |
| Misdemeanor |
| (B)(2) sale/possession of <9g in a 30 day period |
| Felony |
| offense: <5yrs and/or <$5,000 |
| or subsequent offense: <10yrs and/or >$10,000 |
| (C) unlawful purchase by retailer of product from any entity other than registered manufacturer/distributor |
| offense: <1yr and/or <$1,000 |
| offense: <3yrs and/or <$5,000 |
| Misdemeanor |
| (D)(1) Violation of identification requirements |
| Misdemeanor |
| offense: $500-$1,000 |
| offense: $1,000-$5,000 |
| or subsequent: $5,000-$10,000 |
| (D)(2) violation of log requirements in sale |
| Misdemeanor |
| offense: $500-$1,000 |
| offense: $1,000-$5,000 |
| or subsequent: $5,000-$10,000 |
| (E) possession, manufacture, delivery or p.w.i. of products altered from their original condition |
| Felony |
| offense: <5yrs and/or <$5,000 |
| or subsequent offense: <10yrs and/or >$10,000 |
| (F) misrepresentation in required log |
| offense: misdemeanor: <$1,000 |
| or subsequent offense: felony: <$5,000 |

44-53-376 Disposal of waste from
| **South Carolina Drug Statutes**  
| **South Carolina Code of Laws: Title 44 Health Code** |

| **methamphetamine production** | or subsequent offense: <10yrs and/or <$10,000 |
| **44-53-378 Exposing child to methamphetamine** | offense: <5yrs and/or <$5,000 or subsequent offense: <10yrs and/or <$10,000 |

<table>
<thead>
<tr>
<th><strong>44-53-380 Prescription and Registration Violations</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Distribution of controlled substances in violation of prescription and registration requirements</td>
</tr>
<tr>
<td>(2) distribution or manufacture of controlled substance not authorized by registration</td>
</tr>
<tr>
<td>(3) omit, remove, alter required symbol under Federal Controlled Substances Act</td>
</tr>
<tr>
<td>(4) refusal or failure to keep required records</td>
</tr>
<tr>
<td>(5) refusing entry for authorized inspections</td>
</tr>
<tr>
<td>(6) maintenance of place or vehicle which is resorted to by persons using controlled substances or storing and selling controlled substances</td>
</tr>
<tr>
<td>(7) failure to register to manufacture, distribute controlled substances as required</td>
</tr>
</tbody>
</table>

| **44-53-390 Knowing or intentionally:** |
| (1) distributing a Schedule I or II substance w/o required order form |
| (2) use of invalid registration number in manufacturing or distributing a controlled substance |
| (3) acquiring a controlled substance by misrepresentation |
| (4) furnishing false information or omitting information from required documentation |
| (5) distribution or possession of thing designed to reproduce likeness of drug or contrainer so as to render a counterfeit substance |
| (6) distribute a noncontrolled substance or imitation controlled substance w/ expressed or implied representation that substance is a controlled substance |

| **44-53-395 Practitioner issuing blank prescriptions; possession of blank prescription; w/holding information of other prescriptions from practitioner** |
| 1st offense: misdemeanor; <2yrs and/or <$2,000 or subsequent offense: felony; <5yrs |

| **44-53-1530(1) Delivery, dispensation or prescription of anabolic steroids w/o medical** |
| offense: felony; <5yrs and/or <$5,000 or subsequent offense: <10yrs and/or |
### South Carolina Drug Statutes
South Carolina Code of Laws: Title 44 Health Code

<table>
<thead>
<tr>
<th>Purpose; sale or delivery of anabolic steroids w/o valid prescription; sale or delivery of anabolic steroids by person who is not a practitioner, pharmacist or veterinarian</th>
<th>&lt;$10,000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>44-53-1530 Possession of anabolic steroids w/o a valid prescription</strong></td>
<td></td>
</tr>
<tr>
<td>(2)&lt;10 units</td>
<td>Misdemeanor</td>
</tr>
<tr>
<td>Offense: &lt;6 months and/or &lt;$1,000 or subsequent offense: &lt;1 yr and/or &lt;$2,000</td>
<td></td>
</tr>
<tr>
<td>(3)10-100 units</td>
<td>Misdemeanor</td>
</tr>
<tr>
<td>Offense: &lt;1 yr and/or &lt;$2,000 or subsequent offense: &lt;2 yrs and/or &lt;$3,000</td>
<td></td>
</tr>
<tr>
<td>(4)&gt;100 units</td>
<td>Felony</td>
</tr>
<tr>
<td>Offense: &lt;5 yrs and/or &lt;$5,000 or subsequent offense: &lt;10 yrs and/or $10,000</td>
<td></td>
</tr>
</tbody>
</table>

#### Enhancements

- **44-53-440 Distribution to minors**
  
  Schedule I(b)&(c) narcotics or LSD, Schedule II narcotics, or crack cocaine: Felony; <2 yrs and/or <$30,000; **no p.p. or s.s.**
  
  Other controlled substances: Misdemeanor; <10 yrs and/or <$10,000

- **44-53-577 Use of a person under 17 to violate 44-53-370 or 44-53-375(B); receipt of controlled substance from person under 17**
  
  Felony: 5-15 yrs

- **44-53-445 Distribution or purchase w/in ½ mile of school, public park, public playground**
  
  (D)(1) felony; <10 yrs and/or <$10,000
  
  (D)(2) when violation is purchase of controlled substance: misdemeanor; <1 yr and/or <$1,000

- **44-53-450 Conditional Discharge for time offenders guilty of possession of controlled substances**
  
  Conditional probation including drug rehab requirement at court’s discretion

- **44-53-475(1) Conducting financial transaction involving proceeds derived from unlawful narcotic activity w/ intent to promote unlawful narcotic activity or w/ knowledge that transaction is designed to conceal unlawful origin of proceeds**
  
  Felony: <$500,000 (or 2x value of property involved) and/or <20 yrs
  
  Civil Penalty: value of property/funds involved; or $10,000 (whichever is greater)

- **44-53-475(2) Transporting/transmitting funds from state outside of US w/ intent to promote unlawful narcotic activity or w/ knowledge that transaction is designed to conceal unlawful origin of proceeds**
  
  Felony: <$500,000 (or 2x value of property involved) and/or <20 yrs
  
  Civil Penalty: value of property/funds involved; or $10,000 (whichever is greater)
| Code: 44-53-475(3) | Conducting financial transaction involving property represented by police to be proceeds derived from unlawful narcotic activity to promote unlawful narcotic activity | Felony: <$500,000 (or 2x value of property involved) and/or <20yrs | Civil Penalty: value of property/funds involved; or $10,000 (whichever is greater) |
§ 44-53-180. Tests for inclusion of substance in Schedule I.

- The Department shall place a substance in Schedule I if it finds that the substance has:
  o (a) A high potential for abuse;
  o (b) No accepted medical use in treatment in the United States; and
  o (c) A lack of accepted safety for use in treatment under medical supervision.

§ 44-53-190 Schedule I.

- (A) The controlled substances listed in this section are included in Schedule I.
- (B) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:
  o 1. Acetylmethadol
  o 2. Allylprodine
  o 3. Alphacetylmethadol
  o 4. Alphameprodine
  o 5. Alphamethadol
  o 6. Benzethidine
  o 7. Betacetylmethadol
  o 8. Betameprodine
  o 9. Betamethadol
  o 10. Betaprodine
  o 11. Clonitazene
  o 12. Dextromoramide
  o 13. [Deleted]
  o 14. Diampromide
  o 15. Diethylthiambutene
  o 16. Dimenoxadol
  o 17. Dimethapentanol
  o 18. Dimethylthiambutene
  o 19. Dioxaphetyl butyrate
  o 20. Dipipanone
  o 21. Ethylmethylthiambutene
  o 22. Etonitazene
  o 23. Etoxeridine
  o 24. Furethidine
  o 25. Hydroxypethidine
  o 26. Ketobemidone
  o 27. Levomoramide
  o 28. Levophenacylmorphan
  o 29. Morphetridine
  o 30. Noracymethadol
  o 31. Norlevorphanol
  o 32. Normethadone
  o 33. Norpipanone
  o 34. Phenadoxone
  o 35. Phenampramide
South Carolina Drug Statutes

- **36.** Phenomorphan
- **37.** Phenoperidine
- **38.** Piritramide
- **39.** Proheptazine
- **40.** Properidine
- **41.** Racemoramide
- **42.** Trimeperidine
- **43.** Propiram
- **44.** Difenoxin
- **45.** Alfentany1
- **46.** Tilidine
- **47.** Alphamethylfentanyl (N-[1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl-4-(N-pro-panilido) piperidine).

- **(C)** Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, 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.** Etorphine
  - **10.** Heroin
  - **11.** Hydromorphinol
  - **12.** Methyldesorphine
  - **13.** Methylhydromorphine
  - **14.** Morphine methylbromide
  - **15.** Morphine methylsulfonate
  - **16.** Morphine-N-Oxide
  - **17.** Myrophine
  - **18.** Nicocodeine
  - **19.** Nicomorphine
  - **20.** Normorphine
  - **21.** Pholcodine
  - **22.** Thebacon
  - **23.** Drotebanol

- **(D)** Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
  - **1.** 3,4-methylenedioxyamphetamine
  - **2.** 5-methoxy-3,4-methylenedioxyamphetamine
  - **3.** 3,4-methylenedioxymethamphetamine (MDMA)
  - **4.** 3,4,5-trimethoxyamphetamine
  - **5.** Bufotenine
  - **6.** Diethyltryptamine (DET)
  - **7.** Dimethyltryptamine (DMT)
  - **8.** 4-methyl-2,5-dimethoxyamphetamine (STP)
  - **9.** Ibogaine
  - **10.** Lysergic acid diethylamide (LSD)
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11. Marijuana
12. Mescaline
13. Peyote
14. N-ethyl-3-piperidyl benzilate
15. N-methyl-3-piperidyl benzilate
16. Psilocybin
17. Psilocyn
18. Tetrahydrocannabinol (THC)
19. 2,5-dimethoxyamphetamine
20. 4-bromo-2,5-dimethoxyamphetamine
21. 4-Methoxyamphetamine
22. Thiophene analog of phencyclidine
23. Parahexyl
24. Synthetic cannabinoids.-- Any material, compound, mixture, or preparation that is not listed as a controlled substance in Schedule I through V, is not an FDA-approved drug, and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues, and salts of isomers and homologues, unless specifically excepted, whenever the existence of these salts, isomers, homologues, and salts of isomers and homologues is possible within the specific chemical designation:
   a. Naphthoylindoles. Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Including, but not limited to, JWH-015, JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200, JWH-210, JWH-398, AM-2201, WIN 55-212, AM-2201 (C1 analog), AM-1220.
   b. Naphthylmethylindoles. Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.
   c. Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Including, but not limited to, JWH-307, JWH-370, JWH-176.
   d. Naphthylmethylindenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.
   e. Phenylacetylindoles. Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted...
in the phenyl ring to any extent. Including, but not limited to, SR-18, RCS-8, JWH-203, JWH-250, JWH-251.

- **f.** Cyclohexylphenols. Any compound containing a 2-(3-
  hydroxy-cyclohexyl)phenol structure with substitution at the 5-position of the
  phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-
  (N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not
  substituted in the cyclohexyl ring to any extent. Including, but not limited to, CP
  47,497 (and homologues), cannabicyclohexanol, CP-55, 940.

- **g.** Benzoylindoles. Any compound containing a 3-(benzoyl)indole
  structure with substitution at the nitrogen atom of the indole ring by an alkyl,
  haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
  piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further
  substituted in the indole ring to any extent and whether or not substituted in the
  phenyl ring to any extent. Including, but not limited to, AM-694, Pravadoline
  (WIN 48,098), RCS-4, AM-630, AM-1241, AM-2233.

- **h.** 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-
  1, 4-benzoxazin-6-yl)-1-napthalenylmethanone (WIN 55,212-2).

- **i.** 9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-
  6a,7,10,10a-tetrahydrobenzo[c]chromen-1-one (HU-210, HU-211).

- **j.** Adamantoylindoles. Any compound containing a 3-(1-
  adamantoyl)indole structure with substitution at the nitrogen atom of the indole
  ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-
  2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
  substituted in the indole ring to any extent and whether or not substituted in the
  adamantyl ring system to any extent.

- **(E) Depressants.** Unless specifically excepted or unless listed in another schedule,
  any material, compound, mixture, or preparation which contains any quantity of the
  following substance having a depressant effect on the central nervous system, including
  its salts, isomers, and salts of isomers if possible within the specific chemical
  designation:
  - (1) Mecloqualone;
  - (2) Methaqualone; or
  - (3) Gamma Hydroxybutyric Acid.

- **(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) Fenethylline;
  - (2) N-ethylamphetamine;
  - (3) Cathinone; or
  - (4) Substituted Cathinones.

Any compound (not being bupropion) structurally derived from 2-amino-1-phenyl-1-
propanone by modification in any of the following ways:

- **(a)** by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;
- **(b)** by substitution at the 3-position with an alkyl substituent;
- **(c)** by substitution at the nitrogen atom with alkyl or dialkyl groups, benzyl or methoxybenzyl groups; or
- **(d)** by inclusion of the nitrogen atom in a cyclic structure.
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Including, but not limited to: Methylone, Mephedrone, 3,4-Methylenedioxypyrovalerone (MDPV), Butylone, Methedrone, 4-Methylethcathinone, Flephedrone, Pentedrone, Pentedrone, Buphedrone.

§ 44-53-200. Tests for inclusion of substance in Schedule II.

- The Department shall place a substance in Schedule II if it finds that:
  - (a) It has a high potential for abuse;
  - (b) It has a currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and
  - (c) Abuse may lead to severe psychic or physical dependence.

§ 44-53-210. Schedule II.

- (a) The controlled substances listed in this section are included in Schedule II.
- (b) Any of the following substances except those narcotic drugs listed in other schedules whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:
  - (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding Apomorphine, Nalbuphine, Naloxone, and Naltrexone, and their respective salts;
  - (2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium;
  - (3) Opium poppy and poppy straw;
  - (4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.
- (c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:
  - 1. Alphaprodine
  - 2. Anileridine
  - 3. Bezitramide
  - 4. Dihydrocodeine
  - 5. Diphenoxylate
  - 6. Fentanyl
  - 7. Isomethadone
  - 8. Levomethorphan
  - 9. Levorphanol
  - 10. Metazocine
  - 11. Methadone
  - 12. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane
  - 13. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid
  - 14. Pentazocine (to be administered by injection only)
  - 16. Pethidine - Intermediate-A, 4-cyano-1-methyl-4-phenyl-piperidine
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- 17. Pethidine - Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate
- 18. Pethidine - Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid
- 19. Phenazocine
- 20. Piminodine
- 21. Racemethorphan
- 22. Racemorphan
- 23. Dextropropoxyphene [alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane], in bulk form.
- 24. Sufentanil

(d) 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.
- 4. Methylphenidate.

(e) [Deleted]

(f) 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. Amobarbital
- 2. Secobarbital
- 3. Pentobarbital
- 4. Phencyclidine
- 5. Phencyclidine immediate precursors:
  - (a) 1-phenylcyclohexylamine
  - (b) 1-piperidinocyclohexanecarbonitrile (PCC).

(g) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substance:

- (1) Immediate precursor to amphetamine and methamphetamine:
  - (i) Phenylacetone, also known as phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.

§ 44-53-220. Tests for inclusion of substance in Schedule III.

The Department shall place a substance in Schedule III if it finds that:

- (a) It has a potential for abuse less than the substances listed in Schedules I and II;
- (b) It has a currently accepted medical use in treatment in the United States; and
- (c) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

§ 44-53-230. Schedule III.

- (a) The controlled substances listed in this section are included in Schedule III.
- (b) Any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:
  - 1. Benzphetamine
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- 2. Chlorphentermine
- 3. Clortermine
- 4. (Deleted)
- 5. Phendimetrazine

- (c) 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 amobarbital, secobarbital, pentobarbital or any salt thereof and one or more other active ingredients which are not listed in any schedule;
  - 2. any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the United States Food and Drug Administration for marketing only as a suppository;
  - 3. any substance which contains any quantity of a derivative or barbituric acid or any salt thereof;
  - 4. Chlorhexadol;
  - 5. Gamma Hydroxybutyric Acid, and its salts, isomers, and salts of isomers contained in a drug product for which an application has been approved under Section 505 of the Federal Food, Drug and Cosmetic Act;
  - 6. Glutehimide;
  - 7. Lysergic Acid;
  - 8. Lysergic Acid Amide;
  - 9. Methyprylon;
  - 10. Sulfondiethylmethane;
  - 11. Sulfonethylmethane;
  - 12. Sulfonmethane.

- (d) Nalorphene

- (e) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:
  - 1. 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.
  - 2. 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, non-narcotic ingredients in recognized therapeutic amounts.
  - 3. Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a four-fold or greater quantity of an isoquinoline alkaloid of opium.
  - 4. Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
  - 5. 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, non-narcotic ingredients in recognized therapeutic amounts.
  - 6. Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
  - 7. Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
  - 8. Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
§ 44-53-240. Tests for inclusion of substance in Schedule IV.

- The Department shall place a substance in Schedule IV if it finds that:
  - (a) It has a low potential for abuse relative to the substances in Schedule III;
  - (b) It has a currently accepted medical use in treatment in the United States; and
  - (c) Abuse of the substance may lead to limited physical or psychological dependence relative to substances in Schedule III.

§ 44-53-250. Schedule IV.

- The controlled substances in this section are included in Schedule IV.
  - (a) 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 (whether position, geometric, or optical), and salts of such 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) Chlordiazepoxide
    - (6) Chloral Hydrate
    - (7) Chlordiazepoxide
    - (8) Clobazam
    - (9) Clonazepam
    - (10) Clorazepate
    - (11) Clotiazepam
    - (12) Cloxazolam
    - (13) Delorazepam
    - (14) Diazepam
    - (15) Estazolam
    - (16) Ethchlorvynol
    - (17) Ethinamate
    - (18) Ethyl Loflazepate
    - (19) Fludiazepam
    - (20) Flunitrazepam
    - (21) Flurazepam
    - (22) Halazepam
    - (23) Haloxazolam
    - (24) Ketazolam
    - (25) Loprazolam
    - (26) Lorazepam
    - (27) Lormetazepam
    - (28) Mebutamate
    - (29) Medazepam
    - (30) Meprobamate
    - (31) Methohexital
    - (32) Methylphenobarbital
(33) Nimetazepam
(34) Nitrazepam
(35) Nordiazepam
(36) Oxazepam
(37) Oxazolam
(38) Paraldehyde
(39) Pentichloral
(40) Phenobarbital
(41) Pinazepam
(42) Prazepam
(43) Temazepam
(44) Tetrazepam
(45) Triazolam.

(b) 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 position, geometric, or optical), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Diethylpropion
2. Mazindol
3. Phentermine
4. Pemoline, including organometallic complexes and chelates thereof
5. Pipradol
6. SPA [(-)-1-Dimethylamino-1, 2-diphenylethane].

(c) Any material, compound, mixture or preparation containing any quantity of the following substance, including its salts, isomers (whether position, geometric, or optical) and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible:

1. Fenfluramine.

(d) 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. [Blank]

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

1. Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit.
2. Dosage forms of Dextropropoxyphene [Alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane].

(f) Pentazocine hydrochloride and acetaminophen, pentazocine hydrochloride and aspirin, and pentazocine and naloxone hydrochloride (all for oral administration only).

(g) Butorphanol

§ 44-53-260. Tests for inclusion of substance in Schedule V.

- The Department shall place a substance in Schedule V if it finds that:
  - (a) It has a low potential for abuse relative to the substances listed in Schedule IV;
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- (b) It has a currently accepted medical use in treatment in the United States; and
- (c) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances listed in Schedule IV.

§ 44-53-270. Schedule V.

- (a) The controlled substances listed in this section are included in Schedule V.
- (b) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which shall include one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:
  - (1) Not more than 200 milligrams of codeine per 100 milliliter 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 one-half milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit.

§ 44-53-370. Prohibited acts A; penalties.

- (a) Except as authorized by this article it shall be unlawful for any person:
  - (1) to manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance or a controlled substance analogue;
  - (2) to create, distribute, dispense, deliver, or purchase, or aid, abet, attempt, or conspire to create, distribute, dispense, deliver, or purchase, or possess with intent to distribute, dispense, deliver, or purchase a counterfeit substance.

- (b) A person who violates subsection (a) with respect to:
  - (1) a controlled substance classified in Schedule I (b) and (c) which is a narcotic drug or lysergic acid diethylamide (LSD) and in Schedule II which is a narcotic drug is guilty of a felony and, upon conviction, for a first offense must be imprisoned not more than fifteen years or fined not more than twenty-five thousand dollars, or both. For a second offense, or if, in the case of a first conviction of violation of any provision of this subsection, the offender previously has been convicted of a violation of the laws of the United States or of any state, territory, or district relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the offender must be imprisoned not less than five years nor more than thirty years, or fined not more than fifty thousand dollars, or both. For a third or subsequent offense, or if the offender previously has been convicted two or more times in the aggregate of a violation of the laws of the United States or of any state, territory, or district relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the offender must be imprisoned not less than ten years nor more than thirty years, or fined not more than fifty thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item for a first offense or second offense may have the sentence
suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection for a third or subsequent offense in which all prior offenses were for possession of a controlled substance pursuant to subsections (c) and (d), may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. In all other cases, the sentence must not be suspended nor probation granted;

(2) any other controlled substance classified in Schedule I, II, or III, flunitrazepam or a controlled substance analogue, is guilty of a felony and, upon conviction, for a first offense must be imprisoned not more than five years or fined not more than five thousand dollars, or both. For a second offense, or, if, in the case of a first conviction of violation of any provision of this subsection, the offender previously has been convicted of a violation of the laws of the United States or of any state, territory, or district relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the offender is guilty of a felony and, upon conviction, must be imprisoned not less than five years nor more than twenty years, or fined not more than twenty thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item for a first offense may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection for a third or subsequent offense in which all prior offenses were for possession of a controlled substance pursuant to subsections (c) and (d), may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. In all other cases, the sentence must not be suspended nor probation granted;

(3) a substance classified in Schedule IV except for flunitrazepam is guilty of a misdemeanor and, upon conviction, for a first offense must be imprisoned not more than three years or fined not more than three thousand dollars, or both. In the case of second or subsequent offenses, the person is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than six thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item for a first offense or second offense may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection for a third or subsequent offense in which all prior offenses were for possession of a controlled substance pursuant to subsections (c) and (d), may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. In all other cases, the sentence must not be suspended nor probation granted;

(4) a substance classified in Schedule V is guilty of a misdemeanor and, upon conviction, for a first offense must be imprisoned not more than one year or
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fined not more than one thousand dollars, or both. In the case of second or subsequent offenses, the sentence must be twice the first offense. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item for a first offense or second offense may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item for a third or subsequent offense in which all prior offenses were for possession of a controlled substance pursuant to subsections (c) and (d), may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. In all other cases, the sentence must not be suspended nor probation granted;

(c) It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this article.

(d) A person who violates subsection (c) with respect to:

1. any controlled substance classified in Schedule I (b) and (c) which is a narcotic drug or lysergic acid diethylamide (LSD) and in Schedule II which is a narcotic drug is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than two years or fined not more than five thousand dollars, or both. For a second offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than five thousand dollars, or both. For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than ten thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits;

2. any other controlled substance classified in Schedules I through V is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not more than one thousand dollars, or both. For a second or subsequent offense, the offender is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not more than two thousand dollars, or both, except as provided in subsection (d)(4). Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits;

3. cocaine is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years or fined not more than five thousand dollars, or both. For a first offense, the court, upon approval of the solicitor, may require as part of a sentence, that the offender enter and successfully complete a drug treatment and rehabilitation program. For a second offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than seven thousand five hundred dollars, or both. For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not more than twelve thousand five hundred dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits;
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(4) possession of more than: one gram of cocaine, one hundred milligrams of alpha- or beta-eucaine, four grains of opium, four grains of morphine, two grains of heroin, one hundred milligrams of isonipecaine, twenty-eight grams or one ounce of marijuana, ten grams of hashish, fifty micrograms of lysergic acid diethylamide (LSD) or its compounds, fifteen tablets, capsules, dosage units, or the equivalent quantity of 3, 4-methylenedioxymethamphetamine (MDMA), or twenty milliliters or milligrams of gamma hydroxybutyric acid or a controlled substance analogue of gamma hydroxybutyric acid, is prima facie guilty of violation of subsection (a) of this section. A person who violates this subsection with respect to twenty-eight grams or one ounce or less of marijuana or ten grams or less of hashish is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days or fined not less than one hundred dollars nor more than two hundred dollars.

Conditional discharge may be granted in accordance with the provisions of 44-53-450 upon approval by the circuit solicitor to the magistrate or municipal judge. As a part of a sentence, a magistrate or municipal judge may require attendance at an approved drug abuse program. Persons charged with the offense of possession of marijuana or hashish under this item may be permitted to enter the pretrial intervention program under the provisions of 17-22-10 through 17-22-160. For a second or subsequent offense, the offender is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not less than two hundred dollars nor more than one thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits.

When a person is charged under this subsection for possession of controlled substances, bail shall not exceed the amount of the fine and the assessment provided pursuant 14-1-206, -1-207, or -1-208, whichever is applicable. A person charged under this item for a first offense for possession of controlled substances may forfeit bail by nonappearance. Upon forfeiture in general sessions court, the fine portion of the bail must be distributed as provided in 14-1-205. The assessment portion of the bail must be distributed as provided in 14-1-206, -1-207, or -1-208, whichever is applicable.

(e) Any person who knowingly sells, manufactures, cultivates, delivers, purchases, or brings into this State, or who provides financial assistance or otherwise aids, abets, attempts, or conspires to sell, manufacture, cultivate, deliver, purchase, or bring into this State, or who is knowingly in actual or constructive possession or who knowingly attempts to become in actual or constructive possession of:

(1) ten pounds or more of marijuana is guilty of a felony which is known as "trafficking in marijuana" and, upon conviction, must be punished as follows if the quantity involved is:

(a) ten pounds or more, but less than one hundred pounds:

1. for a first offense, a term of imprisonment of not less than one year nor more than ten years, no part of which may be suspended nor probation granted, and a fine of ten thousand dollars;

2. for a second offense, a term of imprisonment of not less than five years nor more than twenty years, no part of which may be suspended nor probation granted, and a fine of fifteen thousand dollars;
3. for a third or subsequent offense, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of twenty-five thousand dollars;

- (b) one hundred pounds or more, but less than two thousand pounds, or one hundred to one thousand marijuana plants regardless of weight, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of twenty-five thousand dollars;

- (c) two thousand pounds or more, but less than ten thousand pounds, or more than one thousand marijuana plants, but less than ten thousand marijuana plants regardless of weight, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of twenty-five thousand dollars;

- (d) ten thousand pounds or more, or ten thousand marijuana plants, or more than ten thousand marijuana plants regardless of weight, a term of imprisonment of not less than twenty-five years nor more than thirty years with a mandatory minimum term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;

- (2) ten grams or more of cocaine or any mixtures containing cocaine, as provided 44-53-210(b)(4), is guilty of a felony which is known as "trafficking in cocaine" and, upon conviction, must be punished as follows if the quantity involved is:

- (a) ten grams or more, but less than twenty-eight grams:

  1. for a first offense, a term of imprisonment of not less than three years nor more than ten years, no part of which may be suspended nor probation granted, and a fine of twenty-five thousand dollars;

  2. for a second offense, a term of imprisonment of not less than five years nor more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;

  3. for a third or subsequent offense, a mandatory minimum term of imprisonment of not less than twenty-five years nor more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;

- (b) twenty-eight grams or more, but less than one hundred grams:

  1. for a first offense, a term of imprisonment of not less than seven years nor more than twenty-five years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;

  2. for a second offense, a term of imprisonment of not less than seven years nor more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;

  3. for a third or subsequent offense, a mandatory minimum term of imprisonment of not less than twenty-five years and not more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;
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- **(c)** one hundred grams or more, but less than two hundred grams, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;
- **(d)** two hundred grams or more, but less than four hundred grams, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of one hundred thousand dollars;
- **(e)** four hundred grams or more, a term of imprisonment of not less than twenty-five years nor more than thirty years with a mandatory minimum term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars;

  - **(3)** four grams or more of any morphine, opium, salt, isomer, or salt of an isomer thereof, including heroin, as described in 44-53-190 or -53-210, or four grams or more of any mixture containing any of these substances, is guilty of a felony which is known as "trafficking in illegal drugs" and, upon conviction, must be punished as follows if the quantity involved is:
    - **(a)** four grams or more, but less than fourteen grams:
      1. for a first offense, a term of imprisonment of not less than seven years nor more than twenty-five years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;
      2. for a second or subsequent offense, a mandatory minimum term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of one hundred thousand dollars;
    - **(b)** fourteen grams or more but less than twenty-eight grams, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars;
    - **(c)** twenty-eight grams or more, a mandatory term of imprisonment of not less than twenty-five years nor more than forty years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars;

  - **(4)** fifteen grams or more of methaqualone is guilty of a felony which is known as "trafficking in methaqualone" and, upon conviction, must be punished as follows if the quantity involved is:
    - **(a)** fifteen grams but less than one hundred fifty grams:
      1. for a first offense, a term of imprisonment of not less than one year nor more than ten years, no part of which may be suspended nor probation granted, and a fine of ten thousand dollars;
      2. for a second or subsequent offense, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of twenty-five thousand dollars;
    - **(b)** one hundred fifty grams but less than fifteen hundred grams, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of twenty-five thousand dollars;
    - **(c)** fifteen hundred grams but less than fifteen kilograms, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;
    - **(d)** fifteen kilograms or more, a term of imprisonment of not less than twenty-five years nor more than thirty years with a mandatory minimum
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term of imprisonment of twenty-five years, no part of which may be suspended
nor probation granted, and a fine of two hundred thousand dollars;

(5) one hundred tablets, capsules, dosage units, or the equivalent quantity,
or more of lysergic acid diethylamide (LSD) is guilty of a felony which is known as
"trafficking in LSD" and, upon conviction, must be punished as follows if the quantity
involved is:

• (a) one hundred dosage units or the equivalent quantity, or more,
  but less than five hundred dosage units or the equivalent quantity:

  1. for a first offense, a term of imprisonment of not less than three years nor
     more than ten years, no part of which may be suspended nor probation granted,
     and a fine of twenty thousand dollars;

  2. for a second offense, a term of imprisonment of not less than five years nor
     more than thirty years, no part of which may be suspended or probation granted,
     and a fine of forty thousand dollars;

  3. for a third or subsequent offense, a mandatory minimum term of
     imprisonment of not less than twenty-five years nor more than thirty years, no
     part of which may be suspended nor probation granted, and a fine of fifty
     thousand dollars;

• (b) five hundred dosage units or the equivalent quantity, or more,
  but less than one thousand dosage units or the equivalent quantity:

  1. for a first offense, a term of imprisonment of not less than seven years nor
     more than twenty-five years, no part of which may be suspended nor probation
     granted, and a fine of fifty thousand dollars;

  2. for a second offense, a term of imprisonment of not less than seven years nor
     more than thirty years, no part of which may be suspended nor probation
     granted, and a fine of fifty thousand dollars;

  3. for a third or subsequent offense, a mandatory minimum term of
     imprisonment of not less than twenty-five years and not more than thirty years,
     no part of which may be suspended nor probation granted, and a fine of fifty
     thousand dollars;

• (c) one thousand dosage units or the equivalent quantity, or more, a
  mandatory term of imprisonment of twenty-five years, no part of which may be
  suspended nor probation granted, and a fine of one hundred thousand dollars;

(6) one gram or more of flunitrazepam is guilty of a felony which is known as
"trafficking in flunitrazepam" and, upon conviction, must be punished as follows if the quantity
involved is:

• (a) one gram but less than one hundred grams:

  1. for a first offense a term of imprisonment of not less than one year nor more
     than ten years, no part of which may be suspended nor probation granted, and a
     fine of ten thousand dollars;

  2. for a second or subsequent offense, a mandatory term of imprisonment of
     twenty-five years, no part of which may be suspended nor probation granted,
     and a fine of twenty-five thousand dollars;
(b) one hundred grams but less than one thousand grams, a mandatory term of imprisonment of twenty years, no part of which may be suspended nor probation granted, and a fine of twenty-five thousand dollars;

(c) one thousand grams but less than five kilograms, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;

(d) five kilograms or more, a term of imprisonment of not less than twenty-five years, nor more than thirty years, with a mandatory minimum term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars;

(7) fifty milliliters or milligrams or more of gamma hydroxybutyric acid or a controlled substance analogue of gamma hydroxybutyric acid is guilty of a felony which is known as "trafficking in gamma hydroxybutyric acid" and, upon conviction, must be punished as follows:

(a) for a first offense, a term of imprisonment of not less than one year nor more than ten years, no part of which may be suspended nor probation granted, and a fine of ten thousand dollars;

(b) for a second or subsequent offense, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of twenty-five thousand dollars.

A person convicted and sentenced under this subsection to a mandatory term of imprisonment of twenty-five years, a mandatory minimum term of imprisonment of twenty-five years, or a mandatory minimum term of imprisonment of not less than twenty-five years nor more than thirty years is not eligible for parole, extended work release, as provided in Section 24-13-610, or supervised furlough, as provided 24-13-710. Notwithstanding 44-53-420, a person convicted of conspiracy pursuant to this subsection must be sentenced as provided in this section with a full sentence or punishment and not one-half of the sentence or punishment prescribed for the offense.

The weight of any controlled substance in this subsection includes the substance in pure form or any compound or mixture of the substance.

The offense of possession with intent to distribute described in 44-53-370(a) is a lesser included offense to the offenses of trafficking based upon possession described in this subsection.

(8) one hundred tablets, capsules, dosage units, or the equivalent quantity, or more of 3, 4-methalenedioxymethamphetamine (MDMA) is guilty of a felony which is known as "trafficking in MDMA or ecstasy" and, upon conviction, must be punished as follows if the quantity involved is:

(a) one hundred dosage units or the equivalent quantity, or more, but less than five hundred dosage units or the equivalent quantity:

(i) for a first offense, a term of imprisonment of not less than three years nor more than ten years, no part of which may be suspended nor probation granted, and a fine of twenty thousand dollars;

(ii) for a second offense, a term of imprisonment of not less than five years nor more than thirty years, no part of which may be suspended nor probation granted, and a fine of forty thousand dollars;

(iii) for a third or subsequent offense, a mandatory minimum term of imprisonment of not less than twenty-five years nor more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;
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- **(b)** five hundred dosage units or the equivalent quantity, or more, but less than one thousand dosage units or the equivalent quantity:
  - (i) for a first offense, a term of imprisonment of not less than seven years nor more than twenty-five years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;
  - (ii) for a second offense, a term of imprisonment of not less than seven years nor more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;
  - (iii) for a third or subsequent offense, a mandatory minimum term of imprisonment of not less than twenty-five years and not more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;
- **(c)** one thousand dosage units or the equivalent quantity, or more, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of one hundred thousand dollars.

- **(f)** It shall be unlawful for a person to administer, distribute, dispense, deliver, or aid, abet, attempt, or conspire to administer, distribute, dispense, or deliver a controlled substance or gamma hydroxy butyrate to an individual with the intent to commit one of the following crimes against that individual:
  - (1) kidnapping, 16-3-910;
  - (2) trafficking in persons, 16-3-930;
  - (3) criminal sexual conduct in the first, second, or third degree, 16-3-652, -3-653, and -3-654;
  - (4) criminal sexual conduct with a minor in the first, second, or third degree, 16-3-655;
  - (5) criminal sexual conduct where victim is legal spouse (separated), 16-3-658;
  - (6) spousal sexual battery, 16-3-615;
  - (7) engaging a child for a sexual performance, 16-3-810;
  - (8) petit larceny, 16-13-30 (A); or
  - (9) grand larceny, 16-13-30 (B).

- **(g)** A person who violates subsection (f) with respect to:
  - (1) a controlled substance classified in Schedule I (b) or (c) which is a narcotic drug or lysergic acid diethylamide (LSD), or in Schedule II which is a narcotic drug is guilty of a felony and, upon conviction, must be:
    - (a) for a first offense, imprisoned not more than twenty years or fined not more than thirty thousand dollars, or both;
    - (b) for a second offense, or if in the case of a first conviction of a violation of any provision of this subsection, the offender previously has been convicted of a violation of the laws of the United States or of any state, territory, or district relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, imprisoned not less than five years nor more than thirty years, or fined not more than fifty thousand dollars, or both;
    - (c) for a third or subsequent offense, or if the offender previously has been convicted two or more times in the aggregate of a violation of the laws of the United States or of any state, territory, or district relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, imprisoned not less than fifteen years nor more than thirty years, or fined not more than fifty thousand dollars, or both.

Except in the case of conviction for a first offense, the sentence in this item must not be suspended and probation must not be granted;
(2) any other controlled substance or gamma hydroxybutyrate is guilty of a felony and, upon conviction, must be:

- (a) for a first offense, imprisoned not more than fifteen years or fined not more than twenty-five thousand dollars, or both;
- (b) for a second offense, or if in the case of a first conviction of a violation of any provision of this subsection, the offender previously has been convicted of a violation of the laws of the United States or of any state, territory, or district relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, imprisoned not more than twenty years or fined not more than thirty thousand dollars, or both;
- (c) for a third or subsequent offense, or if the offender previously has been convicted two or more times in the aggregate of a violation of the laws of the United States or of any state, territory, or district relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, imprisoned not less than five years nor more than twenty-five years, or fined not more than forty thousand dollars, or both.

Except in the case of conviction for a first offense, the sentence in this item must not be suspended and probation must not be granted.

§ 44-53-375. Possession, manufacture and trafficking of methamphetamine and cocaine base and other controlled substances; penalties.

- (A) A person possessing less than one gram of methamphetamine or cocaine base, as defined in § 44-53-110, is guilty of a misdemeanor and, upon conviction for a first offense, must be imprisoned not more than three years or fined not more than five thousand dollars, or both. For a first offense the court, upon approval of the solicitor, may require as part of a sentence, that the offender enter and successfully complete a drug treatment and rehabilitation program. For a second offense, the offender is guilty of a felony and, upon conviction:
  - (1) for a first offense, must be imprisoned not more than fifteen years or fined not more than twenty-five thousand dollars, or both;
  - (2) for a second offense or if, in the case of a first conviction of this section, the offender has been convicted of any of the laws of the United States or of any state, territory, or district relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the offender must be imprisoned for not less than five years nor more than thirty years, or fined not more than fifty thousand dollars, or both;
- (B) A person who manufactures, distributes, dispenses, delivers, purchases, or otherwise aids, abets, attempts, or conspires to manufacture, distribute, dispense, deliver, or purchase, or possesses with intent to distribute, dispense, or deliver methamphetamine or cocaine base, in violation of the provisions of § 44-53-370, is guilty of a felony and, upon conviction:
  - (1) for a first offense, must be sentenced to a term of imprisonment of not more than fifteen years or fined not more than twenty-five thousand dollars, or both;
  - (2) for a second offense or if, in the case of a first conviction of a violation of this section, the offender has been convicted of any of the laws of the United States or of any state, territory, or district relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the offender must be imprisoned for not less than five years nor more than thirty years, or fined not more than fifty thousand dollars, or both;
  - (3) for a third or subsequent offense or if the offender has been convicted two or more times in the aggregate of any violation of the laws of the United States or of any state, territory, or district relating to narcotic drugs, marijuana,
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depressant, stimulant, or hallucinogenic drugs, the offender must be imprisoned for not less than ten years nor more than thirty years, or fined not more than fifty thousand dollars, or both.

Possession of one or more grams of methamphetamine or cocaine base is prima facie evidence of a violation of this subsection. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection for a first offense or second offense may have the sentence suspended and probation granted, and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection for a third or subsequent offense in which all prior offenses were for possession of a controlled substance pursuant to subsection (A), may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. In all other cases, the sentence must not be suspended nor probation granted.

(C) A person who knowingly sells, manufactures, delivers, purchases, or brings into this State, or who provides financial assistance or otherwise aids, abets, attempts, or conspires to sell, manufacture, deliver, purchase, or bring into this State, or who is knowingly in actual or constructive possession or who knowingly attempts to become in actual or constructive possession of ten grams or more of methamphetamine or cocaine base, as defined and otherwise limited in R 44-53-110, -53-210(d)(1), or -53-210(d)(2), is guilty of a felony which is known as "trafficking in methamphetamine or cocaine base" and, upon conviction, must be punished as follows if the quantity involved is:

1. ten grams or more, but less than twenty-eight grams:
   a. for a first offense, a term of imprisonment of not less than three years nor more than ten years, no part of which may be suspended nor probation granted, and a fine of twenty-five thousand dollars;
   b. for a second offense, a term of imprisonment of not less than five years nor more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;
   c. for a third or subsequent offense, a mandatory minimum term of imprisonment of not less than twenty-five years nor more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;

2. twenty-eight grams or more, but less than one hundred grams:
   a. for a first offense, a term of imprisonment of not less than seven years nor more than twenty-five years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;
   b. for a second offense, a term of imprisonment of not less than seven years nor more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;
   c. for a third or subsequent offense, a mandatory minimum term of imprisonment of not less than twenty-five years and not more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;

3. one hundred grams or more, but less than two hundred grams, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;

4. two hundred grams or more, but less than four hundred grams, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of one hundred thousand dollars;
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- **(5)** four hundred grams or more, a term of imprisonment of not less than twenty-five years nor more than thirty years with a mandatory minimum term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars.

- **(D)** Possession of equipment or paraphernalia used in the manufacture of cocaine, cocaine base, or methamphetamine is prima facie evidence of intent to manufacture.

- **(E) (1)** It is unlawful for any person, other than a manufacturer, practitioner, dispenser, distributor, or retailer to knowingly possess any product that contains nine grams or more of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of these substances. A person who violates this subsection is guilty of a felony known as "trafficking in ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of these substances" and, upon conviction, must be punished as follows if the quantity involved is:
  - **(a)** nine grams or more, but less than twenty-eight grams:
    - (i) for a first offense, a term of imprisonment of not more than ten years, no part of which may be suspended nor probation granted, and a fine of twenty-five thousand dollars;
    - (ii) for a second offense, a term of imprisonment of not less than five years nor more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;
    - (iii) for a third or subsequent offense, a mandatory minimum term of imprisonment of not less than twenty-five years nor more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;
  - **(b)** twenty-eight grams or more, but less than one hundred grams:
    - (i) for a first offense, a term of imprisonment of not less than seven years nor more than twenty-five years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;
    - (ii) for a second offense, a term of imprisonment of not less than seven years nor more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;
    - (iii) for a third or subsequent offense, a mandatory minimum term of imprisonment of not less than twenty-five years and not more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;
  - **(c)** one hundred grams or more, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;
  - **(d)** two hundred grams or more, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of one hundred thousand dollars;
  - **(e)** four hundred grams or more, a term of imprisonment of not less than twenty-five years nor more than thirty years with a mandatory minimum term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars.

- **(2)** This subsection does not apply to:
  - **(a)** a consumer who possesses products:
    - (i) containing ephedrine, pseudoephedrine, or phenylpropanolamine in a manner consistent with typical medicinal or household use, as indicated by storage location, and possession of the products in a variety of strengths, brands, types, purposes, and expiration dates; or
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- (ii) for agricultural use containing anhydrous ammonia if the consumer has reformulated the anhydrous ammonia by means of additive so as effectively to prevent the conversion of the active ingredient into methamphetamine, its salts, isomers, salts of isomers, or its precursors, or the precursors’ salts, isomers, or salts of isomers, or a combination of any of these substances; or
- (b) products labeled for pediatric use pursuant to federal regulations and according to label instructions primarily intended for administration to children under twelve years of age; or
- (c) products that the Drug Enforcement Administration and the Department of Health and Environmental Control, upon application of a manufacturer, exempts because the product is formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, its salts, isomers, salts of isomers, or its precursors, or the precursors’ salts, isomers, or salts of isomers, or a combination of any of these substances.

- (3) This subsection preempts all local ordinances or regulations governing the possession of any product that contains ephedrine, pseudoephedrine, or phenylpropanolamine.

- (F) Sentences for violation of the provisions of subsections (C) or (E) may not be suspended and probation may not be granted. A person convicted and sentenced under subsection (C) or (E) to a mandatory term of imprisonment of twenty-five years, a mandatory minimum term of imprisonment of twenty-five years, or a mandatory minimum term of imprisonment of not less than twenty-five years nor more than thirty years is not eligible for parole, extended work release as provided in Section 24-13-610, or supervised furlough as provided in 24-13-710.

- (G) A person eighteen years of age or older may be charged with unlawful conduct toward a child pursuant to 63-5-70, if a child was present at any time during the unlawful manufacturing of methamphetamine.

§ 44-53-376. Disposal of waste from production of methamphetamine; penalty; emergency or environmental response restitution; exemptions.

- (A) It is unlawful for a person to knowingly cause to be disposed any waste from the production of methamphetamine or knowingly assist, solicit, or conspire with another to dispose of methamphetamine waste.

- (B) A person who violates subsection (A) is guilty of a felony and, upon conviction for a first offense, must be imprisoned not more than five years or fined not more than five thousand dollars, or both. Upon conviction for a second or subsequent offense, a person must be imprisoned not more than ten years or fined not more than ten thousand dollars, or both.

- (C) If a person is convicted of a violation of this section, in a manner that requires an emergency or environmental response, the person convicted must be required to make restitution to all public entities involved in the emergency response, to cover the reasonable cost of their participation in the emergency response. The convicted person shall make the restitution in addition to any other fine or penalty required by law.

- (D) Exempt from the provisions of this section are the individuals, entities, agencies, law enforcement groups, and those otherwise authorized, who are lawfully tasked with the proper disposal of the waste created from methamphetamine production.

- **(A)** It is unlawful for a person who is eighteen years of age or older to:
  - (1) either directly or by extraction from natural substances, or independently by means of chemical processes, or both, unlawfully manufacture amphetamine, its salts, isomers, or salts of isomers, or methamphetamine, its salts, isomers, or salts of its isomers in the presence of a minor child; or
  - (2) knowingly permit a child to be in an environment where a person is selling, offering for sale, or having in such person's possession with intent to sell, deliver, distribute, prescribe, administer, dispense, manufacture, or attempt to manufacture amphetamine or methamphetamine; or
  - (3) knowingly permit a child to be in an environment where drug paraphernalia or volatile, toxic, or flammable chemicals are stored for the purpose of manufacturing or attempting to manufacture amphetamine or methamphetamine.
- **(B)** A person who violates subsection (A)(1), (2), or (3), upon conviction, for a first offense must be imprisoned not more than five years or fined not more than five thousand dollars, or both. Upon conviction for a second or subsequent offense, the person must be imprisoned not more than ten years or fined not more than ten thousand dollars, or both.


- **(a)** It shall be unlawful for any person:
  - (1) Who is subject to the requirements of §§ 44-53-280 to -53-360 to distribute or dispense a controlled substance in violation of § 44-53-360;
  - (2) Who is a registrant to manufacture, distribute, or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;
  - (3) To omit, remove, alter, or obliterate a symbol required by the Federal Controlled Substances Act or this article;
  - (4) To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under this article;
  - (5) To refuse any entry into any premises or inspection authorized by this article;
  - (6) Knowingly to keep or maintain any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by persons using controlled substances in violation of this article for the purpose of using such substances, or which is used for the keeping or selling of the same in violation of this article; or
  - (7) Who is subject to the requirements of this article to fail to register as provided in § 44-53-280 to manufacture, distribute, or dispense controlled substances prior to his engaging in such manufacturing, distribution, or dispensing.
- **(b)** Any person who violates this section is punishable by a civil fine of not more than one thousand dollars; provided, that, if the violation is prosecuted by an information or indictment which alleges that the violation was committed knowingly or intentionally, and the trier of fact specifically finds that the violation was committed knowingly or intentionally, such person shall be deemed guilty of a felony and, upon conviction, shall be imprisoned for not more than five years, or fined not more than ten thousand dollars, except that if such person is a corporation it shall be subject to a civil penalty of not more than one hundred thousand dollars. Imposition of a civil penalty pursuant to this item shall not give rise to any disability or legal disadvantage based on conviction for a criminal offense.

- (a) It is unlawful for a person knowingly or intentionally to:
  o (1) distribute as a registrant a controlled substance classified in Schedules I or II, except pursuant to an order form as required by 44-53-350;
  o (2) use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;
  o (3) acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge;
  o (4) furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this article, or any record required to be kept by this article;
  o (5) make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling so as to render the drug a counterfeit substance;
  o (6) distribute or deliver a noncontrolled substance or an imitation controlled substance:
    • (A) with the expressed or implied representation that the substance is a narcotic or nonnarcotic controlled substance, or with the expressed or implied representation that the substance is of such nature or appearance that the recipient of the distribution or delivery will be able to dispose of the substance as a controlled substance;
    • (B) when the physical appearance of the finished product is substantially similar to a specific controlled substance, or if in a tablet or capsule dosage form as a finished product it is similar in color, shape, and size to any controlled substances' dosage form, or its finished dosage form has similar, but not necessarily identical, markings on each dosage unit as any controlled substances' dosage form, or if its finished dosage form container bears similar, but not necessarily identical, markings or printed material as any controlled substances which is commercially manufactured and commercially packaged by a manufacturer or repackager registered under the provisions of Title 21, Section 823 of the United States Code. In any prosecution for unlawful delivery of a noncontrolled substance, it is no defense that the accused believed the noncontrolled substance to actually be a controlled substance.
- (b) A person who violates this section is guilty of a felony and, upon conviction, must be imprisoned not more than five years, or fined not more than ten thousand dollars, or both. If such person is a corporation, it is subject to a civil penalty of not more than one hundred thousand dollars.
- (c) The provisions of 44-53-390(a)(6) do not apply to any transaction in the ordinary course of professional practice of a practitioner registered to dispense controlled substances under this article, nor do they apply to a pharmacy acting in the normal course of business, or pursuant to the lawful order of a placebo prescription.

§ 44-53-391. Unlawful to advertise for sale, manufacture, possess, sell or deliver, or to possess with intent to sell or deliver, paraphernalia.

- (a) It shall be unlawful for any person to advertise for sale, manufacture, possess, sell or deliver, or to possess with the intent to deliver, or sell paraphernalia.
- (b) In determining whether an object is paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:
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- (1) Statements by an owner or by anyone in control of the object concerning its use;
- (2) The proximity of the object to controlled substances;
- (3) The existence of any residue of controlled substances on the object;
- (4) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of law; the innocence of an owner, or of anyone in control of the object, as to a direct violation of law shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- (5) Instructions, oral or written, provided with the object concerning its use;
- (6) Descriptive materials accompanying the object which explain or depict its use;
- (7) National and local advertising concerning its use;
- (8) The manner in which the object is displayed for sale;
- (9) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (10) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- (11) The existence and scope of legitimate uses for the object in the community;
- (12) Expert testimony concerning its use.

• (c) Any person found guilty of violating the provisions of this section shall be subject to a civil fine of not more than five hundred dollars except that a corporation shall be subject to a civil fine of not more than fifty thousand dollars. Imposition of such fine shall not give rise to any disability or legal disadvantage based on conviction for a criminal offense.


• (A) It shall be unlawful:
  o (1) for any practitioner to issue any prescription document signed in blank. The issuance of such document signed in blank shall be prima facie evidence of a conspiracy to violate this section. The possession of prescription document signed in blank by a person other than the person whose signature appears thereon shall be deemed prima facie evidence of a conspiracy between the possessor and the signer to violate the provisions of this section;
  o (2) for any person other than a practitioner registered with the Department under this article to possess a blank prescription not completed and signed by the practitioner whose name appears printed thereon;
  o (3) for any person to withhold the information from a practitioner that such person is obtaining controlled substances of like therapeutic use in a concurrent time period from another practitioner.

• (B) Any person who knowingly and intentionally violates this section a first time shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a term of imprisonment for not more than two years or by a fine of not more than two thousand dollars, or both. Any person who knowingly and intentionally violates this section a second or subsequent time shall be deemed guilty of a felony and upon conviction shall be punished by a term of imprisonment for not more than five years.

§ 44-53-398. Sale of products containing ephedrine or pseudoephedrine; penalties; training of sales personnel.
• **(A)** Nonprescription products whose sole active ingredient is ephedrine, pseudoephedrine, or phenylpropanolamine may be offered for retail sale only if sold in blister packaging. The retailer shall ensure that such products are not offered for retail sale by self-service but only from behind a counter or other barrier so that such products are not directly accessible by the public but only by an employee or agent of the retailer.

• **(B)**
  o **(1)** A retailer may not sell to an individual in any single day a nonprescription product or a combination of nonprescription products containing more than 3.6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine; and a retailer may not sell to an individual in a thirty-day period a nonprescription product or a combination of nonprescription products containing more than nine grams of ephedrine, pseudoephedrine, or phenylpropanolamine.
  o **(2)** An individual may not purchase in any single day a nonprescription product or a combination of nonprescription products containing more than 3.6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine; and an individual may not purchase in a thirty-day period a nonprescription product or a combination of nonprescription products containing more than nine grams of ephedrine, pseudoephedrine, or phenylpropanolamine.

• **(C)** It is unlawful for a retailer to purchase any product containing ephedrine, pseudoephedrine, or phenylpropanolamine from any person or entity other than a manufacturer or a wholesale distributor registered by the United States Drug Enforcement Administration.

• **(D)**
  o **(1)** A retailer selling nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine shall require the purchaser to produce a government issued photo identification showing the date of birth of the person and require the purchaser to sign an electronic log showing the date and time of the transaction, the person's name and address, the type, issuing governmental entity, identification number, and the amount of the compound, mixture, or preparation. The retailer shall determine that the name entered in the log corresponds to the name on the identification and that the date and time entered are correct and shall enter in the log the name of the product and the quantity sold. The retailer shall ensure that the product is delivered directly into the custody of that purchaser. The log must include a notice to purchasers that entering false statements or misrepresentations in the log may subject the purchaser to criminal penalties.
  o **(2)** Before completing a sale of a product regulated by this section, the retailer electronically shall transmit the information entered in the log to a data collection system provided by the National Association of Drug Diversion Investigators, or a successor or similar entity. The system must collect this data in real time and generate a stop sale alert if the sale would result in a violation of subsection (B) or a federal quantity restriction, which must be assessed on the basis of sales or purchases made in any state to the extent that information is available in the data collection system. If the retailer receives a stop sale alert, the retailer must not complete the sale unless the retailer, upon notifying the purchaser the sale cannot be completed, reasonably fears bodily harm if he denies the sale due to the stop sale alert. A product regulated by this section may not be sold without being reported to the data collection system unless the system is experiencing temporary technical difficulties that prevent a retailer from reporting the information to the system, and in that case, the retailer shall enter the necessary information in a written log, which must subsequently be entered into the electronic log within three business days of each business day that the electronic log was not operational. A retailer using a written log under these circumstances is immune from liability during the time the system is temporarily disabled.
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- **(3)** Any information entered in the electronic log that is retained by a retailer, or information maintained by a retailer pursuant to subsection (J)(2), is confidential and not a public record as defined in 30-4-20(C) of the Freedom of Information Act. A retailer or an employee or agent of a retailer who in good faith releases information in a log to federal, state, or local law enforcement authorities is immune from civil liability for the release unless the release constitutes gross negligence or intentional, wanton, or wilful misrepresentation.

- **(E)** Except as authorized by this section, it is unlawful for any person to possess, have under his or her control, manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute, any substance containing any amount of ephedrine, pseudoephedrine, or phenylpropanolamine or any of their salts, optical isomers, or salts of optical isomers which have been altered from their original condition so as to be powdered, liquefied, dissolved, solvated, or crushed. This subsection does not apply to any of the substances identified within this subsection which are possessed or altered for a legitimate medical purpose as directed by a person licensed under Title 40 and authorized to prescribe legend drugs.

- **(F)** It is unlawful for a person to enter false statements or misrepresentations on the log required pursuant to subsection (D)(1).

- **(G)** This section preempts all local ordinances or regulations governing the retail sale or purchase of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine except such local ordinances or regulations that existed on or before December 31, 2004.

- **(H)**
  - **(1)** Except as otherwise provided in this section, it is unlawful for a retailer knowingly to violate subsection (A), (B)(1), (C), (D)(1), or (D)(2), and it is unlawful for a person knowingly to violate subsection (B)(2), (E), or (F).
  - **(2)** A retailer convicted of a violation of subsection (A) or (B)(1) is guilty of a misdemeanor and, upon conviction for a first offense, must be fined not more than five thousand dollars and, upon conviction for a second or subsequent offense, must be fined not more than ten thousand dollars.
  - **(3)** A retailer convicted of a violation of subsection (C) is guilty of a misdemeanor and, upon conviction for a first offense, must be imprisoned not more than one year or fined not more than one thousand dollars, or both and, upon conviction for a second or subsequent offense, must be imprisoned not more than three years or fined not more than five thousand dollars, or both.
  - **(4)** A retailer convicted of a violation of subsection (D)(1), (D)(2), or (J)(2) is guilty of a misdemeanor and, upon conviction for a first offense, must be fined not more than one thousand dollars and not less than five hundred dollars. Upon conviction for a second offense, a retailer must be fined not more than five thousand dollars and not less than one thousand dollars. Upon conviction for a third or subsequent offense, a person must be fined not more than ten thousand dollars and not less than five thousand dollars.
  - **(5)** A person convicted of a violation of subsection (B)(2) or (E) is guilty of a felony and, upon conviction for a first offense, must be imprisoned not more than five years and fined not more than five thousand dollars. The court, upon approval from the solicitor, may request as part of the sentence, that the offender enter and successfully complete a drug treatment program. For a second or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not less than ten thousand dollars.
  - **(6)** A person convicted of a violation of subsection (F), upon conviction for a first offense, is guilty of a misdemeanor and must be fined not more than one thousand dollars and, upon conviction for a second or subsequent offense, is guilty of a felony and must be fined not more than five thousand dollars.
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(7) It is an affirmative defense to a violation of subsection (A), (C), or (D)(1) if a retailer provided the training, maintained records, and obtained employee and agent statements of agreement required by subsection (I) for all employees and agents at the retail location where the violation occurred and at the time the violation occurred.

(8) It is an affirmative defense to completing a sale following receipt of a stop sale alert received pursuant to subsection (D)(2) if the retailer, upon notifying the purchaser the sale cannot be completed, reasonably fears bodily harm if he denies the sale due to the stop sale alert.

(I) A retailer shall provide training on the requirements of this section to all agents and employees who are responsible for delivering the products regulated by this section into the custody of purchasers or who deal directly with purchasers by obtaining payments for the products. A retailer shall obtain a signed, written agreement from each employee or agent that the employee or agent agrees to comply with the requirements of this section. The retailer shall maintain records demonstrating that these employees and agents have been provided this training and the documents executed by the retailer's employees and agents agreeing to comply with this section.

(J) (1) The following are exempt from the electronic log requirements of this section but shall maintain a written log containing the information required to be entered in the electronic log, as provided for in subsection (D)(1):
   (a) a retailer that only sells single dose packages of nonprescription ephedrine, pseudoephedrine, or phenylpropanolamine;
   (b) a pharmacy that does not have a compatible point of sale system.
   (2) A retailer who maintains a written log pursuant to this subsection shall retain the written log for two years after which the log may be destroyed. The log must be made available for inspection within twenty-four hours of a request made by a local, state, or federal law enforcement officer.
   (3) A retailer who violates the requirements of maintaining a written log as provided for in subsection (J)(2) is subject to the penalties provided for in subsection (H)(4).

(K) The sheriff or chief of police shall monitor and determine if retailers, other than licensed pharmacies, are in compliance with the provisions of this section by ensuring that a retailer:
   (1) is entering all sales of a product regulated by this section in an electronic log as required by this section;
   (2) if not maintaining an electronic log, is exempt as provided for in subsection (J)(1), and is continuing to maintain the written log as provided for in subsection (J);
   (3) is not selling products regulated by this section.

(L) This section does not apply to:
   (1) pediatric products labeled pursuant to federal regulation as primarily intended for administration to children under twelve years of age according to label instructions;
   (2) products that the Board of Pharmacy, upon application of a manufacturer, exempts because the product is formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine or its salts or precursors; and
   (3) a purchase of a single sales package containing not more than sixty milligrams of pseudoephedrine.

(M) For purposes of this section "retailer" means a retail distributor, including a pharmacy, where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale and does not include an employee or agent of a retailer.
§ 44-53-440. Distribution to persons under eighteen.

Any person eighteen years of age or over who violates § 44-53-370(a) by distributing a controlled substance classified in Schedule I (b) and (c) which is a narcotic drug or lysergic acid diethylamide (LSD) and in Schedule II which is a narcotic drug, or who violates § 44-53-375(B) by distributing crack cocaine to a person under eighteen years of age is guilty of a felony and, upon conviction, must be imprisoned for not more than twenty years or fined not more than thirty thousand dollars, or both, and the sentence may not be suspended and probation may not be granted. Any person eighteen years of age or over who violates § 44-53-370(a) and (b) by distributing any other controlled substance listed in Schedules I through V to a person under eighteen years of age is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than ten years or fined not more than ten thousand dollars, or both. Any violation of this section constitutes a separate offense.


1. **(A)** It is a separate criminal offense for a person to distribute, sell, purchase, manufacture, or to unlawfully possess with intent to distribute, a controlled substance while in, on, or within a one-half mile radius of the grounds of a public or private elementary, middle, or secondary school; a public playground or park; a public vocational or trade school or technical educational center; or a public or private college or university.

2. **(B)** For a person to be convicted of an offense pursuant to subsection (A), the person must:
   - **(1)** have knowledge that he is in, on, or within a one-half mile radius of the grounds of a public or private elementary, middle, or secondary school; a public playground or park; a public vocational or trade school or technical educational center; or a public or private college or university; and
   - **(2)** actually distribute, sell, purchase, manufacture, or unlawfully possess with intent to distribute, the controlled substance within a one-half mile radius of the grounds of a public or private elementary, middle, or secondary school; a public playground or park; a public vocational or trade school or technical educational center; or a public or private college or university.

3. **(C)** A person must not be convicted of an offense pursuant to subsection (A) if the person is stopped by a law enforcement officer for the controlled substance offense within a one-half mile radius of the grounds of a public or private elementary, middle, or secondary school; a public playground or park; a public vocational or trade school or technical educational center; or a public or private college or university, but did not actually commit the controlled substance offense within a one-half mile radius of the grounds of a public or private elementary, middle, or secondary school; a public playground or park; a public vocational or trade school or technical educational center; or a public or private college or university.

4. **(D)**
   - **(1)** A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both.
   - **(2)** When a violation involves only the purchase of a controlled substance, the person is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

5. **(E)** For the purpose of creating inferences of intent to distribute, the inferences set out § 44-53-370 and -53-375 apply to criminal prosecutions under this section.
§ 44-53-450. Conditional discharge; eligibility for expungement.

(A) Whenever any person who has not previously been convicted of any offense under this article or any offense under any state or federal statute relating to marijuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under 44-53-370(c) and (d), or 44-53-375(A), the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions as it requires, including the requirement that such person cooperate in a treatment and rehabilitation program of a state-supported facility or a facility approved by the commission, if available. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without court adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions. However, a nonpublic record shall be forwarded to and retained by the Department of Narcotic and Dangerous Drugs under the South Carolina Law Enforcement Division solely for the purpose of use by the courts in determining whether or not a person has committed a subsequent offense under this article. Discharge and dismissal under this section may occur only once with respect to any person.

(B) Upon the dismissal of the person and discharge of the proceedings against him pursuant to subsection (A), the person may apply to the court for an order to expunge from all official records (other than the nonpublic records to be retained as provided in subsection (A)) all recordation relating to his arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this section. If the court determines, after hearing, that the person was dismissed and the proceedings against him discharged, it shall enter the order. The effect of the order is to restore the person, in the contemplation of the law, to the status he occupied before the arrest or indictment or information. No person as to whom the order has been entered may be held pursuant to another provision of law to be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or acknowledge the arrest, or indictment or information, or trial in response to an inquiry made of him for any purpose.

(C) Before a person may be discharged and the proceedings dismissed pursuant to this section, the person must pay a fee of three hundred fifty dollars if the person is in a general sessions court and one hundred fifty dollars if the person is in a summary court. No portion of the fee may be waived, reduced, or suspended, except in cases of indigency. If the court determines that a person is indigent, the court may partially or totally waive, reduce, or suspend the fee. The revenue collected pursuant to this subsection must be retained by the jurisdiction that heard or processed the case and paid to the State Treasurer within thirty days of receipt. The State Treasurer shall transmit these funds to the Prosecution Coordination Commission which shall then apportion these funds among the sixteen judicial circuits on a per capita basis equal to the population in that circuit compared to the population of the State as a whole based on the most recent official United States census. The funds must be used for drug treatment court programs only. The amounts generated by this subsection are in addition to any amounts presently being provided for drug treatment court programs and may not be used to supplant funding already allocated for these services. The State Treasurer may request the State Auditor to examine the financial records of a jurisdiction which he believes is not timely transmitting the funds required to be paid to the State Treasurer pursuant to this subsection. The State Auditor is further authorized.
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to conduct these examinations and the local jurisdiction is required to participate in and cooperate fully with the examination.

§ 44-53-460. Reduced sentence for accommodation offenses.

Any person who enters a plea of guilty to or is found guilty of a violation of § 44-53-370(a) or (c) may move for and the court shall grant a further hearing at which evidence may be presented by the person, and by the prosecution if it so desires, relating to the nature of the act on the basis of which the person has been convicted. If the convicted person establishes by clear and convincing evidence that he delivered or possessed with intent to deliver a controlled substance, except a controlled substance classified in Schedule I (b) and (c) which is a narcotic drug or lysergic acid diethylamide (LSD) and in Schedule II which is a narcotic drug, only as an accommodation to another individual and not with intent to profit thereby nor to induce the recipient or intended recipient of the controlled or counterfeit substance to use or become addicted to or dependent upon the substance, the court shall sentence the person as if he had been convicted of a violation of § 44-53-370(c).

§ 44-53-475. Financial transactions, monetary instruments, or financial institutions involving property or proceeds of unlawful activities in narcotic drugs or controlled substances; penalties.

• (A) (1) Whoever, knowing that the property involved in a financial transaction represents the proceeds of, or is derived directly or indirectly from the proceeds of unlawful activity relating to narcotic drugs or controlled substances, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds:
  o (a) with the intent to promote the carrying on of unlawful activity relating to narcotic drugs or controlled substances; or
  o (b) knowing that the transaction is designed in whole or in part to conceal or disguise the nature, location, sources, ownership, or control of the proceeds of the unlawful activity is guilty of a felony and, upon conviction, must be punished by a fine of not more than five hundred thousand dollars or twice the value of the property involved in the transaction, whichever is greater, or by imprisonment for not more than twenty years, or both.

• (2) Whoever transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument or funds from a place in South Carolina to or through a place outside the United States or to a place in South Carolina from or through a place outside the United States:
  ▪ (a) with the intent to promote the carrying on of unlawful activity relating to narcotic drugs or to controlled substances; or
  ▪ (b) knowing that the monetary instrument or funds involved in the transportation represent the proceeds of the unlawful activity and knowing that the transportation is designed in whole or in part to conceal or disguise the nature, location, source, ownership, or control of the proceeds of the unlawful activity is guilty of a felony and, upon conviction, must be punished by a fine of five hundred thousand dollars or twice the value of the monetary instrument or funds involved in the transportation, whichever is greater, or by imprisonment for not more than twenty years, or both.

• (3) Whoever, with the intent:
  ▪ (a) to promote the carrying on of unlawful activity relating to narcotic drugs or to controlled substances; or
  ▪ (b) to conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of the unlawful...
activity, conducts or attempts to conduct a financial transaction involving property represented by a law enforcement officer to be the proceeds of the unlawful activity, or property used to conduct or facilitate the unlawful activity is guilty of a felony and, upon conviction, must be punished by a fine of five hundred thousand dollars or twice the value of the property involved, whichever is greater, or by imprisonment for not more than twenty years, or both. For purposes of this subitem, the term "represented" means any representation made by a law enforcement officer or by another person at the direction of, or with the approval of, a state official authorized to investigate or prosecute violations of this section.

• (B) Whoever conducts or attempts to conduct a transaction described in subsection (A)(1), or transportation described in subsection (A)(2), is liable to the State for a civil penalty of not more than the greater of:
  o (1) the value of the property, funds, or monetary instruments involved in the transaction; or
  o (2) ten thousand dollars.

• (C) As used in this section:
  o (1) the term "conducts" includes initiating, concluding, or participating in initiating or concluding a transaction;
  o (2) the term "transaction" includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition and, with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected;
  o (3) the term "financial transaction" means a transaction involving the movement of funds by wire or other means or involving one or more monetary instruments;
  o (4) the term "monetary instruments" means coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, money orders, investment securities in bearer form or otherwise in that form that title to it passes upon delivery, and negotiable instruments in bearer form or otherwise in that form that title to it passes upon delivery;
  o (5) the term "financial institution" has the definition given that term in Section 5312(a)(2) of Title 31, United States Code, and the regulations promulgated thereunder.

• (D) Nothing in this section supersedes any provision of law imposing criminal penalties or affording civil remedies in addition to those provided for in this section.

§ 44-53-577. Illegal acts involving persons under seventeen years of age; penalties; separate offense.

• (A) It is unlawful for any person at least seventeen years of age to knowingly and intentionally:
  o (1) use, solicit, direct, hire, persuade, induce, entice, coerce, or employ a person under seventeen years of age to violate 44-53-370 or -53-375(B);
  o (2) receive a controlled substance from a person under seventeen years of age in violation of this chapter; or
  o (3) conspire to use, solicit, direct, hire, persuade, induce, entice, coerce, or employ a person under seventeen years of age to violate 44-53-370 or -53-375(B).

• (B) Any person who violates subsection (A)(1), (A)(2), or (A)(3) is guilty of a felony and, upon conviction, must be punished by a term of imprisonment of not less than five
years nor more than fifteen years. A violation of this section constitutes a separate offense.

§ 44-53-1530. Possessing anabolic steroids without a prescription, or prescribing anabolic steroids, by non-practitioner, pharmacist, or veterinarian unlawful; penalties.

- It is unlawful for any person who is not a practitioner, pharmacist, or veterinarian to knowingly or intentionally possess anabolic steroids as defined in this article unless the steroids were obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his professional practice. It is unlawful for any person who is not a practitioner, pharmacist, or veterinarian to knowingly or intentionally prescribe, dispense, deliver, or administer anabolic steroids to a person. Any person who violates this article with respect to:
  o (1) prescription, dispensation, delivery, or administration of an anabolic steroid, or delivery of an anabolic steroid to a person for human use without any purpose other than a valid medical purpose, or the sale or delivery of an anabolic steroid to a person for human use without a valid prescription, or the prescription, dispensation, delivery, or administration of an anabolic steroid to a person by any person who is not a practitioner, pharmacist, or veterinarian, is guilty of a felony and, upon conviction, must be punished as follows:
    • (a) for a first offense, imprisoned for a term not to exceed five years or fined in an amount not to exceed five thousand dollars, or both;
    • (b) for a second or subsequent offense, imprisoned for a term not to exceed ten years or fined in an amount not to exceed ten thousand dollars, or both;
  o (2) possession of ten or fewer dosage units of anabolic steroids without a valid prescription is guilty of a misdemeanor and, upon conviction, must be punished as follows:
    • (a) for a first offense, imprisoned for a term not to exceed six months or fined in an amount not to exceed one thousand dollars;
    • (b) for a second or subsequent offense, imprisoned for a term not to exceed one year or fined in an amount not to exceed two thousand dollars, or both;
  o (3) possession of more than ten but fewer than one hundred dosage-units of anabolic steroids without a valid prescription is guilty of a misdemeanor and, upon conviction, must be punished as follows:
    • (a) for a first offense, imprisoned for a term not to exceed one year or fined in an amount not to exceed two thousand dollars, or both;
    • (b) for a second or subsequent offense, imprisoned for a term not to exceed two years or fined in an amount not to exceed three thousand dollars, or both;
  o (4) possession of more than one hundred dosage-units of anabolic steroids without a valid prescription is guilty of a felony and, upon conviction, must be punished as follows:
    • (a) for a first offense, imprisoned for a term not to exceed five years or fined in an amount not to exceed five thousand dollars, or both;
    • (b) for a second or subsequent offense, imprisoned for a term not to exceed ten years or fined in an amount not to exceed ten thousand dollars, or both.
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<th>ENHANCEMENTS/ BENEFIT RESTRICTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SCHEDULE I</strong></td>
<td>(<em>All sentences are for standard offenders. Enhancement/mitigating factors may increase/reduce sentence. See sentencing statutes in appendix)</em>*</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>39-17-405 Criteria</th>
<th>39-17-417(b) Manufacture, delivery, sale, possession w/ intent (p.w.i.) of Schedule I</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) High potential for abuse; (2) No accepted med. Use in US or lacks accepted safety for med use</td>
<td>Class B felony: 8-12yrs; &lt;$100,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>39-17-406 Substances</th>
<th>3-17-417(i) Manufacture, delivery, p.w.i. of heroin (≥15g); morphine (≥15g); hydromorphone (≥5g); LSD (≥5g); cocaine (≥26g); pentazocine &amp; tripelemamine (≥5g); PCP (≥30g); barbiturates (≥100g); phenmetrazine (≥50g); amphetamine/methamphetamine (≥26g); peyote (≥1000g); Other Schedule I or II substances (≥200g)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) Opiates</td>
<td>Class B felony: 8-12yrs; &lt;$200,000</td>
</tr>
<tr>
<td>(c) Opium derivatives: E.g., heroin, codeine compounds, morphine compounds, etc.</td>
<td></td>
</tr>
<tr>
<td>(d) Hallucinogenic substances: E.g., MDMA, mescaline, DMT, peyote, LSD, psilocybin, synthetic THC, etc.</td>
<td></td>
</tr>
<tr>
<td>(e) Depressants: e.g., GHB, Qualuudes</td>
<td></td>
</tr>
<tr>
<td>(f) Stimulants: E.g., fenethylline, BZP</td>
<td></td>
</tr>
</tbody>
</table>

| SCHEDULE II | |
|------------|
### Tennessee Drug Statutes Chart
Tennessee Code: Title 39 Criminal Code

<table>
<thead>
<tr>
<th>Title 39</th>
<th>Section</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>39-17-407</td>
<td>Criteria</td>
<td>(1) high potential for abuse; (2) accepted med use in US w/ severe restrictions; and (3) abuse may lead to severe psych or phys dependence</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title 39</th>
<th>Section</th>
<th>Manfacture, delivery, p.w.i. of heroin (&gt;150g); morphine (&gt;150g); hydromorphone (&gt;50g); LSD (&gt;50g); cocaine (&gt;300g); pentazocine &amp; tripelennamine (&gt;50g); PCP (&gt;300g); barbiturates (&gt;1000g); phenmetrazine (&gt;500g); amphetamine/ methamphetamne (&gt;300g); peyote (&gt;10000g); Other Schedule I or II substances (&gt;2000g)</th>
</tr>
</thead>
</table>
| 39-17-408 | Substances | (b) Narcotics derived from vegetable origin or chemical synthesis:  
(1) Opium and opiates: e.g., raw opium, codeine, morphine and derived painkillers  
(2) chemical equivalents to those listed in (1)  
(3) Opium poppies and poppy straws  
(4) Cocaine  
(5) Poppy straw concentrate  
(c) Other opiates: e.g., methadone, dihydrocodeine  
(d) Stimulants: e.g., Ritalin, Vyvanse, amphetamine, methamphetamine  
(e) depressants: e.g., PCP, amobarbital, glutethimide  
(f) Nabilone  
(g) Precursors to amphetamine, methamphetamne, PCP, fentanyl |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>39-17-417(c)(1)</td>
<td>Manufacture, delivery, p.w.i. of cocaine or methamphetamine</td>
<td></td>
</tr>
</tbody>
</table>
> .5g: Class B felony; 8-12yrs; <$100,000  
< .5g: Class C felony; 3-6yrs; <$100,000  
w/ deadly weapon: Class B felony; 8-12yrs |

**SCHEDULE III**
### Tennessee Drug Statutes Chart

**Tennessee Code: Title 39 Criminal Code**

<table>
<thead>
<tr>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>39-17-409 <strong>Criteria</strong></td>
</tr>
<tr>
<td>(1) abuse potential less than Schedule I and II; (2) accepted med use in US; and (3) abuse may lead to moderate/low phys dependence or high psych dependence</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>39-17-417(d)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Manufacture, delivery, p.w.i. of Schedule III</strong></td>
</tr>
<tr>
<td>Class D felony; 2-4yrs; &lt;$50,000</td>
</tr>
</tbody>
</table>

| Anabolic steroids: eligible for pretrial diversion |

<table>
<thead>
<tr>
<th>Substances</th>
</tr>
</thead>
<tbody>
<tr>
<td>39-17-410 <strong>Substances</strong></td>
</tr>
<tr>
<td>(b) <strong>Stimulants</strong>: e.g., appetite suppressants</td>
</tr>
<tr>
<td>(c) <strong>Depressants</strong>: e.g., barbiturates, sedatives, anesthetics, Ketamine, GHA</td>
</tr>
<tr>
<td>(d) <strong>Nalorphine</strong></td>
</tr>
<tr>
<td>(e) <strong>Limited narcotic drugs</strong>: Compounds w/ limited percentages of codeine, hydrocodone, dihydrocodeone, opium, morphine</td>
</tr>
<tr>
<td>(f) <strong>Anabolic Steroids and hormones</strong> (except those exempted)</td>
</tr>
<tr>
<td>(g) <strong>Hallucinogenic substances</strong>: Dronabinol</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SCHEDULE IV</th>
</tr>
</thead>
<tbody>
<tr>
<td>39-17-411 <strong>Criteria</strong></td>
</tr>
<tr>
<td>(1) low abuse potential relative to Schedule III; (2) accepted med use in US; and (3) abuse may lead to limited phys dependence or psych dependence relative to Schedule III</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>39-17-417(e)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Manufacture, delivery, p.w.i. of flunitrazepam</strong></td>
</tr>
<tr>
<td>Class C felony; 3-6yrs; &lt;$100,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Schedule IV:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class D felony; 2-4yrs; &lt;$50,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Substances</th>
</tr>
</thead>
<tbody>
<tr>
<td>39-17-412 <strong>Substances</strong></td>
</tr>
<tr>
<td>(b) <strong>Compounds containing limited narcotic quantities</strong>: e.g., difenoxin, dextropropoxyphene</td>
</tr>
<tr>
<td>(c) <strong>Depressants</strong>: e.g., Klonopin, Ativan, flunitrazepam</td>
</tr>
<tr>
<td>(d) <strong>Fenfluramine</strong></td>
</tr>
<tr>
<td>(e) <strong>Stimulants</strong>: e.g., appetite suppressants</td>
</tr>
<tr>
<td>(f) <strong>Pentazocine &amp; butorphanol</strong></td>
</tr>
<tr>
<td>SCHEDULE V</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td>39-17-414 Substances</td>
</tr>
<tr>
<td>(b) Narcotics containing nonnarcotic active medicinal ingredients: e.g., limited percentages of codeine, opium, etc.</td>
</tr>
<tr>
<td>(c) Pyrovalerone</td>
</tr>
<tr>
<td>(d) Lacosamide &amp; Pregabaline</td>
</tr>
<tr>
<td>39-17-415 SCHEDULE VI</td>
</tr>
<tr>
<td>Substances: Marijuana, THC, and synthetic equivalents</td>
</tr>
<tr>
<td></td>
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<td></td>
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</tbody>
</table>
# Tennessee Drug Statutes Chart

**Tennessee Code: Title 39 Criminal Code**

<table>
<thead>
<tr>
<th>39-17-416 SCHEDULE VII</th>
<th>39-17-417(h)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substances: Butyl nitrite</td>
<td><strong>Manufacture, delivery, p.w.i. of Schedule VII</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Class E felony; 1-2yrs; &lt;$1,000</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OTHER OFFENSES/PENALTIES</th>
<th>ENHANCEMENTS/ BENEFIT RESTRICTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>39-17-418 Simple possession or casual exchange: Class A misdemeanor; &lt;1yr and/or &lt;$2,500</td>
<td>Drug offender school, rehab, community service may be required or subsequent offense: Class E felony; 1-2yrs; &lt;$50,000</td>
</tr>
<tr>
<td>39-17-421 substitution of drugs in filling prescriptions: Class C misdemeanor; &lt;30days and/or &lt;$50.00</td>
<td></td>
</tr>
<tr>
<td>39-17-422 inhaling, selling, giving or possessing glue, paint, gas, etc. for unlawful purposes: Class A misdemeanor; &lt;1yr and/or &lt;$2,500</td>
<td>Sale w/ knowledge of unlawful use: Class E felony; 1-2yrs; &lt;$50,000</td>
</tr>
<tr>
<td>39-17-423 Sale, delivery, distribution of counterfeit controlled substance: Class E felony; 1-2yrs; &lt;$2,500</td>
<td>Recipient: Class A misdemeanor; &lt;1yr and/or &lt;$2,500</td>
</tr>
<tr>
<td>39-17-425 Unlawful drug paraphernalia use/advertisement: Class A misdemeanor; &lt;1yr and/or &lt;$2,500</td>
<td>Sale w/ knowledge of unlawful use: Class E felony; 1-2yrs; &lt;$50,000</td>
</tr>
<tr>
<td>39-17-430 Prescription of steroids for performance enhancement w/o medical necessity: Class D felony; 2-4yrs; &lt;$50,000</td>
<td></td>
</tr>
<tr>
<td>39-17-431 Violation of methamphetamine precursor regulations: Class A misdemeanor; &lt;1yr and/or &lt;$2,500</td>
<td></td>
</tr>
<tr>
<td>39-17-435 Initiation of a process intended to result in methamphetamine manufacture: Class B felony; 8-12yrs; &lt;$200,000</td>
<td></td>
</tr>
<tr>
<td>39-17-437 Possession of substance designed to falsify drug test: Class A misdemeanor; &lt;1yr and/or &lt;$2,500</td>
<td>Sale of synthetic urine: Class C misdemeanor; &lt;30days and/or &lt;$50.00</td>
</tr>
<tr>
<td>Sale of synthetic urine: Class C misdemeanor; &lt;30days and/or &lt;$50.00</td>
<td></td>
</tr>
<tr>
<td>39-17-438 Manufacture, distribution or possession of salvia divinorum: Class D felony; 2-4yrs; &lt;$50,000</td>
<td>or subsequent violation: Class C felony; 3-6yrs; &lt;$100,000</td>
</tr>
<tr>
<td>39-17-452 Manufacture, distribution, or</td>
<td></td>
</tr>
</tbody>
</table>
### Tennessee Drug Statutes Chart
Tennessee Code: Title 39 Criminal Code

<table>
<thead>
<tr>
<th><strong>possession of methcathinone:</strong> Class A misdemeanor; &lt;1yr and/or &lt;$2,500</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>39-17-452</strong> <strong>Manufacture, distribution or p.w.i. of imitation controlled substances:</strong> Class E felony; 1-2yrs; $2,000-$5,000</td>
</tr>
<tr>
<td><strong>Use of imitation controlled substances:</strong> Class A misdemeanor; &lt;1yr; $250-$2,500</td>
</tr>
<tr>
<td><strong>39-17-454(c) Manufacture, delivery, sale of a controlled substance analogue:</strong> Class D felony; 2-4yrs; &lt;$50,000</td>
</tr>
<tr>
<td><strong>39-17-454(d) Possession or casual exchange of &lt;1g of a controlled substance analogue:</strong> Class A misdemeanor; &lt;1yr and/or &lt;$2,500</td>
</tr>
<tr>
<td><strong>39-17-454(f) representation that a controlled substance analogue is a controlled substance:</strong> Class A misdemeanor; &lt;1yr and/or &lt;$2,500</td>
</tr>
</tbody>
</table>

#### ENHANCEMENT OFFENSES

<table>
<thead>
<tr>
<th><strong>ENHANCED PENALTIES</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>39-17-417(k) Manufacture, delivery, or p.w.i. to a minor</strong></td>
</tr>
<tr>
<td>One penalty classification higher</td>
</tr>
<tr>
<td><strong>39-17-432 Violations w/in 1,000 ft of a school, library, rec center or park</strong></td>
</tr>
<tr>
<td>One penalty classification higher and higher fine No s.s. or p. p.</td>
</tr>
</tbody>
</table>
39-17-405. Criteria for Schedule I.

- The commissioner of mental health and substance abuse services, upon the agreement of the commissioner of health, shall place a substance in Schedule I upon finding that the substance has:
  - (1) High potential for abuse; and
  - (2) No accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

39-17-406. Controlled substances in Schedule I.

- (a) Schedule I consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

- (b) Opiates, unless specifically excepted or unless listed in another schedule, means 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. For the purposes of subdivision (b)(34) only, the term isomer includes the optical and geometric isomers.
  - (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
  - (2) Acetylmethadol;
  - (3) Alphalprodine;
  - (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]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine;
  - (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-4-piperidinyl]-N-phenylpropanamide);
  - (9) Benzethidine;
  - (10) Betacetylmethadol;
  - (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
  - (12) Beta-hydroxy-3-methylfentanyl

Other names: 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;
Tennessee Drug Statutes

- (24) Dioxaphetyl butyrate;
- (25) Dipipanone;
- (26) Ethylmethylthiambutene;
- (27) Etonitazene;
- (28) Etoxeridine;
- (29) Furethidine;
- (30) Hydroxypethidine;
- (31) Ketobemidone;
- (32) Levomoramide;
- (33) Levophenacylmorphan;
- (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) Morphideridine;
- (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- (38) Noracymethadol;
- (39) Norlevorphanol;
- (40) Normorphethadone;
- (41) Norpipanone;
- (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] 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-piperidinyl]-propanamide);
- (54) Tilidine; or
- (55) Trimeperidine.

• (c) Opium derivatives, unless specifically excepted or unless listed in another schedule, means any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:
  - (1) Acetorphine;
  - (2) Acetyldihydrocodeine;
  - (3) Benzilmorphone;
  - (4) Codeine methylbromide;
  - (5) Codeine-N-Oxide;
  - (6) Cyprenorphine;
  - (7) Desomorphine;
  - (8) Dihydromorphone;
  - (9) Drotebanol;
  - (10) Etorphine (except hydrochloride salt);
  - (11) Heroin;
  - (12) Hydromorphinol;
  - (13) Methyldeorphine;
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- (14) Methyldihydromorphine;
- (15) Morphine methylbromide;
- (16) Morphine methylsulfonate;
- (17) Morphine-N-Oxide;
- (18) Myrophine;
- (19) Nicocodeine;
- (20) Nicomorphine;
- (21) Normorphine;
- (22) Pholcodine; or
- (23) Thebacon.

- (d) Hallucinogenic substances, unless specifically excepted or unless listed in another schedule, means 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 the salts, isomers, and salts of isomers is possible within the specified chemical designation. For purposes of this subsection (d) only, "isomer" includes the optical, positional and geometric isomers:
  - (1) Alpha-ethyltryptamine
    Other names: etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; alpha-ET; AET;
  - (2) 4-Bromo-2,5-dimethoxyamphetamine
    Other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA;
  - (3) 4-Bromo-2,5-dimethoxyphenethylamine
    Other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus;
  - (4) 2,5-Dimethoxyamphetamine
    Other names: 2,5 dimethoxy-alpha-methylphenethylamine; 2,5-DMA;
  - (5) 2,5-Dimethoxy-4-ethylamphetamine
    Other name: DOET;
  - (6) 2,5 Dimethoxy-4-(n)-propylthiophenethylamine
    Other name: 2C-T-7;
  - (7) 4-Methoxyamphetamine
    Other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine (PMA);
  - (8) 5-Methoxy-3,4-methylenedioxyamphetamine;
  - (9) 4-Methyl-2,5-dimethoxyamphetamine
    Other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; DOM; STP;
(10) 3,4-Methylenedioxyamphetamine;

Other name: MDMA;

(11) 3,4-Methylenedioxymethamphetamine

(12) 3,4-Methylenedioxy-N-ethylamphetamine

Other names: N-ethyl-alpha-methyl 3,4(methylenedioxy)phenethylamine; N-ethyl MDA; MDE; MDEA;

(13) N-hydroxy-3,4-methylenedioxoyamphetamine

Other names: N-hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine; N-hydroxy MDA;

(14) 3,4,5-Trimethoxyamphetamine;

(15) 5-Methoxy-N,N-dimethyltryptamine

Other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT;

(16) Alpha-methyltryptamine

Other name: AMT;

(17) Bufotenine

Other names: 3-((beta-dimethylaminoethyl)-5-hydroxindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;

(18) Diethyltryptamine

Other names: N, N-Diethyltryptamine; DET;

(19) Dimethyltryptamine

Other names: DMT;

(20) 5-Methoxy-N, N-diisopropyltryptamine

Other name: 5-MeO-DIPT;

(21) Ibogaine

Other names: 7-Ethyl-6,6 beta,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) Mescaline;

(24) Parahexyl

Other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d] pyran; Synhexyl;
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- **(25)** 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;
  - **(26)** N-ethyl-3-piperidyl benzilate;
  - **(27)** N-methyl-3-piperidyl benzilate;
  - **(28)** Psilocybin;
  - **(29)** Psilocyan;
  - **(30)** Ethylamine analog of phencyclidine

Other names: N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

- **(31)** Pyrrolidine analog of phencyclidine

Other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; PHP;

- **(32)** Thiophene analog of phencyclidine

Other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienylanalog of phencyclidine; TPCP; TCP; or

- **(33)** 1-[1-(2-Thienyl)cyclohexyl]pyrrolidine

Other names: TCPy.

• **(e)** Depressants, unless specifically excepted or unless listed in another schedule, means any material, compound, mixture, or preparation that 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 the salts, isomers, and salts of isomers is possible within the specified chemical designation:
  - **(1)** Gamma-hydroxybutyric acid

Other names: GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate;

  - **(2)** Mecloqualone; or
  - **(3)** Methaqualone.

• **(f)** Stimulants, unless specifically excepted or unless listed in another schedule, means any material, compound, mixture, or preparation that 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

Other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-phenyl-2-oxazolamine;

  - **(2)** N-benzylpiperazine

Other names: BZP, 1-benzylpiperazine;

  - **(3)** Cathinone
Tennessee Drug Statutes

Other names: 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone; 2-aminopropiophenone; norphedrone;

- (4) Fenethylline;
- (5) Methcathinone

Other names: 2-(methylamino)-propiophenone; alpha-(methylamino) propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrine; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463; UR 1432; its salts, optical isomers and salts of optical isomers;

- (6) (+/-)cis-4-Methylaminorex

Other names: (+/-) cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine;

- (7) N-ethylamphetamine; or
- (8) N, N-dimethylamphetamine

Other names: N, N-alpha-trimethyl-benzeneethanamine; N, N-alpha-trimethylphenethylamine.

39-17-407. Criteria for Schedule II.

- The commissioner of mental health and substance abuse services, upon the agreement of the commissioner of health, shall place a substance in Schedule II upon finding that:
  - (1) The substance has high potential for abuse;
  - (2) The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and
  - (3) The abuse of the substance may lead to severe psychic or physical dependence.

39-17-408. Controlled substances in Schedule II.

- (a) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.
- (b) Substances, vegetable origin or chemical synthesis, unless specifically excepted or unless listed in another schedule, means 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:
  - (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, but including the following:
    - (A) Codeine;
    - (B) Dihydroetorphine;
    - (C) Ethylmorphine;
    - (D) Etorphine hydrochloride;
    - (E) Granulated opium;
    - (F) Hydrocodone;
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- (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; or
- (R) Tincture of opium.

- (2) Any salt, compound, derivative, or preparation thereof that is chemically equivalent or identical with any of the substances referred to in subdivision (b)(1), 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; or

- (5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form that contains the phenanthrene alkaloids of the opium poppy).

- (c) Opiates, unless specifically excepted or unless listed in another schedule, means any of the following opiates, including its 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 (non-dosage forms);
  - (6) Carfentanil;
  - (7) Dihydrocodeine;
  - (8) Diphenoxylate;
  - (9) Fentanyl;
  - (10) Isomethadone;
  - (11) Levo-alpha-acetylmethadol

Other names: Levo-alpha-acetylmethadol; levomethadyl; LAAM;

- (12) Levomethorphan;
- (13) Levorphanol;
- (14) Metazocine;
- (15) Methadone;
- (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenylbutane;
- (17) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
- (18) Pethidine (meperidine);
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- (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; or
- (28) Tapentadol.

- (d) Stimulants, unless specifically excepted or unless listed in another schedule, means 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; or
  - (5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.

- (e) Depressants, unless specifically excepted or unless listed in another schedule, means any material, compound, mixture, or preparation that 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; or
  - (5) Secobarbital.

- (f) Hallucinogenic substances.
  - (1) Nabilone
    Other names: (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6, 6-dimethyl-9H-dibenzo[b,d]pyran-9-one.

- (g) Immediate precursors, unless specifically excepted or unless listed in another schedule, means any material, compound, mixture or preparation which contains any quantity of the following substances:
  - (1) Immediate precursor to amphetamine and methamphetamine:
    - (A) Phenylacetone
      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); or
  - (3) Immediate precursor to fentanyl:
    - (A) 4-aniilino-N-phenethyl-4-piperidine (ANPP).

39-17-409. Criteria for Schedule III.
The commissioner of mental health and substance abuse services, upon the agreement of the commissioner of health, shall place a substance in Schedule III upon finding that:

1. The substance has a potential for abuse less than the substances listed in Schedules I and II;
2. The substance has currently accepted medical use in treatment in the United States; and
3. Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

39-17-410. Controlled substances in Schedule III.

(a) Schedule III shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Stimulants, unless specifically excepted or unless listed in another schedule, means any material, compound, mixture, or preparation that 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. Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II, which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under CFR 1308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;
2. Benzphetamine;
3. Chlorphentermine;
4. Clortermine; or
5. Phendimetrazine.

(c) Depressants, unless specifically excepted or unless listed in another schedule, means 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 any salt thereof and one or more other active medicinal ingredients that are not listed in any schedule;
2. Any suppository dosage form containing:
   (A) Amobarbital;
   (B) Secobarbital;
   (C) Pentobarbital;
   or any salt of any of these drugs and approved by the United States food and drug administration for marketing only as a suppository;
3. Any substance that contains any quantity of a derivative of barbituric acid or any salt thereof:
   (A) Aprobabital;
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- (B) Butabarbital (secbutabarbital);
- (C) Butalbital;
- (D) Butobarbital (butethal);
- (E) Talbutal;
- (F) Thiamylal;
- (G) Thiopental; or
- (H) Vinbarbital;

- (4) Chlorhexadol;
- (5) Embutramide;
- (6) Gamma hydroxybutyric acid preparations. Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under § 505 of the federal Food, Drug, and Cosmetic Act, USC § 301, et seq.;
- (7) Ketamine, its salts, isomers, and salts other name: (+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone;

- (8) Lysergic acid;
- (9) Lysergic acid amide;
- (10) Methyprylon;
- (11) Sulfondiethylmethane;
- (12) Sulfonethylmethane;
- (13) Sulfonmethane; or
- (14) Tiletamine and zolazepam or any salt of tiletamine or zolazepam:
  - (A) Other name for a tiletamine-zolazepam combination product: Telazol(R);
  - (B) Other name for tiletamine: 2-(ethylnitrimo)-2-(thiynyl)-cyclohexanone; and
  - (C) Other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e] [1,4]-diazepin-7(1H)-one; flupyrazapon.

- (d) Nalorphine.
- (e) Narcotic drugs, unless specifically excepted or unless listed in another schedule, means:
  - (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:
    - (A) 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;
    - (B) 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;
    - (C) Not more than 300 milligrams of dihydrocodeine (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;
    - (D) Not more than 300 milligrams of dihydrocodeine (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;
    - (E) 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;
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- (F) 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;
- (G) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than twenty-five (25) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
- (H) 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;
- (2) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts:
  - (A) Buprenorphine.

- (f) Anabolic steroids, unless specifically excepted or unless listed in another schedule, means any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation:
  - (1) Anabolic steroids:
    - (A) 3[beta],17-dihydroxy-5a-androstane;
    - (B) 3[alpha],17[beta]-dihydroxy-5a-androstane;
    - (C) 5[alpha]-androstan-3,17-dione;
    - (D) 1-androstenediol (3[beta],17[beta]-dihydroxy-5[alpha]-androst-1-ene);
    - (E) 1-androstenediol (3[alpha],17[beta]-dihydroxy-5[alpha]-androst-1-ene);
    - (F) 4-androstenediol (3[beta],17[beta]-dihydroxy-androst-4-ene);
    - (G) 5-androstenediol (3[beta],17[beta]-dihydroxy-androst-5-ene);
    - (H) 1-androstenedione ([5[alpha]]-androst-1-en-3,17-dione);
    - (I) 4-androstenedione (androst-4-en-3,17-dione);
    - (J) 5-androstenedione (androst-5-en-3,17-dione);
    - (K) Bolasterone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);
    - (L) Boldenone (17[beta]-hydroxyandrost-1,4-diene-3-one);
    - (M) Boldione (androsta-1,4-diene-3,17-dione);
    - (N) Calusterone (7[beta],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);
    - (O) Clostebol (4-chloro-17[beta]-hydroxyandrost-4-en-3-one)
  
  Other name: Chlorotestosterone;

- (P) Dehydrochloromethyltestosterone (4-chloro-17[beta]-hydroxy-17[alpha]-methyl-androst-1,4-dien-3-one);
- (Q) [Delta]1-dihydrotestosterone (17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);
- (R) 4-dihydrotestosterone (17[beta]-hydroxy-androst-3-one)
  
  Other name: Stanolone;

- (S) Drostanolone (17[beta]-hydroxy-2[alpha]-methyl-5[alpha]-androstan-3-one);
- (T) Ethylestrenol (17[alpha]-ethyl-17[beta]-hydroxyestr-4-ene);
- (U) Fluoxymesterone (9-fluoro-17[alpha]-methyl-11[beta],17[beta]-dihydroxyandrost-4-en-3-one);
(V) Formebolone (2-formyl-17[alpha]-methyl-11[alpha],17[beta]-dihydroxyandrost-1,4-dien-3-one);
(W) Furazabol (17[alpha]-methyl-17[beta]-hydroxyandrostano[2,3-c]-furazan);
(X) 13[beta]-ethyl-17[beta]-hydroxygen-4-en-3-one;
(Y) 4-hydroxytestosterone (4,17[beta]-dihydroxy-androst-4-en-3-one);
(Z) 4-hydroxy-19-nortestosterone (4,17[beta]-dihydroxy-estr-4-en-3-one);
(AA) Desoxymethyltestosterone (17[alpha]-methyl-5[alpha]-androst-2-en-17[beta]-ol);
(BB) Mestanolone (17[alpha]-methyl-17[beta]-hydroxy-5-androstan-3-one);
(CC) Mesterolone (1[alpha]methyl-17[beta]-hydroxy-[5[alpha]]-androstan-3-one);
/DD) Methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-dien-3-one);
(EE) Methandriol (17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrostan-5-ene);
(FF) Methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);
(GG) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxy-5a-androstan;
(HH) 17[alpha]-methyl-3[alpha], 17[beta]-dihydroxy-5a-androstan;
(II) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxyandrost-4-ene;
(JJ) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one);
(KK) Methylidenolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9(10)-dien-3-one);
(LL) Methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9-11-trien-3-one);
(MM) Methyltestosterone (17[alpha]-methyl-17[beta]-hydroxyandrost-4-en-3-one);
(NN) Mibolerone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyestra-4-en-3-one);
(PP) Mibosterol (17[beta]-hydroxyestra-4-en-3-one);
(QQ) 19-nor-4-androstenediol (3[beta],17[beta]-dihydroxyestra-4-en-3-one);
(RR) 19-nor-4-androstenediol (3[alpha],17[beta]-dihydroxyestra-4-en-3-one);
(SS) 19-nor-5-androstenediol (3[beta],17[beta]-dihydroxyestra-5-en-3-one);
(TT) 19-nor-5-androstenediol (3[alpha],17[beta]-dihydroxyestra-5-en-3-one);
(UU) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
(VV) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
(WW) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
(XX) Norbolethone (13[beta],17[alpha]-diethyl-17[beta]-hydroxygen-4-en-3-one);
(VV) Norclostebol (4-chloro-17[beta]-hydroxyestra-4-en-3-one);
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- (ZZ) Norethandrolone (17[alpha]-ethyl-17[beta]-hydroxyestr-4-en-3-one);
- (AAA) Normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one);
- (BBB) Oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-2-oxa-[5[alpha]]-androstan-3-one);
- (CCC) Oxymesterone (17[alpha]-methyl-4,17[beta]-dihydroxyandrost-4-en-3-one);
- (DDD) Oxymetholone (17[alpha]-methyl-2-hydroxymethylene-17[beta]-hydroxy-[5[alpha]]-androst-2-eno[3,2-c]-pyrazole);
- (EEE) Stanozolol (17[alpha]-methyl-17[beta]-hydroxy-[5[alpha]]-androst-1-en-3-one);
- (FFF) Stenbolone (17[beta]-hydroxy-2-methyl-[5[alpha]]-androst-1-en-3-one);
- (GGG) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
- (HHH) Testosterone (17[beta]-hydroxyandrost-4-en-3-one);
- (III) Tetrahydrogestrinone (13[beta], 17[alpha]-diethyl-17[beta]-hydroxygon-4,9,11-trien-3-one);
- (JJJ) Trenbolone (17[beta]-hydroxyestr-4,9,11-trien-3-one); or
- (KKK) Methandrostenolone;

(2) Any salt, ester, or ether of a drug or substance described in this subsection (f). Except such term does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and that has been approved by the secretary of health and human services for such administration. If any person prescribes, dispenses, or distributes such steroid for human use, the person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this subsection (f);

(3) Anabolic steroids with a combination of estrogens intended for administration to hormone deficient women are exempt from this rule unless such steroids are prescribed, dispensed, or distributed to women who are not hormone deficient.

(g) Hallucinogenic substances.

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product.

Other names: (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-penty1-6H-dibenzo [b,d]pyran-1-ol] or (-)-delta-9-(trans)-tetrahydrocannabinol].

39-17-411. Criteria for Schedule IV.

The commissioner of mental health and substance abuse services, upon the agreement of the commissioner of health, shall place a substance in Schedule IV upon finding that:

(1) The substance has a low potential for abuse relative to substances in Schedule III;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.
39-17-412. Controlled substances in Schedule IV.

(a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs, unless specifically excepted or unless listed in another schedule, means 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 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit; or
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane).

(c) Depressants, unless specifically excepted or unless listed in another schedule, means any material, compound, mixture, or preparation that 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) Eszopiclone;
(19) Ethchlorvynol;
(20) Ethinamate;
(21) Ethyl Loflazepate;
(22) Fludiazepam;
(23) Flunitrazepam;
(24) Flurazepam;
(25) Fospropofol;
(26) Halazepam;
(27) Haloxazolam;
(28) Ketazolam;
(29) Loprazolam;
(30) Lorazepam;
(31) Lormetazepam;
(32) Mebutamate;
(33) Medazepam;
(34) Meprobamate;
(35) Methohexital;
o (36) Methylphenobarbital (mephobarbital);
o (37) Midazolam;
o (38) Nimetazepam;
o (39) Nitrazepam;
o (40) Nordiazepam;
o (41) Oxazepam;
o (42) Oxazolam;
o (43) Paraldehyde;
o (44) Petrichloral;
o (45) Phenobarbital;
o (46) Pinazepam;
o (47) Prazepam;
o (48) Quazepam;
o (49) Temazepam;
o (50) Tetrazepam;
o (51) Tramadol;
o (52) Triazolam;
o (53) Zaleplon;
o (54) Zolpidem; or
o (55) Zopiclone.

- (d) Fenfluramine means 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:
o (1) Fenfluramine.

- (e) Stimulants, unless specifically excepted or unless listed in another schedule, means any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:
o (1) Cathine ((+)-norpseudoephedrine);
o (2) Diethylpropion;
o (3) Fencamfamin;
o (4) Fenproporex;
o (5) Mazindol;
o (6) Mefenorex;
o (7) Modafinil;
o (8) Pemoline (including organometallic complexes and chelates thereof);
o (9) Phentermine;
o (10) Pipradrol;
o (11) Sibutramine; or
o (12) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

- (f) Other substances, unless specifically excepted or unless listed in another schedule, means any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts:
o (1) Pentazocine; or
o (2) Butorphanol (including its optical isomers).

39-17-413. Criteria for Schedule V.

- The commissioner of mental health and substance abuse services, upon the agreement of the commissioner of health, shall place a substance in Schedule V upon finding that:
39-17-414. Controlled substances in Schedule V.

- (a) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

- (b) Narcotic drugs containing nonnarcotic active medicinal ingredients means 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; or
  - (6) Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

- (c) Stimulants, unless specifically exempted or excluded, or unless listed in another schedule, means any material, compound, mixture, or preparation that 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.

- (d) Depressants, unless specifically exempted or excluded or unless listed in another schedule, means 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) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide]; or
  - (2) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].
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their isomers with similar chemical structure and pharmacological activity, such as
the following:

- (A) 1 cis or trans tetrahydrocannabinol, and its optical isomers;
- (B) 6 cis or trans tetrahydrocannabinol, and its optical isomers; or
- (C) 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers.

(b) Since nomenclature of these substances is not internationally standardized,
compounds of these structures, regardless of numerical designation of atomic positions
are covered.

39-17-416. Controlled substances in Schedule VII.

There is established a Schedule VII for the classification of substances that should not be
included in Schedules I through VI. The controlled substance included in Schedule VII is
Butyl nitrite and any isomer of Butyl nitrite.

39-17-417. Criminal offenses and penalties.

(a) It is an offense for a defendant to knowingly:

- (1) Manufacture a controlled substance;
- (2) Deliver a controlled substance;
- (3) Sell a controlled substance; or
- (4) Possess a controlled substance with intent to manufacture, deliver or sell
the controlled substance.

(b) A violation of subsection (a) with respect to a Schedule I controlled substance is
a Class B felony and, in addition, may be fined not more than one hundred thousand
dollars ($100,000).

(c) A violation of subsection (a) with respect to:

- (1) Cocaine or methamphetamine is a Class B felony if the amount involved
is point five (.5) grams or more of any substance containing cocaine or
methamphetamine and, in addition, may be fined not more than one hundred
thousand dollars ($100,000); and
- (2)

  (A) Any other Schedule II controlled substance, including cocaine or
methamphetamine in an amount of less than point five (.5) grams, is a Class C
felony and, in addition, may be fined not more than one hundred thousand
dollars ($100,000); provided, that if the offense involves less than point five (.5)
grams of a controlled substance containing cocaine or methamphetamine but the
defendant carried or employed a deadly weapon as defined in § 39-11-106,
during commission of the offense or the offense resulted in death or bodily injury
to another person, the offense is a Class B felony.

  (B) As a part of any sentence imposed for a violation of subdivision
(a)(1) involving a controlled substance listed in § 39-17-408(d)(2), the court
shall require the defendant to make restitution to any governmental entity for the
costs reasonably incurred in cleaning the area in which the offense occurred and
in rendering the area safe for human use.

  (C) In addition to the requirement that restitution be made to the
governmental entity pursuant to subdivision (c)(2)(B), the court shall also
require that restitution be made to any private property owner, either real or
personal, whose property is destroyed or suffers damage as a result of the
offense. In the case of property that was rented or leased, damages may also
include the loss of any revenue that occurred because the property was
uninhabitable or a crime scene. The type and amount of restitution permitted
pursuant to this subdivision (c)(2)(C) shall be determined by the court using the procedure set out in § 40-35-304.

- (d) A violation of subsection (a) with respect to a Schedule III controlled substance is a Class D felony and, in addition, may be fined not more than fifty thousand dollars ($50,000).
  - (2) Notwithstanding any other provision of law to the contrary, a person charged for the first time with delivering an anabolic steroid or possessing an anabolic steroid with the intent to manufacture, deliver or sell the steroid shall be eligible for pretrial diversion pursuant to title 40, chapter 15, and probation pursuant to title 40, chapter 28 and § 40-35-313.
  - (B) The inference permitted by the first sentence of § 39-17-419 does not apply to a person charged under subdivision (a)(4) with possession of an anabolic steroid with intent to sell or deliver the steroid. Unless the state can prove that an actual sale or delivery occurred, the person may only be convicted of simple possession and punished as provided in § 39-17-418.

- (e) A violation of subsection (a) with respect to:
  - (1) Flunitrazepam is a Class C felony and, in addition, may be fined not more than one hundred thousand dollars ($100,000); and
  - (2) Any other Schedule IV controlled substance is a Class D felony and, in addition, may be fined not more than fifty thousand dollars ($50,000).

- (f) A violation of subsection (a) with respect to a Schedule V controlled substance is a Class E felony and, in addition, may be fined not more than five thousand dollars ($5,000).

- (g) A violation of subsection (a) with respect to a Schedule VI controlled substance classified as marijuana containing not less than one-half (1/2) ounce (14.175 grams) nor more than ten pounds (10 lbs.) (4535 grams) of marijuana, or a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish), containing not more than two pounds (2 lbs.) (905 grams) of hashish is a Class E felony and, in addition, may be fined not more than five thousand dollars ($5,000).
  - (2) A violation of subsection (a) with respect to a Schedule VI controlled substance classified as marijuana and containing not less than ten pounds (10 lbs.), one gram (4536 grams) of marijuana nor more than seventy pounds (70 lbs.) (31,696 grams) of marijuana, or a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish) and containing not less than two pounds (2 lbs.), one gram (906 grams) nor more than four pounds (4 lbs.) (1810 grams) of hashish, or a Schedule VI controlled substance classified as marijuana consisting of not less than ten (10) marijuana plants nor more than nineteen (19) marijuana plants, regardless of weight, is a Class D felony and, in addition, may be fined not more than fifty thousand dollars ($50,000).
  - (3) A violation of subsection (a) with respect to a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish) and containing not less than four pounds (4 lbs.), one gram (1811 grams) nor more than eight pounds (8 lbs.) (3620 grams) of hashish, or a Schedule VI controlled substance classified as marijuana consisting of not less than twenty (20) marijuana plants nor more than ninety-nine (99) marijuana plants, regardless of weight, is a Class C felony and, in addition, may be fined not more than one hundred thousand dollars ($100,000).
• (h) A violation of subsection (a) with respect to a Schedule VII controlled substance is a Class E felony and, in addition, may be fined not more than one thousand dollars ($1,000).

• (i) A violation of subsection (a) with respect to the following amounts of a controlled substance, or conspiracy to violate subsection (a) with respect to such amounts, is a Class B felony and, in addition, may be fined not more than two hundred thousand dollars ($200,000):
  o (1) Fifteen (15) grams or more of any substance containing heroin;
  o (2) Fifteen (15) grams or more of any substance containing morphine;
  o (3) Five (5) grams or more of any substance containing hydromorphone;
  o (4) Five (5) grams or more of any substance containing lysergic acid diethylamide (LSD);
  o (5) Twenty-six (26) grams or more of any substance containing cocaine;
  o (6) Five (5) grams or more of any substance containing a combination of pentazocine and tripelennamine or joint possession of pentazocine and tripelennamine;
  o (7) Thirty (30) grams or more of any substance containing phencyclidine;
  o (8) One hundred (100) grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid;
  o (9) Fifty (50) grams or more of any substance containing phenmetrazine;
  o (10) Twenty-six (26) grams or more of any substance containing amphetamine or methamphetamine or any salt of an optical isomer of amphetamine or methamphetamine;
  o (11) One thousand (1,000) grams or more of any substance containing peyote;
  o (12) Two hundred (200) grams or more of any substance containing a controlled substance classified in Schedule I or II not listed in subdivisions (i)(1)-(11); or
  o (13) Not less than seventy pounds (70 lbs.), (31,697 grams) nor more than three hundred pounds (300 lbs.) (136,050 grams) of any substance containing marijuana, or a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish) and containing not less than eight pounds (8 lbs.), one gram (3621 grams) nor more than fifteen pounds (15 lbs.) (6,792 grams) of any substance containing hashish, or not less than one hundred (100) marijuana plants nor more than four hundred ninety-nine (499) marijuana plants, regardless of weight.

• (j) A violation of subsection (a) with respect to the following amounts of a controlled substance, or conspiracy to violate subsection (a) with respect to such amounts is a Class A felony and, in addition, may be fined not more than five hundred thousand dollars ($500,000):
  o (1) One hundred fifty (150) grams or more of any substance containing heroin;
  o (2) One hundred fifty (150) grams or more of any substance containing morphine;
  o (3) Fifty (50) grams or more of any substance containing hydromorphone;
  o (4) Fifty (50) grams or more of any substance containing lysergic acid diethylamide (LSD);
  o (5) Three hundred (300) grams or more of any substance containing cocaine;
  o (6) Fifty (50) grams or more of any substance containing a combination of pentazocine and tripelennamine or joint possession of pentazocine and tripelennamine;
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(7) Three hundred (300) grams or more of any substance containing phencyclidine;

(8) One thousand (1,000) grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid;

(9) Five hundred (500) grams or more of any substance containing phenmetrazine;

(10) Three hundred (300) grams or more of any substance containing amphetamine or methamphetamine or any salt of an optical isomer of amphetamine or methamphetamine;

(11) Ten thousand (10,000) grams or more of any substance containing peyote;

(12) Two thousand (2,000) grams or more of any substance containing a controlled substance classified in Schedule I or II not listed in subdivisions (i)(1)-(11); or

(13) (A) Three hundred pounds (300 lbs.) (136,050 grams) or more of any substance containing marijuana, or a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish) and containing not less than fifteen pounds (15 lbs.), one gram (6,793 grams) of any substance containing hashish, or five hundred (500) or more marijuana plants, regardless of weight.

(B) [Deleted by 2012 amendment.]

(k) A violation of this section or a conspiracy to violate this section where the recipient or the intended recipient of the controlled substance is under eighteen (18) years of age shall be punished one (1) classification higher than provided in subsections (b)-(i).

(l) (1) If the district attorney general believes that a defendant should be sentenced as a habitual drug offender, the district attorney general shall file notice of the defendant's record of prior convictions for violations specified in this subsection (l) in conformity with the provisions of § 40-35-202.

(2) The trial court, upon the request of the district attorney general, shall enter injunctions, restraining orders, directions or prohibitions, or take other actions, including the acceptance of satisfactory performance bonds, liens on real property, security interests in personal property, for the purpose of collecting any fine imposed pursuant to this entire section.

(3) Any person found guilty of a violation of this section that constitutes a Class A or Class B felony or attempts to commit a Class A or Class B violation of this section or conspiracy to commit a Class A or Class B violation of this section and who has at least three (3) prior Class A or Class B felony convictions or any combination thereof under the provisions of this section or § 39-6-417 [repealed] or under the laws of any other state or jurisdiction, which if committed in this state would have constituted a Class A or Class B felony violation under this section or § 39-6-417 [repealed]; provided, that the prior convictions were for violations committed at different times and on separate occasions at least twenty-four (24) hours apart, shall be found to be an habitual drug offender and shall be sentenced to one range of punishment higher than the range of punishment otherwise provided for in § 40-35-105, and, in addition, shall be fined not more than two hundred thousand dollars ($200,000).

(m) The offense described in subdivision (a)(1) with respect to any substance defined in § 39-17-408(d)(2) shall include the preparation or compounding of a controlled substance by an individual for the individual's own use.
39-17-418. Simple possession or casual exchange.

- (a) It is an offense for a person to knowingly possess or casually exchange a controlled substance, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice.
- (b) It is an offense for a person to distribute a small amount of marijuana not in excess of one-half (1/2) ounce (14.175 grams).
- (c) Except as provided in subsections (d) and (e), a violation of this section is a Class A misdemeanor.
- (d) A violation of subsections (a) or (b), where there is casual exchange to a minor from an adult who is at least two (2) years the minor's senior, and who knows that the person is a minor, is punished as a felony as provided in § 39-17-417.
- (e) A violation under this section is a Class E felony where the person has two (2) or more prior convictions under this section.
- (f)
  1. In addition to the other penalties provided in this section, any person convicted of violating this section for possession of a controlled substance may be required to attend a drug offender school, if available, or may be required to perform community service work at a drug or alcohol rehabilitation or treatment center.
  2. Any person required to attend a drug offender school pursuant to this subsection (f) shall also be required to pay a fee for attending the school. If the court determines that the person, by reason of indigency, cannot afford to pay a fee to attend the school, the court shall waive the fee and the person shall attend the school without charge. The amount of fee shall be established by the local governmental authority operating the school, but the fee shall not exceed the fee charged for attending an alcohol safety DUI school program if such a program is available in the jurisdiction. All fees collected pursuant to this subsection (f) shall be used by the governmental authority responsible for administering the school for operation of the school.

39-17-421. Substitution of drugs in filling prescriptions prohibited.

- (a) Except as provided in title 53, chapter 10, part 2, it shall be unlawful for any pharmacist, or any pharmacy technician or pharmacy intern under the supervision of a pharmacist who dispenses prescriptions, drugs, and medicines, to substitute any drug or device different from the one ordered, or deviate in any manner from the requirements of an order or prescription, without the approval of the prescriber, as defined in § 63-10-204.
- (b) A violation of this section is a Class C misdemeanor.

39-17-422. Inhaling, selling, giving or possessing glue, paint, gasoline, aerosol, gases, etc., for unlawful purposes.

- (a) No person shall, for the purpose of causing a condition of intoxication, inebriation, elation, dizziness, excitement, stupefaction, paralysis, or the dulling of the brain or nervous system, or disturbing or distorting of the audio or visual processes, intentionally smell or inhale the fumes from any glue, paint, gasoline, aerosol, chlorofluorocarbon gas or other substance containing a solvent having the property of releasing toxic vapors or fumes; provided, that nothing in this section shall be interpreted as applying to the inhalation of any anesthesia for medical or dental purposes, or to the use of nitrous oxide to implement the distribution of beverages or other foodstuffs for commercial purposes.
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- **(b)** No person shall, for the purpose of violating subsection (a), use, or possess for the purpose of so using, any glue containing a solvent having the property of releasing toxic vapors or fumes.

- **(c)** No person shall sell, or offer to sell, or deliver or give away, to any person any tube or other container of glue, paint, gasoline, aerosol, chlorofluorocarbon gas or any other substance containing a solvent having the property of releasing toxic vapors or fumes, if the person has reasonable cause to suspect that the product sold or offered for sale, or delivered or given away, will be used for the purpose set forth in subsection (a).

- **(d)** As used in this section, "glue, paint, gasoline, aerosol, chlorofluorocarbon gas or other substance containing a solvent having the property of releasing toxic vapors or fumes" means and includes any glue, cement, paint, gasoline, aerosol, or any other substance of whatever kind containing one (1) or more of the following chemical compounds: acetone, an acetate, benzene, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, nitrous oxide, pentachlorophenol, petroleum ether, toluene or any group of polyhalogenated hydrocarbons containing fluorine and chlorine.

- **(e)** Nothing contained in this section shall be considered applicable to the sale of a hobby or model kit containing as a part of the kit a tube or other container of glue, nor shall this section be considered applicable to the sale of a tube or other container of glue immediately in conjunction with the sale of a hobby or model kit requiring the use of approximately the quantity of glue for the assembly of a model. Nothing contained in this section shall be applicable to the transfer of a tube or other container of glue from a parent to the parent’s own child, or from a guardian to the guardian’s own ward.

- **(f)**
  - (1) A violation of subsection (a), (b) or (d) is a Class A misdemeanor.
  - (2) A violation of subsection (c) is a Class E felony.


- **(a)** It is an offense for a person to:
  - (1) Sell;
  - (2) Deliver; or
  - (3) Distribute a substance that is represented to be a controlled substance and which is substantially similar in color, shape, size, and markings or lack thereof, to a Schedule I, II, III or IV controlled substance as classified in §§ 39-17-406 -- -17-412, in order that the substance may be sold as a controlled substance.

- **(b)** It is an offense for a person to manufacture for sale or exchange any substance with the intent that the substance substantially imitate in color, shape, size, and markings or lack of markings, the physical appearance of a Schedule I, II, III or IV controlled substance, as classified in §§ 39-17-406 -- -17-412, in order that the substance may be sold as a controlled substance.

- **(c)** A violation of subsection (a) or (b) is a Class E felony.

- **(d)** It is an offense for a person to be the recipient of a sale or exchange of a substance set forth in this section. A violation of this subsection (d) is a Class A misdemeanor. In addition to the penalties set forth in this section, the court may impose a mandatory drug rehabilitation program.

- **(e)** The provisions of this section shall not apply to:
  - (1) Any person who manufactures or sells a substance for use as a placebo by a licensed physician, dentist, pharmacist or registered nurse acting under the direction of a physician, dentist, or pharmacist;
  - (2) A licensed physician, dentist, pharmacist or registered nurse who sells, dispenses, administers or otherwise distributes a placebo to a patient of the physician or dentist for purposes of the medical care or treatment of the patient;
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- (3) A noncontrolled substance that was introduced into commerce prior to the introduction into commerce of the controlled substance that it is alleged to imitate;
- (4) A substance that may be legally purchased at a drug or grocery store without a prescription; provided, that the substance is not represented by the seller to be a controlled substance; and
- (5) A substance that is packaged and labeled in accordance with appropriate rules and regulations of the United States food and drug administration shall create a rebuttable presumption that the manufacturer or wholesaler of the substance is exempted from the provisions of this section.

39-17-424. Determination whether object is drug paraphernalia.

- In determining whether a particular object is drug paraphernalia as defined by § 39-17-402, the court or other authority making that determination shall, in addition to all other logically relevant factors, consider the following:
  - (1) Statements by the owner or anyone in control of the object concerning its use;
  - (2) Prior convictions, if any, of the owner or of anyone in control of the object for violation of any state or federal law relating to controlled substances or controlled substance analogues;
  - (3) The existence of any residue of controlled substances or controlled substance analogues on the object;
  - (4) Instructions, oral or written, provided with the object concerning its use;
  - (5) Descriptive materials accompanying the object that explain or depict its use;
  - (6) The manner in which the object is displayed for sale;
  - (7) The existence and scope of legitimate uses for the object in the community; and
  - (8) Expert testimony concerning its use.

39-17-425. Unlawful drug paraphernalia uses and activities.

- (a)
  - (1) Except when used or possessed with the intent to use by a person authorized by this part and title 53, chapter 11, parts 3 and 4 to dispense, prescribe, manufacture or possess a controlled substance, it is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or controlled substance analogue in violation of this part.
  - (2) Any person who violates this subsection (a) commits a Class A misdemeanor.

- (b)
  - (1) Except when delivered, possessed with the intent to deliver, or manufactured with the intent to deliver by a person authorized by this part and title 53, chapter 11, parts 3 and 4 to dispense, prescribe, manufacture or possess a controlled substance, it is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest,
inhale, or otherwise introduce into the human body a controlled substance or controlled substance analogue in violation of this part.

- (2) Any person who violates subdivision (b)(1) commits a Class E felony.

- (3) Except when delivered by a person authorized by this part and title 53, chapter 11, parts 3 and 4 to dispense, prescribe, manufacture or possess a controlled substance, any person eighteen (18) years of age or over who violates this subsection (b) by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years younger than that person commits a Class E felony.

(c)

- (1) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication, any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

- (2) Any person who violates the provisions of subdivision (c)(1) commits a Class A misdemeanor.

### 39-17-428. Mandatory minimum fines -- Allocation of proceeds.

- (a) Notwithstanding any other provision of this part to the contrary, any person convicted of violating any provision of this part shall be fined no less than the amount set out in the schedule in subsection (b). The fines set out in the schedule shall be the minimum mandatory fine for each type of offense and offender and shall not be construed to be a separate fine or in addition to the fines currently authorized by law for the offense committed. Nothing in this section shall prohibit the court from imposing a fine in excess of the minimum set out in such schedule; provided, that the amount is authorized by law.

- (b) In determining the minimum fine to impose upon any person convicted of violating any provision of this part, the court shall first determine whether the person was convicted of a misdemeanor or felony violation of this part and then shall determine if the person has any previous convictions for violations of this part. Having determined the category of offense and offender, the judge shall impose a minimum mandatory fine based upon the following:

<table>
<thead>
<tr>
<th>Category</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>First conviction for a misdemeanor drug offense involving a Schedule VI controlled substance classified as marijuana or hashish</td>
<td>$250</td>
</tr>
<tr>
<td>Second conviction for a misdemeanor drug offense involving a Schedule VI controlled substance classified as marijuana or hashish</td>
<td>500</td>
</tr>
<tr>
<td>Third or subsequent conviction for a misdemeanor drug offense involving a Schedule VI controlled substance classified as marijuana or hashish, enhanced as a felony under § 39-17-418(e)</td>
<td>1,000</td>
</tr>
<tr>
<td>First conviction for possession of drug paraphernalia under § 39-17-425(a)(1)</td>
<td>150</td>
</tr>
<tr>
<td>Second or subsequent conviction for possession of drug paraphernalia under § 39-17-425(a)(1) and conviction for all other misdemeanor drug offenses</td>
<td>250</td>
</tr>
</tbody>
</table>
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(9) First conviction for all felony drug offenses involving a scheduled controlled substance .................. 2,000

(10) Second conviction for all felony drug offenses involving a scheduled controlled substance .................. 3,000

(11) Third or subsequent conviction for all felony drug offenses involving a scheduled controlled substance .................. 5,000

(12) First conviction for all other felony drug offenses including § 39-17-423(a) and (b) and § 39-17-425(b)(1) .................. 1,000

(13) Second or subsequent conviction for all other felony drug offenses including § 39-17-423(a) and (b) and § 39-17-425(b)(1) .................. 1,500

(14) First conviction for an offense under § 39-17-431(m) ......................1,000.

(15) Second or subsequent conviction for an offense under § 39-17-431(m) ......................2,000.

(c) (1) Fifty percent (50%) of any fine collected pursuant to subsection (b) shall be allocated in the manner set out in § 39-17-420. The remaining fifty percent (50%) shall be paid to the general fund of the governing body of the law enforcement agency responsible for the investigation and arrest which resulted in the drug conviction; provided, that if a drug task force is responsible for the investigation and arrest, the amount above the minimum fine shall be paid to the general fund of the governing body of one (1) or more counties and cities within the judicial district as directed by the court. Notwithstanding the provisions of § 39-17-420(a)(1) or any other law to the contrary, a portion of any fine collected pursuant to subsection (b) may be expended to fund programs and services for infants and children who are afflicted by HIV or AIDS.

(2) Nothing in this section shall be construed as prohibiting the use of proceeds from fines imposed pursuant to this section for the purpose of drug education.

(d) (1) Unless the judge, using the applicable criteria set out in § 40-14-202(c), determines that a person convicted of violating this section is indigent, or that payment of the minimum fine would result in a severe economic hardship, or such fine would otherwise not be in the interests of justice, the minimum fines imposed by this section shall be mandatory and shall not be reduced, suspended, waived or otherwise released by the court. No plea agreement shall be accepted by a court if the agreement attempts to reduce or suspend all or any portion of the mandatory fines imposed by this section unless the judge determines that one (1) of the conditions set out in the first sentence of this subdivision (d)(1) exists.

(2) If the judge of a court of general sessions determines that it is necessary to reduce, suspend, waive or otherwise release the minimum fines imposed by this section, the judge shall assess the fine, and write on the warrant the amount of the fine, the fact that it is reduced, suspended, waived or released and the reasons for the reduction, suspension, waiver or release. If done by the judge of a court of record, the judge shall assess the fine and make a specific finding of fact on the record relative to the reduction, suspension, waiver or release and the reasons for the reduction, suspension, waiver or release.

39-17-430. Anabolic steroids -- Prohibited activities.

(a) It is unlawful for a practitioner to prescribe, order, distribute, supply or sell an anabolic steroid for:

(1) Enhancing performance in an exercise, sport or game without medical necessity; or
(2) Hormonal manipulation intended to increase muscle mass, strength or weight without medical necessity.

(b) (1) It is unlawful for any person who is not a practitioner or lawful manufacturer of anabolic steroids to:
   o (A) Knowingly or intentionally manufacture or deliver an anabolic steroid, pure or adulterated; or
   o (B) Possess, with intent to manufacture or deliver, an anabolic steroid.
   • (2) As used in this subsection (b), "practitioner" means a physician, dentist or veterinarian.

(c) A person who knowingly violates this section shall be punished as provided in § 39-17-417(d) for a violation of a Schedule III controlled substance.

39-17-431. Immediate methamphetamine precursor -- Prohibitions.

(a) Except as provided in this section, any product that contains any immediate methamphetamine precursor may be dispensed only by a licensed pharmacy.

(b) (1) A product or category of products that contains any immediate methamphetamine precursor shall be exempt from the requirements of this section if the ingredients are not in a form that can be used in the manufacture of methamphetamine.

(2) The board of pharmacy, in consultation with the Tennessee bureau of investigation (TBI), shall determine whether a product or category of products that contain any immediate methamphetamine precursor is not in a form that can be used in the manufacture of methamphetamine. In making such a determination, the board shall solicit the written opinion of the bureau and work with the bureau to develop procedures that consider, among other factors:
   • (A) The ease with which the product can be converted to methamphetamine, including the presence or absence of a "molecular lock" completely preventing a product's use in methamphetamine manufacture;
   • (B) The ease with which pseudoephedrine can be extracted from a product and whether it forms a salt, emulsion, or other form; and
   • (C) Any other pertinent data that can be used to determine the risk of a product being viable in the illegal manufacture of methamphetamine.

(3) The board of pharmacy shall maintain a public list of the exempted products or categories of products. Any person may request that a product or category of products be included on the exemption list.

(c) (1) A pharmacy shall not sell to the same person products containing more than three and six tenths (3.6) grams per day, or more than nine (9) grams per thirty-day period, of ephedrine or pseudoephedrine base, or their salts, isomers or salts of isomers. The limits shall apply to the total amount of base ephedrine and pseudoephedrine contained in the products, and not the overall weight of the products. The prohibition contained in this subsection (c) shall not apply to a person who obtains the product or products pursuant to a valid prescription issued by a licensed healthcare practitioner authorized to prescribe by the law of this state.

(2) A person shall not purchase products containing more than three and six tenths (3.6) grams per day, or more than nine (9) grams per thirty-day period, of ephedrine or pseudoephedrine base, or their salts, isomers or salts of isomers. The limits in this subsection (c) apply whether one form of ID is used to make the purchase or if two (2) or more are used to purchase the products. The limits shall apply to the total amount of base ephedrine and pseudoephedrine contained in the products, and not the overall weight of the products. The prohibition contained in
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this subsection (c) shall not apply to a person who obtains the product or products pursuant to a valid prescription issued by a licensed healthcare practitioner authorized to prescribe by the law of the state.

- (3) This subsection (c) also shall apply to pharmacist-generated prescription orders of the product pursuant to § 63-10-206. The provision of the patient education and counseling as a part of the practice of pharmacy shall be required when product is issued under this subsection (c).

- (4) There shall be no protocol or procedure mandated by any individual or corporate entity that interferes with the pharmacist's professional duty to counsel and evaluate the patient's appropriate pharmaceutical needs and the exercise of the pharmacist's professional judgment as to whether it is appropriate to dispense medication as set forth in subsection (d) or otherwise.

• (d) The pharmacist or pharmacy intern under the supervision of the pharmacist shall require any person purchasing an over-the-counter product containing pseudoephedrine or ephedrine to present valid government issued photo identification at the point of sale. The pharmacist or pharmacy intern shall counsel with the person seeking to purchase the product as to the reasons for needing the product and may decline the sale if the pharmacist or pharmacy intern believes the sale is not for a legitimate medical purpose. The pharmacist, pharmacy technician, or pharmacy intern shall maintain an electronic record of the sale under this subsection (d) and the record may be maintained in the form of a pharmacist prescription order as provided by § 63-10-206(c). The electronic record shall include the name and address of purchaser; name and quantity of product purchased; date and time purchased; purchaser identification type and number, such as driver license state and number; and the identity, such as name, initials or identification code, of the dispensing pharmacist or pharmacy intern. If a system is not able to record the identification type and number, the pharmacist, pharmacy technician, or pharmacy intern shall write the identification type and number on the prescription order. The electronic record shall also be maintained in a manner that allows for the determination of the equivalent number of packages purchased and total quantity of base ephedrine or pseudoephedrine purchased.

• (e)
  - (1) By January 1, 2012, each pharmacy in this state shall have in place and operational all equipment necessary to access and use the National Precursor Log Exchange (NPLEx) administered by the National Association of Drug Diversion Investigators (NADDI). The NPLEx system shall be available for access and use free of charge to the pharmacies and this state.
  - (2) Beginning January 1, 2012, before completing a sale of an over-the-counter product containingpseudoephedrine or ephedrine not otherwise excluded from the record keeping requirement, a pharmacy shall electronically submit the required information to the NPLEx administered by the NADDI. Except as provided in subsection (j), the seller shall not complete the sale if the system generates a stop sale alert.
  - (3) Absent negligence, wantonness, recklessness, or deliberate misconduct, any pharmacy utilizing the electronic sales tracking system in accordance with this subsection (e) shall not be civilly liable as a result of any act or omission in carrying out the duties required by this subsection (e) and shall be immune from liability to any third party unless the retailer has violated this subsection (e) in relation to a claim brought for such violation. This subsection (e) shall not apply to a person who obtains the product or products pursuant to a valid prescription.
  - (4) The data entered into, stored and maintained by the NPLEx may only be used by law enforcement officials, healthcare professionals and pharmacists and only for controlling the sale of methamphetamine precursors.
If, for any reason, the NPLEx administered by the NADDI is no longer the system used in this state to track the sale of methamphetamine precursors, whether because the system no longer functions, is no longer in existence, is no longer offered to the state without cost, or is otherwise no longer available, each pharmacy shall switch to and commence using the Tennessee Methamphetamine Information System (TMIS), as soon as the equipment necessary to access and use the system is made available at no charge to the pharmacy. TMIS shall be available for access and use free of charge to the pharmacies.

(f) If a pharmacy selling an over-the-counter product containing pseudoephedrine or ephedrine experiences mechanical or electronic failure of the tracking system and is unable to comply with the electronic sales tracking requirement, the pharmacy or retail establishment shall maintain a written log until such time as the pharmacy or retail establishment is able to comply with the electronic sales tracking requirement.

(g) A pharmacy selling an over-the-counter product containing pseudoephedrine or ephedrine may seek an exemption from submitting transactions to the electronic sales tracking system in writing to the board of pharmacy stating the reasons therefore. The board of pharmacy may grant an exemption for good cause shown, but in no event shall such exemption exceed one hundred eighty (180) days. Any pharmacy or retail establishment that receives an exemption shall maintain a hardcopy logbook and must still require the purchaser to provide the information required under this section before completion of any sale. The logbook shall be maintained as a record of each sale for inspection by any law enforcement officer or inspector of the board of pharmacy during normal business hours.

(h) Nonexempt products containing an immediate methamphetamine precursor shall be maintained behind-the-counter of the pharmacy or in a locked case within view of and within twenty-five feet (25’) of the counter.

(i) All data that is collected from Tennessee pharmacies and stored in the NPLEx will be downloaded and exported by electronic means to the TMIS at least every twenty-four (24) hours. This export of data will be in a version in compliance with the National Information Exchange Standard and agreed to by both the TBI and the NADDI. The export will be executed without a charge to TMIS or any agency of this state. Any and all data exported to, obtained by, gathered by, transmitted to and/or stored by TMIS or its designee, once received from NADDI, is the property of this state. TMIS has the authority to control, administer, and disseminate, at its discretion, this transaction data for the purpose of enforcing federal and state laws. In addition to the exporting of data to TMIS, real time access to NPLEx information through the NPLEx online portal shall be provided to law enforcement in the state free of charge.

(j) The NPLEx shall generate a stop sale alert, if completion of a sale would result in the seller or purchaser violating the quantity limits set forth in this section. The system shall contain an override function that may be used by a dispenser of ephedrine or pseudoephedrine who has a reasonable fear of imminent bodily harm if the sale is not completed. Each instance in which the override function is utilized shall be logged by the system.

(k) A violation of subsections (a)-(j) is a Class A misdemeanor, punishable by fine only. If the person in violation is a licensed pharmacy or pharmacist, the violation shall be reported to the board of pharmacy for review and appropriate action. If a product is dispensed in violation of subsection (a), the owner or operator of the wholesale or retail establishment dispensing the product shall be in violation of subsection (a).

(l) [Deleted by 2012 amendment.]

(2) The TBI, in cooperation with the NADDI which administers the NPLEx, shall devise a method to electronically notify NADDI at least every seven (7) days of any person placed on the methamphetamine registry pursuant to § 39-17-436(b).
The notification shall include the first, middle and last names of the person, the person's date of birth and the person's driver license number or any other state or federal identification number. The NPLEx shall be designed to generate a stop-sale alert for any purchaser whose name has been submitted to the registry. Such person shall be prohibited from purchasing nonexempt products at the point-of-sale using the NPLEx.

(3) The bureau shall also notify NADDI when a person is removed from the methamphetamine registry pursuant to § 39-17-436(e). When notified, the person shall be removed from NPLEx and is permitted to purchase nonexempt products.

(4)
- (A) Any person who sells or delivers a nonexempt substance to a person known to be on the methamphetamine registry commits a Class A misdemeanor.
- (B) Any person who purchases or attempts to purchase a nonexempt substance while such person is on the methamphetamine registry commits a Class A misdemeanor.

(m) (1) It is an offense for a person not authorized to do so to knowingly engage in any of the following conduct with respect to a nonexempt product containing an immediate methamphetamine precursor and required to be maintained behind-the-counter of the pharmacy as specified in subsection (h):
- (A) Attempt to sell the product knowing that it will be used to produce methamphetamine, or with reckless disregard of its intended use;
- (B) Attempt to purchase the product with the intent to manufacture methamphetamine or deliver the product to another person whom they know intends to manufacture methamphetamine, or with reckless disregard of the other person's intent;
- (C) Purchase the product at different times or locations for the purpose of circumventing the maximum allowable quantity of the product that may lawfully be purchased during a one-day or thirty-day period; or
- (D) Use a false identification to purchase the product for the purpose of circumventing the maximum allowable quantity of the product that may lawfully be purchased during a one-day period or thirty-day period.

(2)
- (A) A violation of this subsection (m) shall be a Class A misdemeanor. All proceeds from fines imposed pursuant to this subsection (m) shall be used by the jurisdiction making the arrest for methamphetamine clean-up activities in that jurisdiction.
- (B) [Deleted by 2012 amendment.]

(n) This section shall supersede any local laws or ordinances currently regulating sales of products containing any immediate methamphetamine precursor.

(o)
- (1) The office of the comptroller of the treasury shall conduct a study of methamphetamine use in this state. The study shall include: a review of existing literature; a review of available information on programs in other states, particularly those states that require a prescription for methamphetamine precursor purchase; and analysis of data and information from the Tennessee methamphetamine task force, the TBI, and other state or local agencies.
- (2) The comptroller shall complete its study by no later than January 1, 2013, and report the findings to the house of representatives health and human resources committee and the senate general welfare, health and human resources committee.
• (p) For the purposes of this section, "pharmacy" means only a pharmacy operating under title 63, chapter 10, which sells any immediate methamphetamine precursor at retail to the public.

39-17-432. Drug-Free School Zone -- Enhanced criminal penalties for violations within zone.

• (a) It is the intent of this section to create drug-free zones for the purpose of providing vulnerable persons in this state an environment in which they can learn, play and enjoy themselves without the distractions and dangers that are incident to the occurrence of illegal drug activities. The enhanced and mandatory minimum sentences required by this section for drug offenses occurring in a drug-free zone are necessary to serve as a deterrent to such unacceptable conduct.

• (b)  
  o (1) A violation of § 39-17-417, or a conspiracy to violate the section, that occurs on the grounds or facilities of any school or within one thousand feet (1,000’) of the real property that comprises a public or private elementary school, middle school, secondary school, preschool, child care agency, or public library, recreational center or park shall be punished one (1) classification higher than is provided in § 39-17-417(b)-i) for such violation.
  o (2) In addition to any other penalty imposed by this section, a person convicted of violating this subsection (b) shall also be subject to the following:
    ▪ (A) Upon conviction of a Class E felony, a fine of not more than ten thousand dollars ($10,000);
    ▪ (B) Upon conviction of a Class D felony, a fine of not more than twenty thousand dollars ($20,000);
    ▪ (C) Upon conviction of a Class C felony, a fine of not more than forty thousand dollars ($40,000);
    ▪ (D) Upon conviction of a Class B felony, a fine of not more than sixty thousand dollars ($60,000); and
    ▪ (E) Upon conviction of a Class A felony, a fine of not more than one hundred thousand dollars ($100,000).
  o (3) A person convicted of violating this subsection (b), who is within the prohibited zone of a preschool, childcare center, public library, recreational center or park shall not be subject to additional incarceration as a result of this subsection (b) but shall be subject to the additional fines imposed by this section.

• (c) Notwithstanding any other provision of law or the sentence imposed by the court to the contrary, a defendant sentenced for a violation of subsection (b) shall be required to serve at least the minimum sentence for the defendant’s appropriate range of sentence. Any sentence reduction credits the defendant may be eligible for or earn shall not operate to permit or allow the release of the defendant prior to full service of the minimum sentence.

• (d) Notwithstanding the sentence imposed by the court, the provisions of title 40, chapter 35, part 5, relative to release eligibility status and parole, shall not apply to or authorize the release of a defendant sentenced for a violation of subsection (b) prior to service of the entire minimum sentence for the defendant’s appropriate range of sentence.

• (e) Nothing in the provisions of title 41, chapter 1, part 5 shall give either the governor or the board of probation and parole the authority to release or cause the release of a defendant sentenced for a violation of subsection (b) prior to service of the entire minimum sentence for the defendant’s appropriate range of sentence.

• (f) Nothing in this section shall be construed as prohibiting the judge from sentencing a defendant who violated subsection (b) to any authorized term of
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incarceration in excess of the minimum sentence for the defendant's appropriate range of sentence.

• (g) The sentence of a defendant who, as the result of a single act, violates both subsection (b) and § 39-17-417(k), may only be enhanced one (1) time under those sections for each act. The state must elect under which section it intends to seek enhancement of the defendant's sentence and shall provide notice of the election pursuant to § 40-35-202.

39-17-433. Promotion of methamphetamine manufacture.

• (a) It is an offense for a person to promote methamphetamine manufacture. A person promotes methamphetamine manufacture who:
  o (1) Sells, purchases, acquires, or delivers any chemical, drug, ingredient, or apparatus that can be used to produce methamphetamine, knowing that it will be used to produce methamphetamine, or with reckless disregard of its intended use;
  o (2) Purchases or possesses more than nine (9) grams of an immediate methamphetamine precursor with the intent to manufacture methamphetamine or deliver the precursor to another person whom they know intends to manufacture methamphetamine, or with reckless disregard of the person's intent; or
  o (3) Permits a person to use any structure or real property that the defendant owns or has control of, knowing that the person intends to use the structure to manufacture methamphetamine, or with reckless disregard of the person's intent.

• (b) Expert testimony of a qualified law enforcement officer shall be admissible to establish that a particular chemical, drug, ingredient, or apparatus can be used to produce methamphetamine. For purposes of this testimony, a rebuttable presumption is created that any commercially sold product contains or contained the product that it is represented to contain on its packaging or labels.

• (c) Possession of more than fifteen (15) grams of an immediate methamphetamine precursor shall be prima facie evidence of intent to violate this section. This subsection (c) shall not apply to the following persons or entities that lawfully possess drug products in the course of legitimate business activities:
  o (1) A pharmacy or pharmacist licensed by the board of pharmacy;
  o (2) A wholesale drug distributor, or its agents, licensed by the board of pharmacy;
  o (3) A manufacturer of drug products, or its agents, licensed by the board of pharmacy; and
  o (4) A licensed health care professional possessing the drug products in the course of carrying out the health care provider's profession.

• (d) For purposes of this section, "structure" means any house, apartment building, shop, barn, warehouse, building, vessel, railroad car, cargo container, motor vehicle, housecar, trailer, trailer coach, camper, mine, floating home, watercraft, or any other structure capable of holding a clandestine laboratory.

• (e)
  o (1) If the chemical, drug, ingredient, or apparatus to produce methamphetamine is purchased in violation of subdivision (a)(1) in more than one (1) county, venue for purposes of prosecution under this section is proper in any county in which such an item was purchased.
  o (2) If immediate methamphetamine precursors are purchased in violation of subdivision (a)(2) in more than one (1) county, venue for purposes of prosecution under this section is proper in any county in which a precursor was purchased.

• (f) A violation of this section is a Class D felony.
39-17-435. Initiation of a process intended to result in the manufacture of methamphetamine.

(a) It is an offense for a person to knowingly initiate a process intended to result in the manufacture of any amount of methamphetamine.

(b) It shall not be a defense to a violation of this section that the chemical reaction is not complete, that no methamphetamine was actually created, or that the process would not actually create methamphetamine if completed.

(c) For purposes of this section, "initiates" means to begin the extraction of an immediate methamphetamine precursor from a commercial product, to begin the active modification of a commercial product for use in methamphetamine creation, or to heat or combine any substance or substances that can be used in methamphetamine creation.

(d) Expert testimony of a qualified law enforcement officer shall be admissible for the proposition that a particular process can be used to manufacture methamphetamine. For purposes of this testimony, a rebuttable presumption is created that any commercially sold product contains or contained the product that it is represented to contain on its packaging or labels.

(e) A person may not be prosecuted for a violation of this section and of manufacturing a controlled substance in violation of § 39-17-417 based upon the same set of facts.

(f) A violation of this section is a Class B felony.

39-17-437. Falsification of the results of a drug test.

(a) (1) It is an offense for a person to intentionally use, or possess with the intent to use, any substance or device designed to falsify the results of a drug test of that person.

(2) Except as provided in subdivision (a)(3), it is an offense for a person to sell synthetic urine.

(3) It is not an offense for a person to sell synthetic urine to an individual for bona fide educational, medical or scientific purposes. Any person selling synthetic urine for such purposes shall maintain documentation as to the educational, medical or scientific purpose for each individual sale of such urine for a period not less than five (5) years.

(b) As used in this section:

(1) "Drug test" means a lawfully administered test designed to detect the presence of a controlled substance or a controlled substance analogue; and

(2) "Synthetic urine" means any product or substance which is designed to falsify the results of a drug test for a human being.

(c) (1) A violation of subdivision (a)(1) is a Class A misdemeanor.

(2) A violation of subdivision (a)(2) is a Class C misdemeanor.

39-17-438. Production, manufacture, distribution or possession of salvia divinorum A.

(a) (1) It is an offense to knowingly produce, manufacture, distribute, possess or possess with intent to produce, manufacture, or distribute the active chemical ingredient in the hallucinogenic plant salvia divinorum or the following synthetic cannabinoids:
(A) (6a,10a)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; including, but not limited to HU 210 or HU 211;

(B) Naphthoylindoles being any compound structurally derived from 3-(1-naphthoyl) indole with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent; including, but not limited to JWH-018, JWH-019, JWH-073, or JWH-200;

(C) Naphthylmethylindoles being any compound structurally derived from a 1 H-indole-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent; including, but not limited to JWH-175, JWH-184, or JWH-199;

(D) Naphthylpyrroles, being any compound structurally derived from 3-(1-naphthoyl) pyrrole with substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent; including, but not limited to JWH-307;

(E) Naphthylmethylindenes, being any compound structurally derived from 1-(1-naphthylmethyl) indene with substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the phenyl ring to any extent; including, but not limited to JWH-176;

(F) Phenylacetylindoles, being any compound structurally derived from 3-phenylacetylindole with substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent; including, but not limited to JWH-250, JWH-251, or RCS-8;

(G) Cyclohexylphenols, being any compound structurally derived from 2-(3-hydroxycyclohexyl) phenol with substitution at the 5-position of the phenolic ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the whether or not substituted in the cyclohexyl ring to any extent; including, but not limited to CP 47,497, or the dimethylhexyl, dimethyloctyl or dimethylnonyl homologues of CP 47,497;

(H) Tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives, except where contained in cannabis or cannabis resin;

(I) Benzoylindoles, being any compound containing a 3-(benzoyl) indole structure with substitution at the nitrogen atom of the indole ring with a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent; including, but not limited to AM-694, Pravadoline (WIN 48, 098) or RCS-4; or

(J) WIN-55,212-2 or 2,3-Dihydro-5-methyl-3-(4 Morpholinylmethyl) pyrrolo [1,2,3-de]-1,4--benzoxazin-6-yl]-1-napthalenylmethanone.
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- **(2)** Subdivision (a)(1) concerning synthetic cannabinoids shall not apply to drugs or substances lawfully prescribed or to drugs or substances which have been approved by the federal food and drug administration.

- **(b)** This section shall not apply to the possession, planting, cultivation, growing, or harvesting of the hallucinogenic plant strictly for aesthetic, landscaping, or decorative purposes.

- **(c)** This section shall not apply to any dosage form that is legally obtainable from a retail establishment without a prescription and is recognized by the federal food and drug administration as a homeopathic drug.

- **(d)**
  - (1) A first violation of this section is a Class D felony.
  - (2) A second or subsequent violation of this section is a Class C felony.
  - (3) If the violation of this section involved the delivery, dispensing or sale of a controlled substance analogue to a minor, the person shall be punished one (1) classification higher than the punishment provided by this subsection (d) for delivering, dispensing or selling to an adult.

39-17-452. Synthetic derivatives or analogues of methcathinone.

- **(a)** (1) It is an offense to knowingly produce, manufacture, distribute, sell, offer for sale or possess any capsule, pill, or other product composed of or containing any amount of any compound, other than bupropion, that is structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways:
  - (A) Substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;
  - (B) Substitution at the 3-position with an alkyl substituent; or
  - (C) Substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure.
- (2) Compounds recognized under subdivision (a)(1) include, but are not limited to:
  - (A) 3,4-methylenedioxymethcathinone (Methylone);
  - (B) 3,4-methylenedioxypyrovalerone (MDPV);
  - (C) 4-methylmethcathinone (Mephedrone, Methadrone, 4-MMC);
  - (D) 4-methoxymethcathinone (Methodrone);
  - (E) 3-methoxymethcathinone (HMMC);
  - (F) 2-(methylamino)-propiophenone; OR alpha-(methylamino)propiophenone;
  - (G) 4-fluoromethcathinone (Flephedrone);
  - (H) 3-fluoromethcathinone (3-FMC);
  - (I) 4-methyl-alpha-pyrrolidinobutyropheneone (MPBP);
  - (J) 2-(methylamino)-1-phenylpropan-1-one (Ephedrone);
  - (K) 4-ethylmethcathinone (4-EMC);
  - (L) 3,4-Dimethylmethcathinone (3,4-DMMC);
  - (M) alpha-Pyrrolidinopentiophenone (alpha-PVP);
  - (N) Naphthylpyrovalerone (Naphyrone);
  - (O) beta-Keto-N-methylbenzoxoxylpropylamine (Butylone);
  - (P) beta-Keto-N-methylbenzoxoxylpentanamine (Pentylone);
  - (Q) beta-Keto-Ethylbenzoxoxylbutanamine (Eutylone); and
  - (R) 3,4-methylenedioxy-N-ethylcathinone (Ethylene).
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• (b) Subsection (a) shall not apply to drugs or substances lawfully prescribed or to drugs or substances which have been approved by the federal food and drug administration.
• (c) A violation of subsection (a) is a Class A misdemeanor.

39-17-453. Imitation controlled substances.

• (a) It is an offense to knowingly manufacture, deliver, sell, or possess with the intent to sell, deliver or manufacture an imitation controlled substance.
• (b) No person shall, for the purpose of causing a condition of intoxication, inebriation, elation, dizziness, excitement, stupefaction, paralysis, or the dulling of the brain or nervous system, or disturbing or distorting of the audio or visual processes, intentionally smell, inhale, inject, ingest or consume in any manner whatsoever an imitation controlled substance.
• (c) No person shall, for the purpose of violating subsection (b), use, or possess for the purpose of so using, an imitation controlled substance.
• (d) For purposes of this section, "imitation controlled substance" means a pill, capsule, tablet, or substance in any form whatsoever:
  o (1) Which is not a controlled substance enumerated in this part, which is subject to abuse, and which by express or implied representations, purports to act like a controlled substance as a stimulant or depressant of the central nervous system and which is not commonly used or recognized for use in that particular formulation for any purpose other than for such stimulant or depressant effect, unless marketed, promoted, or sold as permitted by the United States food and drug administration; and
  o (2) The chemical structure of which is a derivative of, or substantially similar to, the chemical structure of a controlled substance.
• (e)
  o (1) In determining whether a pill, capsule, tablet, or substance in any other form whatsoever, is an imitation controlled substance, there shall be considered, in addition to all other relevant factors, comparisons with accepted methods of marketing for legitimate nonprescription drugs for medicinal purposes rather than for drug abuse or any similar nonmedicinal use, including consideration of the packaging of the drug and its appearance in overall finished dosage form, promotional materials or representations, oral or written, concerning the drug, and the methods of distribution of the drug and where and how it is sold to the public.
  o (2) In determining whether any person intends to manufacture, sell, give or distribute an imitation controlled substance, it may be inferred from, in addition to all other relevant evidence, whether any distribution or attempted distribution of such pill, capsule, tablet or substance in any other form whatsoever included an exchange of or a demand for money or other property as consideration, and, if so, whether the amount of such consideration was substantially greater than the reasonable value of such pill, capsule, tablet or substance in any other form whatsoever, considering the actual chemical composition of such pill, capsule, tablet or substance in any other form whatsoever and, where applicable, the price at which over-the-counter substances of like chemical composition sell. Such inference shall be transmitted to the jury by the trial judge's charge.
• (f)
  o (1) A violation of subsection (a) is a Class E felony. In addition to any period of incarceration imposed, there shall be imposed a fine of not less than two thousand dollars ($2,000) and not more than five thousand dollars ($5,000).
39-17-454. Controlled substance analogues.

(a)(1) As used in this section, "controlled substance analogue" means a capsule, pill, powder, product or other substance, however constituted:

(A) That has the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance; and

(B) The chemical structure of which is a derivative of, or substantially similar to, the chemical structure of a controlled substance; or

(C) That is prohibited by § 39-17-452.

(2) "Controlled substance analogue" does not include:

(A) A controlled substance;

(B) Any substance for which there is an approved use or new drug application by the federal food and drug administration;

(C) Any compound, mixture, or preparation that contains any controlled substance that is not for administration to a human being or animal, and that is packaged in such form or concentration, or with adulterants or denaturants, so that as packaged it does not present any significant potential for abuse; or

(D) Any substance to which an investigational exemption applies under § 505 of the Food, Drug and Cosmetic Act, codified in U.S.C. § 355, but only to the extent that conduct with respect to the substance is pursuant to such exemption.

(b)(1) In determining whether a substance is a controlled substance analogue, the following factors shall be considered, along with any other relevant factors:

(A) The difference between the price at which the substance is sold and the price at which the substance it is purported to be or advertised as is normally sold;

(B) Its diversion from legitimate channels, and its clandestine importation, manufacture, or distribution;

(C) The defendant's prior convictions, if any, for a violation of any state or federal statute prohibiting controlled substances or controlled substance analogues; and

(D) Comparisons with accepted methods of marketing a legitimate nonprescription drug for medicinal purposes rather than for the purpose of drug abuse or any similar nonmedical use, including:

(i) The packaging of the substance and its appearance in overall finished dosage form;

(ii) Oral or written statements or representations concerning the substance;

(iii) The methods by which the substance is distributed; and

(iv) The manner in which the substance is sold to the public.

(2) In determining whether a substance is a controlled substance analogue, the following scientific or pharmacological factors may be considered, along with any other relevant factors:

(A) Its actual or relative potential for abuse;
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- (B) Scientific evidence of its pharmacological effect, if known;
- (C) The state of current scientific knowledge regarding the substance;
- (D) The history of the substance and its current pattern of abuse;
- (E) The scope, duration and significance of abuse;
- (F) What, if any, risk there is to the public health;
- (G) Its psychic or physiological dependence liability;

and

- (H) Whether the substance is an immediate precursor of a substance already controlled under this chapter.

• (c) It is an offense to knowingly manufacture, deliver, dispense or sell a controlled substance analogue or to possess a controlled substance analogue with the intent to manufacture, deliver, dispense or sell such substance.

• (d) It is an offense to knowingly possess or casually exchange a small amount of a controlled substance analogue not in excess of one (1) gram.

• (e) It may be inferred from the amount of controlled substance analogue possessed by an offender, along with other relevant facts surrounding the arrest, that the controlled substance analogue was possessed with the purpose of selling or otherwise dispensing in violation of subsection (c). It may be inferred from circumstances indicating a casual exchange among individuals of a controlled substance analogue that the controlled substance analogue so exchanged was possessed not with the purpose of selling or otherwise dispensing in violation of subsection (c). The inferences shall be transmitted to the jury by the trial judge's charge, and the jury will consider the inferences along with the nature of the substance possessed when affixing the penalty.

• (f) (1) It is an offense for a person to represent, orally or in writing, advertise, infer or intend that a controlled substance analogue:
  - (A) Is a derivative of, or substantially similar to, the chemical structure of a controlled substance;
  - (B) Has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance;
  - (C) Is a substance listed in § 39-17-452.

(2) It is not a defense to prosecution under this subsection (f) that the controlled substance analogue:
  - (A) Is not a derivative of a controlled substance;
  - (B) Does not have a chemical structure that is substantially similar to that of a controlled substance;
  - (C) Does not have a stimulant, depressant, hallucinogenic effect on the central nervous system substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance; or
  - (D) Is not listed in § 39-17-452.

• (g) (1) A first violation of subsection (c) is a Class D felony.
(2) A second or subsequent violation of subsection (c) is a Class C felony.
(3) If the violation of subsection (c) involved the delivery, dispensing or sale of a controlled substance analogue to a minor, the person shall be punished one (1) classification higher than the punishment provided by this subsection (g) for delivering, dispensing or selling to an adult.
(4) A violation of subsection (d) or (f) is a Class A misdemeanor.

• (h)
(1) Nothing in this section shall preclude a violation of § 39-17-453, involving an imitation controlled substance, or § 39-17-452 from being prosecuted and punished as a violation of this section if the substance in question meets the definition of an analogue controlled substance under subsection (a).

(2) Nothing in this section shall preclude a violation of this section involving a controlled substance analogue from being prosecuted and punished under § 39-17-452 or § 39-17-453 if the controlled substance analogue in question also meets the definitions found in such sections.

(i) Any disability, disqualification, forfeiture, suspension, revocation, prohibition, tax or other adverse consequence provided by law that may result from a conviction for an offense involving a controlled substance shall also apply if the conviction involves a controlled substance analogue in violation of subsection (c).

(j) The building and premises of any business in or upon which a violation of subsection (c) or (f) is committed by an employee, agent or owner of such business is declared to be a public nuisance and shall be subject to abatement as provided in title 29, chapter 3.


(a) A defendant convicted of a felony or a misdemeanor in this state shall be sentenced in accordance with this chapter.

(b) (1) A defendant who is convicted of a felony after November 1, 1989, and who is sentenced to a total sentence of at least one (1) year but not more than three (3) years, shall not be sentenced to serve the sentence in the department of correction, if the legislative body for the county from which the defendant is being sentenced has either contracted with the department, or has passed a resolution that expresses an intent to contract for the purpose of housing convicted felons with such sentences. If the sentencing court concludes that incarceration is the appropriate sentencing alternative, the defendant must be sentenced to the local jail or workhouse and not to the department.

(2) A defendant who is convicted of a felony after November 1, 1989, and who is sentenced to at least one (1) year but not more than six (6) years, shall not be sentenced to serve the sentence in the department of correction if the defendant is being sentenced from a county with a population of not less than four hundred seventy-seven thousand eight hundred eleven (477,811), according to the 1980 federal census or any subsequent federal census, and the legislative body for the county has contracted with the department or has passed a resolution that expresses an intent to contract for the purpose of housing convicted felons with such sentences. If the sentencing court concludes that incarceration is the appropriate sentencing alternative, the defendant must be sentenced to the local jail or workhouse and not to the department.

(c) The following sentencing alternatives in any appropriate combination are authorized for defendants otherwise eligible under this chapter:

(1) Payment of a fine either alone or in addition to any other sentence authorized by this subsection (c);

(2) Payment of restitution to the victim or victims either alone or in addition to any other sentence authorized by this subsection (c);
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- (3) A sentence of confinement that is suspended upon a term of probation supervision that may include community service or restitution, or both;
- (4) A sentence of periodic confinement that may be served in a local jail or workhouse in conjunction with a term of probation;
- (5) A sentence of continuous confinement to be served in a local jail or workhouse in conjunction with a term of probation;
- (6) A sentence of continuous confinement in a local jail or workhouse;
- (7) Work release in accordance with § 40-35-315;
- (8) A sentence of continuous confinement in the department of correction if the conviction is for a felony and the sentence is at least one (1) year, unless:
  - (A) The sentence is prohibited by subsection (b); or
  - (B) The defendant is convicted of a violation of § 39-14-103, involving property valued at less than one thousand dollars ($1,000), and the defendant is sentenced as an especially mitigated offender as defined in § 40-35-109 or a standard offender as defined in § 40-35-105; or
- (9) A sentence to a community based alternative to incarceration in accordance with the provisions, including eligibility requirements, of chapter 36 of this title.

- (d) This chapter does not deprive a court of any authority conferred by law, including, but not limited to, § 40-35-313, to decree a forfeiture of property, suspend or cancel a license, remove a person from office or impose costs and other monetary obligations if specifically authorized by law.
- (e) This chapter does not prevent a court from imposing a sentence of death specifically authorized by law.

### 40-35-105. Standard offender.

- (a) A standard offender is a defendant not sentenced as:
  - (1) A multiple offender, as defined by § 40-35-106;
  - (2) A persistent offender, as defined by § 40-35-107;
  - (3) A career offender, as defined by § 40-35-108;
  - (4) An especially mitigated offender, as defined by § 40-35-109; or
  - (5) A repeat violent offender, as defined by § 40-35-120.
- (b) The sentence for a standard offender is within Range I.
- (c) If the judgment of conviction does not include a sentence range, it shall be returned to the sentencing court to be completed.

### 40-35-106. Multiple offender.

- (a) A multiple offender is a defendant who has received:
  - (1) A minimum of two (2) but not more than four (4) prior felony convictions within the conviction class, a higher class, or within the next two (2) lower felony classes, where applicable; or
  - (2) One (1) Class A prior felony conviction if the defendant's conviction offense is a Class A or B felony.
- (b) In determining the number of prior convictions a defendant has received:
  - (1) "Prior conviction" means a conviction for an offense occurring prior to the commission of the offense for which the defendant is being sentenced;
  - (2) All prior felony convictions, including those occurring prior to November 1, 1989, are included;
  - (3) (A) A finding or adjudication that a defendant committed an act as a juvenile that would constitute a felony if committed by an adult and that resulted in a transfer of the juvenile to criminal court pursuant to § 37-1-134, or similar statutes of other states or jurisdictions, shall not be considered as a prior...
conviction for the purposes of this section unless the juvenile was convicted of a felony in a criminal court;

(B) Notwithstanding subdivision (b)(3)(A), a finding or adjudication that a defendant committed an act as a juvenile that would constitute a Class A or Class B felony if committed by an adult shall be considered as a prior conviction for the purposes of this section, regardless of whether the juvenile was transferred to criminal court pursuant to § 37-1-134, or similar statutes of other states or jurisdictions;

4(4) Except for convictions for which the statutory elements include serious bodily injury, bodily injury, threatened serious bodily injury or threatened bodily injury to the victim or victims, or convictions for the offense of aggravated burglary under § 39-14-403, convictions for multiple felonies committed within the same twenty-four-hour period constitute one (1) conviction for the purpose of determining prior convictions; and

(5) Prior convictions include convictions under the laws of any other state, government or country that, if committed in this state, would have constituted an offense cognizable by the laws of this state. In the event that a felony from a jurisdiction other than Tennessee is not a named felony in this state, the elements of the offense shall be used by the Tennessee court to determine what classification the offense is given.

(c) A defendant who is found by the court beyond a reasonable doubt to be a multiple offender shall receive a sentence within Range II.

(d) The finding that a defendant is or is not a multiple offender is appealable by either party.

### 40-35-107. Persistent offender.

- (a) A persistent offender is a defendant who has received:
  - (1) Any combination of five (5) or more prior felony convictions within the conviction class or higher or within the next two (2) lower felony classes, where applicable; or
  - (2) At least two (2) Class A or any combination of three (3) Class A or Class B felony convictions if the defendant's conviction offense is a Class A or B felony.

- (b) In determining the number of prior convictions a defendant has received:
  - (1) Prior conviction means a conviction for an offense occurring prior to the commission of the offense for which the defendant is being sentenced;
  - (2) All prior felony convictions, including those occurring prior to November 1, 1989, are included;
  - (3)
    - (A) A finding or adjudication that a defendant committed an act as a juvenile that would constitute a felony if committed by an adult and that resulted in a transfer of the juvenile to criminal court pursuant to § 37-1-134 or similar statutes of other states or jurisdictions shall not be considered as a prior conviction for the purposes of this section unless the juvenile was convicted of a felony in a criminal court;
    - (B) Notwithstanding subdivision (b)(3)(A), a finding or adjudication that a defendant committed an act as a juvenile that would constitute a Class A or Class B felony if committed by an adult shall be considered as a prior conviction for the purposes of this section, regardless of whether the juvenile was transferred to criminal court pursuant to § 37-1-134, or similar statutes of other states or jurisdictions;
  - (4) Except for convictions for which the statutory elements include serious bodily injury, bodily injury, threatened serious bodily injury or threatened bodily injury to the victim or victims or convictions for the offense of aggravated burglary
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under § 39-14-403, convictions for multiple felonies committed within the same twenty-four-hour period constitute one (1) conviction for the purpose of determining prior convictions; and

(5) Prior convictions includes convictions under the laws of any other state, government or country that, if committed in this state, would have constituted an offense cognizable by the laws of this state. In the event that a felony from a jurisdiction other than Tennessee is not a named felony in this state, the elements of the offense shall be used by the Tennessee court to determine what classification the offense is given.

(c) A defendant who is found by the court beyond a reasonable doubt to be a persistent offender shall receive a sentence within Range III.

(d) The finding that a defendant is or is not a persistent offender is appealable by either party.


(a) A career offender is a defendant who has received:

(1) Any combination of six (6) or more Class A, B or C prior felony convictions, and the defendant's conviction offense is a Class A, B or C felony;

(2) At least three (3) Class A or any combination of four (4) Class A or Class B felony convictions if the defendant's conviction offense is a Class A or B felony; or

(3) At least six (6) prior felony convictions of any classification if the defendant's conviction offense is a Class D or E felony.

(b) In determining the number of prior convictions a defendant has received:

(1) "Prior conviction" means a conviction for an offense occurring prior to the commission of the offense for which the defendant is being sentenced;

(2) All prior felony convictions, including those occurring prior to November 1, 1989, are included;

(3) A finding or adjudication that a defendant committed an act as a juvenile that would constitute a felony if committed by an adult and that resulted in a transfer of the juvenile to criminal court pursuant to § 37-1-134 or similar statutes of other states or jurisdictions shall not be considered as a prior conviction for the purposes of this section, unless the juvenile was convicted of a felony in a criminal court;

(B) Notwithstanding subdivision (b)(3)(A), a finding or adjudication that a defendant committed an act as a juvenile that would constitute a Class A or Class B felony if committed by an adult shall be considered as a prior conviction for the purposes of this section, regardless of whether the juvenile was transferred to criminal court pursuant to § 37-1-134, or similar statutes of other states or jurisdictions;

(4) Except for convictions for which the statutory elements include serious bodily injury, bodily injury, threatened serious bodily injury or threatened bodily injury to the victim or victims or convictions for the offense of aggravated burglary under § 39-14-403, convictions for multiple felonies committed within the same twenty-four-hour period constitute one (1) conviction for the purpose of determining prior convictions; and

(5) "Prior convictions" includes convictions under the laws of any other state, government or country that, if committed in this state, would have constituted an offense cognizable by the laws of this state. In the event that a felony from a jurisdiction other than Tennessee is not a named felony in this state, the elements of the offense shall be used by the Tennessee court to determine what classification the offense is given.
• (c) A defendant who is found by the court beyond a reasonable doubt to be a career offender shall receive the maximum sentence within the applicable Range III.
• (d) The finding that a defendant is or is not a career offender is appealable by either party.

• (a) The court may find the defendant is an especially mitigated offender, if:
  o (1) The defendant has no prior felony convictions; and
  o (2) The court finds mitigating, but no enhancement factors.
• (b) If the court finds the defendant an especially mitigated offender, the court shall reduce the defendant's statutory Range I minimum sentence by ten percent (10%) or reduce the release eligibility date to twenty percent (20%) of the sentence, or both reductions. If the court employs both reductions, the calculation for release eligibility shall be made by first reducing the sentence and then reducing the release eligibility to twenty percent (20%).
• (c) If the defendant is found to be an especially mitigated offender, the judgment of conviction shall so reflect.
• (d) The finding that a defendant is or is not an especially mitigated offender is appealable by either party.

• (a) Felonies are classified for the purpose of sentencing into five (5) categories:
  o (1) Class A felonies;
  o (2) Class B felonies;
  o (3) Class C felonies;
  o (4) Class D felonies; and
  o (5) Class E felonies.
• (b) An offense designated a felony without specification as to category is a Class E felony.
• (c) Misdemeanors are classified for the purpose of sentencing into three (3) categories:
  o (1) Class A misdemeanors;
  o (2) Class B misdemeanors; and
  o (3) Class C misdemeanors.
• (d) An offense designated as a misdemeanor without specification as to category is a Class A misdemeanor.

40-35-111. Authorized terms of imprisonment and fines for felonies and misdemeanors.
• (a) A sentence for a felony is a determinate sentence.
• (b) The authorized terms of imprisonment and fines for felonies are:
  o (1) Class A felony, not less than fifteen (15) nor more than sixty (60) years. In addition, the jury may assess a fine not to exceed fifty thousand dollars ($50,000), unless otherwise provided by statute;
  o (2) Class B felony, not less than eight (8) nor more than thirty (30) years. In addition, the jury may assess a fine not to exceed twenty-five thousand dollars ($25,000), unless otherwise provided by statute;
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(3) Class C felony, not less than three (3) years nor more than fifteen (15) years. In addition, the jury may assess a fine not to exceed ten thousand dollars ($10,000), unless otherwise provided by statute;

(4) Class D felony, not less than two (2) years nor more than twelve (12) years. In addition, the jury may assess a fine not to exceed five thousand dollars ($5,000), unless otherwise provided by statute; and

(5) Class E felony, not less than one (1) year nor more than six (6) years. In addition, the jury may assess a fine not to exceed three thousand dollars ($3,000), unless otherwise provided by statute.

• (c) (1) A sentence to pay a fine, when imposed on a corporation for an offense defined in title 39 or for any offense defined in any other title for which no special corporate fine is specified, is a sentence to pay an amount, not to exceed:

(A) Three hundred fifty thousand dollars ($350,000) for a Class A felony;

(B) Three hundred thousand dollars ($300,000) for a Class B felony;

(C) Two hundred fifty thousand dollars ($250,000) for a Class C felony;

(D) One hundred twenty-five thousand dollars ($125,000) for a Class D felony; and

(E) Fifty thousand dollars ($50,000) for a Class E felony.

(2) If a special fine for a corporation is expressly specified in the statute that defines an offense, the fine fixed shall be within the limits specified in the statute.

• (d) A sentence for a misdemeanor is a determinate sentence.

• (e) The authorized terms of imprisonment and fines for misdemeanors are:

(1) Class A misdemeanor, not greater than eleven (11) months, twenty-nine (29) days or a fine not to exceed two thousand five hundred dollars ($2,500), or both, unless otherwise provided by statute;

(2) Class B misdemeanor, not greater than six (6) months or a fine not to exceed five hundred dollars ($500), or both, unless otherwise provided by statute; and

(3) Class C misdemeanor, not greater than thirty (30) days or a fine not to exceed fifty dollars ($50.00), or both, unless otherwise provided by statute.

• (f) In order to furnish the general assembly with information necessary to make an informed determination as to whether the increase in the cost of living and changes in income for residents of Tennessee has resulted in the minimum and maximum authorized fine ranges no longer being commensurate with the amount of fine deserved for the offense committed, every five (5) years, on or before January 15, the fiscal review committee shall report to the chief clerks of the senate and the house of representatives of the general assembly the percentage of change in the average consumer price index (all items-city average) as published by the United States department of labor, bureau of labor statistics and shall inform the general assembly what the statutory minimum and maximum authorized fine for each offense classification would be if adjusted to reflect the compounded cost-of-living increases during the five-year period.

40-35-112. Sentence ranges.

• (a) A Range I sentence is as follows:

(1) For a Class A felony, not less than fifteen (15) nor more than twenty-five (25) years;

(2) For a Class B felony, not less than eight (8) nor more than twelve (12) years;

(3) For a Class C felony, not less than three (3) nor more than six (6) years;
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(4) For a Class D felony, not less than two (2) nor more than four (4) years; and
(5) For a Class E felony, not less than one (1) nor more than two (2) years.

(b) A Range II sentence is as follows:
(1) For a Class A felony, not less than twenty-five (25) nor more than forty (40) years;
(2) For a Class B felony, not less than twelve (12) nor more than twenty (20) years;
(3) For a Class C felony, not less than six (6) nor more than ten (10) years;
(4) For a Class D felony, not less than four (4) nor more than eight (8) years; and
(5) For a Class E felony, not less than two (2) nor more than four (4) years.

(c) A Range III sentence is as follows:
(1) For a Class A felony, not less than forty (40) nor more than sixty (60) years;
(2) For a Class B felony, not less than twenty (20) nor more than thirty (30) years;
(3) For a Class C felony, not less than ten (10) nor more than fifteen (15) years;
(4) For a Class D felony, not less than eight (8) nor more than twelve (12) years; and
(5) For a Class E felony, not less than four (4) nor more than six (6) years.


If appropriate for the offense, mitigating factors may include, but are not limited to:
(1) The defendant's criminal conduct neither caused nor threatened serious bodily injury;
(2) The defendant acted under strong provocation;
(3) Substantial grounds exist tending to excuse or justify the defendant's criminal conduct, though failing to establish a defense;
(4) The defendant played a minor role in the commission of the offense;
(5) Before detection, the defendant compensated or made a good faith attempt to compensate the victim of criminal conduct for the damage or injury the victim sustained;
(6) The defendant, because of youth or old age, lacked substantial judgment in committing the offense;
(7) The defendant was motivated by a desire to provide necessities for the defendant's family or the defendant's self;
(8) The defendant was suffering from a mental or physical condition that significantly reduced the defendant's culpability for the offense; however, the voluntary use of intoxicants does not fall within the purview of this factor;
(9) The defendant assisted the authorities in uncovering offenses committed by other persons or in detecting or apprehending other persons who had committed the offenses;
(10) The defendant assisted the authorities in locating or recovering any property or person involved in the crime;
(11) The defendant, although guilty of the crime, committed the offense under such unusual circumstances that it is unlikely that a sustained intent to violate the law motivated the criminal conduct;
(12) The defendant acted under duress or under the domination of another person, even though the duress or the domination of another person is not sufficient to constitute a defense to the crime; and
(13) Any other factor consistent with the purposes of this chapter.


- If appropriate for the offense and if not already an essential element of the offense, the court shall consider, but is not bound by, the following advisory factors in determining whether to enhance a defendant’s sentence:
  - (1) The defendant has a previous history of criminal convictions or criminal behavior, in addition to those necessary to establish the appropriate range;
  - (2) The defendant was a leader in the commission of an offense involving two (2) or more criminal actors;
  - (3) The offense involved more than one (1) victim;
  - (4) A victim of the offense was particularly vulnerable because of age or physical or mental disability;
  - (5) The defendant treated, or allowed a victim to be treated, with exceptional cruelty during the commission of the offense;
  - (6) The personal injuries inflicted upon, or the amount of damage to property sustained by or taken from, the victim was particularly great;
  - (7) The offense involved a victim and was committed to gratify the defendant’s desire for pleasure or excitement;
  - (8) The defendant, before trial or sentencing, failed to comply with the conditions of a sentence involving release into the community;
  - (9) The defendant possessed or employed a firearm, explosive device or other deadly weapon during the commission of the offense;
  - (10) The defendant had no hesitation about committing a crime when the risk to human life was high;
  - (11) The felony resulted in death or serious bodily injury, or involved the threat of death or serious bodily injury, to another person, and the defendant has previously been convicted of a felony that resulted in death or serious bodily injury;
  - (12) During the commission of the felony, the defendant intentionally inflicted serious bodily injury upon another person, or the actions of the defendant resulted in the death of, or serious bodily injury to, a victim or a person other than the intended victim;
  - (13) At the time the felony was committed, one (1) of the following classifications was applicable to the defendant:
    - (A) Released on bail or pretrial release, if the defendant is ultimately convicted of the prior misdemeanor or felony;
    - (B) Released on parole;
    - (C) Released on probation;
    - (D) On work release;
    - (E) On community corrections;
    - (F) On some form of judicially ordered release;
    - (G) On any other type of release into the community under the direct or indirect supervision of any state or local governmental authority or a private entity contracting with the state or a local government;
    - (H) On escape status; or
    - (I) Incarcerated in any penal institution on a misdemeanor or felony charge or a misdemeanor or felony conviction;
  - (14) The defendant abused a position of public or private trust, or used a professional license in a manner that significantly facilitated the commission or the fulfillment of the offense;
The defendant committed the offense on the grounds or facilities of a
pre-kindergarten through grade twelve (pre-K-12) public or private institution of
learning when minors were present;

The defendant was adjudicated to have committed a delinquent act or
acts as a juvenile that would constitute a felony if committed by an adult;

The defendant intentionally selected the person against whom the
crime was committed or selected the property that was damaged or otherwise
affected by the crime, in whole or in part, because of the defendant's belief or
perception regarding the race, religion, color, disability, sexual orientation, national
origin, ancestry or gender of that person or the owner or occupant of that property;
however, this subdivision (17) should not be construed to permit the enhancement
of a sexual offense on the basis of gender selection alone;

The offense was an act of terrorism or was related to an act of
terrorism;

If the defendant is convicted of the offense of aggravated assault
pursuant to § 39-13-102, the victim of the aggravated assault was a law
enforcement officer, firefighter, correctional officer, youth services officer, probation
and parole officer, a state registered security officer/guard, an employee of the
department of correction or the department of children's services, an emergency
medical or rescue worker, emergency medical technician or paramedic, whether
compensated or acting as a volunteer; provided, that the victim was performing an
official duty and the defendant knew or should have known that the victim was such
an officer or employee;

If the defendant is convicted of the offenses of rape pursuant to § 39-
13-503, sexual battery pursuant to § 39-13-505 or rape of a child pursuant to § 39-
13-522, the defendant caused the victim to be mentally incapacitated or physically
helpless by use of a controlled substance or controlled substance analogue;

If the defendant is convicted of the offenses of aggravated rape
pursuant to § 39-13-502, rape pursuant to § 39-13-503, rape of a child pursuant
pursuant to § 39-13-522 or statutory rape pursuant to § 39-13-506, the defendant knew or
should have known that, at the time of the offense, the defendant was HIV positive;

(A) If the defendant is convicted of the offenses of aggravated arson
pursuant to § 39-14-302 or vandalism pursuant to § 39-14-408, the damage or
destruction was caused to a structure, whether temporary or permanent in
nature, used as a place of worship and the defendant knew or should have known
that it was a place of worship;

(B) As used in subdivision (22)(A), "place of worship" means any
structure that is:

(i) Approved, or qualified to be approved, by the state board
of equalization for property tax exemption pursuant to § 67-5-212, based on
ownership and use of the structure by a religious institution; and

(ii) Utilized on a regular basis by a religious institution as the
site of congregational services, rites or activities communally undertaken for
the purpose of worship;

The defendant is an adult and sells to or gives or exchanges a
controlled substance, controlled substance analogue or other illegal drug with a
minor; and

The offense involved the theft of property and, as a result of the
manner in which the offense was committed, the victim suffered significant damage
to other property belonging to the victim or for which the victim was responsible.
40-35-115. Multiple convictions.

- (a) If a defendant is convicted of more than one (1) criminal offense, the court shall order sentences to run consecutively or concurrently as provided by the criteria in this section.
- (b) The court may order sentences to run consecutively if the court finds by a preponderance of the evidence that:
  - (1) The defendant is a professional criminal who has knowingly devoted the defendant's life to criminal acts as a major source of livelihood;
  - (2) The defendant is an offender whose record of criminal activity is extensive;
  - (3) The defendant is a dangerous mentally abnormal person so declared by a competent psychiatrist who concludes as a result of an investigation prior to sentencing that the defendant's criminal conduct has been characterized by a pattern of repetitive or compulsive behavior with heedless indifference to consequences;
  - (4) The defendant is a dangerous offender whose behavior indicates little or no regard for human life and no hesitation about committing a crime in which the risk to human life is high;
  - (5) The defendant is convicted of two (2) or more statutory offenses involving sexual abuse of a minor with consideration of the aggravating circumstances arising from the relationship between the defendant and victim or victims, the time span of defendant's undetected sexual activity, the nature and scope of the sexual acts and the extent of the residual, physical and mental damage to the victim or victims;
  - (6) The defendant is sentenced for an offense committed while on probation; or
  - (7) The defendant is sentenced for criminal contempt.
- (c) The finding concerning the imposition of consecutive or concurrent sentences is appealable by either party.
- (d) Sentences shall be ordered to run concurrently if the criteria noted in subsection (b) are not met, unless consecutive sentences are specifically required by statute or the Tennessee Rules of Criminal Procedure.

40-36-106. Eligible offenders.

- (a) (1) An offender who meets all of the following minimum criteria shall be considered eligible for punishment in the community under the provisions of this chapter:
  - (A) Persons who, without this option, would be incarcerated in a correctional institution;
  - (B) Persons who are convicted of property-related or drug- or alcohol-related felony offenses or other felony offenses not involving crimes against the person as provided in title 39, chapter 13, parts 1-5;
  - (C) Persons who are convicted of nonviolent felony offenses;
  - (D) Persons who are convicted of felony offenses in which the use or possession of a weapon was not involved;
  - (E) Persons who do not demonstrate a present or past pattern of behavior indicating violence; and
  - (F) Persons who do not demonstrate a pattern of committing violent offenses.

  - (2) Persons who are sentenced to incarceration or are on escape at the time of consideration will not be eligible for punishment in the community.
• **(b)** Offenders shall not be excluded from the program on the basis of prior convictions for nonviolent felony offenses, but may, at the discretion of the court and local community corrections advisory board, be excluded on the basis of prior convictions for felony offenses that would not meet the eligibility criteria provided in subsection (a).

• **(c)** Felony offenders not otherwise eligible under subsection (a), and who would be usually considered unfit for probation due to histories of chronic alcohol or drug abuse or mental health problems, but whose special needs are treatable and could be served best in the community rather than in a correctional institution, may be considered eligible for punishment in the community under the provisions of this chapter.

• **(d)** The eligibility criteria established in this section shall be interpreted as minimum state standards, guiding the determination of eligibility of offenders under this chapter.

• **(e)**
  
  o **(1)** Notwithstanding any other provision of the law to the contrary, the court is authorized to sentence an eligible defendant as defined in this section to any appropriate community-based alternative to incarceration provided in accordance with the terms of this chapter, and under the additional terms and conditions as the court may prescribe, in lieu of incarceration in a state penal institution or local jail or workhouse.

  o **(2)** In sentencing an eligible defendant to any community-based alternative to incarceration, the court shall possess the power to set the duration of the sentence for the offense committed at any period of time up to the maximum sentence within the appropriate sentence range and shall retain the authority to alter or amend at any time the length, terms or conditions of the sentence imposed.

  o **(3)**
    
    ▪ **(A)** The court also has the power to terminate an offender from the program and to place the offender on supervised or unsupervised probation upon a showing that the offender did abide by the conditions imposed on the original sentence and that the offender's placement on probation presents no substantial risk to public safety. This authority of the court extends to offenders not originally eligible for probation after service of at least one (1) year.

    ▪ **(B)** Failure to comply with the terms of probation subjects the offender to revocation proceedings conducted by the court pursuant to § 40-35-311. If incarcerated, the offender receives credit only for actual time served in the community-based alternative program.

  o **(4)** The court shall also possess the power to revoke the sentence imposed at any time due to the conduct of the defendant or the termination or modification of the program to which the defendant has been sentenced, and the court may resentence the defendant to any appropriate sentencing alternative, including incarceration, for any period of time up to the maximum sentence provided for the offense committed, less any time actually served in any community-based alternative to incarceration. The resentencing shall be conducted in compliance with § 40-35-210.

  o **(5)** The district attorney general, victim, defense attorney and probation and parole officer should be consulted regarding potential referrals to the program; however, the court shall have the final decision.

• **(f)** Nothing in this section shall prevent a court from permitting an eligible defendant to participate in a community-based alternative to incarceration as a condition of probation in conjunction with a suspended sentence, split confinement or periodic confinement as provided in chapter 35 of this title.
<table>
<thead>
<tr>
<th>PENALTY GROUP</th>
<th>OFFENSES/PENALTIES</th>
<th>ENHANCEMENTS/BENEFIT RESTRICTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>481.102 Penalty Group 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) Opiates</td>
<td>481.112 Manufacture or Delivery of Penalty 1 Substance</td>
<td>481.140 Use of Child in Commission of Crime: punishment increased 1 degree. If force used, degree felony</td>
</tr>
<tr>
<td>(2) Opium derivatives: e.g., codeine compounds, morphine compounds, heroin</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) (A) other opium and opiates not listed elsewhere; (B) chemical equivalents of opium; (C) opium poppy and poppy straws; (D) cocaine; (E) poppy straw concentrate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) other opiates not listed in (1) or (2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) flunitrazepam (Rohypnol)</td>
<td></td>
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<tr>
<td>(6) Methamphetamine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(7) phenylacetone &amp; methylamine together w/ into to manufacture meth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(8) PCP; (9) GHB; (10) Ketamine</td>
<td></td>
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</tr>
<tr>
<td>481.115 Possession of Penalty 1 Substance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) &lt;1g: state jail felony; 180days-2yrs; &lt;$10,000</td>
<td>481.1122 Manufacture in presence of child</td>
<td>(1) punishment increased by 1 degree</td>
</tr>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) 1-4g: degree felony; life or 5-99yrs; &lt;$10,000</td>
<td>481.1122 Manufacture in presence of child</td>
<td>(1) punishment increased by 1 degree</td>
</tr>
<tr>
<td></td>
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<tr>
<td>(d) 4-200g: degree felony; life or 5-99yrs; &lt;$10,000</td>
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<tr>
<td>(e) 200-400g: life or 10-99yrs; &lt;$100,000</td>
<td>481.1122 In Presence of child</td>
<td>(2) 15yr min; &lt;$150,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(f) &gt;400g: life or 15-99yrs; &lt;$250,000</td>
<td>481.1122 In Presence of child</td>
<td>(3) 20yrs min; &lt;$300,000</td>
</tr>
<tr>
<td></td>
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<tr>
<td>481.1021 Penalty Group 1A</td>
<td></td>
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<tr>
<td>LSD</td>
<td>481.1121 Manufacture or Delivery of Penalty 1A Substance</td>
<td>481.140 Use of Child in Commission of Crime: punishment increased 1 degree. If force used, degree felony</td>
</tr>
<tr>
<td></td>
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</tr>
<tr>
<td>(b)(1) &lt;20 units (u): state jail felony: 180days-2yrs; &lt;$10,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b)(2) 20-80u: degree</td>
<td></td>
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<td></td>
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<tr>
<td>Texas Drug Statutes</td>
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<tr>
<td>Texas Health and Safety Code: Title 6 Food, Drugs, Alcohol, and Hazardous Substances</td>
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<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>481.103</td>
<td><strong>Penalty Group 2</strong></td>
</tr>
<tr>
<td>(1) Hallucinogenic substances: e.g., DMT, synthetic THC, MDMA, BZP, psilocybin, mescaline</td>
<td></td>
</tr>
<tr>
<td>(2) Phenylacetone</td>
<td></td>
</tr>
<tr>
<td>(3) depressant/stimulant compounds not listed elsewhere: e.g., amphetamine, Vyvanse, Qualuude</td>
<td></td>
</tr>
<tr>
<td>(4) Compounds derived from 2-aminopropanal: e.g., MDPV, mephedrone</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>481.113</td>
<td><strong>Manufacture or Deliver of Penalty 2 or 2a substance</strong></td>
</tr>
<tr>
<td>(b)</td>
<td>&lt;1g: state jail felony: 180days-2yrs;&lt;$10,000</td>
</tr>
<tr>
<td>(c)</td>
<td>1-4g: degree felony: 2-20yrs;&lt;$10,000</td>
</tr>
<tr>
<td>(d)</td>
<td>4-400g: degree felony: life or 5-99yrs;&lt;$50,000</td>
</tr>
<tr>
<td>(e)</td>
<td>&gt;400g: life or 10-99yrs;&lt;$100,000</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>481.1031</td>
<td><strong>Penalty Group 2A</strong></td>
</tr>
<tr>
<td>Synthetic chemical</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>481.1161</td>
<td><strong>Possession of Penalty 2A substance</strong></td>
</tr>
<tr>
<td>(b)(1)</td>
<td>&lt;2oz: Class B</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>481.1151</td>
<td><strong>Possession of Penalty IA substance</strong></td>
</tr>
<tr>
<td>(1) &lt;20u: state jail felony: 180days-2yrs;&lt;$10,000</td>
<td></td>
</tr>
<tr>
<td>(2) 20-80u: degree felony: 2-10yrs;&lt;$10,000</td>
<td></td>
</tr>
<tr>
<td>(3) 80-4,000u: degree felony: 2-20yrs;&lt;$10,000</td>
<td></td>
</tr>
<tr>
<td>(4) 4,000-8,000u: degree felony: life or 5-99yrs;&lt;$10,000</td>
<td></td>
</tr>
<tr>
<td>(5) &gt;8,000u: life or 15-99yrs;&lt;$250,000</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>481.140</td>
<td><strong>Use of Child in Commission of Crime:</strong> punishment increased 1 degree. If force used, degree felony</td>
</tr>
<tr>
<td>481.116</td>
<td><strong>Possession of Penalty 2A substance</strong></td>
</tr>
<tr>
<td>(b)</td>
<td>&lt;1g: state jail felony: 180days-2yrs;&lt;$10,000</td>
</tr>
<tr>
<td>(c)</td>
<td>1-4g: degree felony: 2-20yrs;&lt;$10,000</td>
</tr>
<tr>
<td>(d)</td>
<td>4-400g: degree felony: life or 5-99yrs;&lt;$10,000</td>
</tr>
<tr>
<td>(e)</td>
<td>&gt;400g: life or 10-99yrs;&lt;$100,000</td>
</tr>
<tr>
<td>Compounds Mimicking the Pharmacological Effect of Naturally Occurring Cannabinoids</td>
<td>Misdemeanor: &lt;$2,000 and/or &lt;180days</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>(b)(2) 2-4oz: Class A</td>
<td>(b)(2) 2-4oz: Class A Misdemeanor: &lt;$4,000 and/or &lt;1yr</td>
</tr>
<tr>
<td>(b)(3) 4oz-5lbs: State Jail Felony: 180days-2yrs; &lt;$10,000</td>
<td>(b)(3) 4oz-5lbs: State Jail Felony: 180days-2yrs; &lt;$10,000</td>
</tr>
<tr>
<td>(b)(4) 5-50lbs: 3rd Degree Felony: 2-10yrs; &lt;$10,000</td>
<td>(b)(4) 5-50lbs: 3rd Degree Felony: 2-10yrs; &lt;$10,000</td>
</tr>
<tr>
<td>(b)(5) 50-2,000lbs: 2nd Degree Felony: 2-20yrs; &lt;$10,000</td>
<td>(b)(5) 50-2,000lbs: 2nd Degree Felony: 2-20yrs; &lt;$10,000</td>
</tr>
<tr>
<td>(b)(6) &gt;2,000lbs: Life or 5-99yrs; &lt;$50,000</td>
<td>(b)(6) &gt;2,000lbs: Life or 5-99yrs; &lt;$50,000</td>
</tr>
</tbody>
</table>

| 481.104 **Penalty Group 3**  
(1) Compounds Containing Stimulants: E.g., Ritalin and Preludin  
(2) Compounds Containing Depressants: E.g., Xanax, Ativan, Klonopin  
(3) Nalorphine  
(4) Compounds Containing Limited Quantities of Narcotics: E.g., Codeine, Morphine, Difenoxin  
(5) Compounds Containing Other Substances: E.g., Barbiturates, Chloral Hydrates  
(6) Peyote  
(7) Compounds Containing Stimulants Not Listed Elsewhere: E.g., Appetite Suppressants  
(8) Dextropropoxyphene  
(9) Anabolic Steroids Not Exempted | 481.114 **Manufacture or Delivery of Penalty 3 or 4 Substance**  
(b) <28g: State Jail Felony: 180days-2yrs; <$10,000  
(c) 28-200g: Degree Felony: 2-20yrs; <$10,000  
(d) 200-400g: Degree Felony: Life or 5-99yrs; <$10,000  
(e) >400g: Life or 10-99yrs; <$100,000 | 481.140 **Use of Child in Commission of Crime:** Punishment Increased 1 Degree. If Force Used, Degree Felony |

| 481.105 **Penalty Group 4**  
(1) Compounds Containing | 481.118 **Possession of Penalty 4 Substance** |  |
### Texas Drug Statutes
Texas Health and Safety Code: Title 6 Food, Drugs, Alcohol, and Hazardous Substances

| Limited quantities of narcotics that include nonnarcotic active medicinal ingredients: e.g., codeine, morphine, difenoxin (2) compounds containing Buprenorphine or Butorphanol (3) compounds containing pyrovalerone | **(b)** <28g: Class B misdemeanor  
**(c)** 28-200g: degree felony  
**(d)** 200-400g: degree felony  
**(e)** >400g: life or 5-99yrs; <$50,000 |
|---|---|

**481.106 Controlled Substance Analogue to Penalty Groups 1,1A & 2**  
(1) substantially similar chemical structure of a controlled substance; or  
(2) specifically designed to produce substantially similar effect to controlled substance listed in the penalty group  

**481.123 Affirmative defense**  
If analogue was not intended for human consumption; if there is approved new drug application; or if it was exempted for investigational use

### Miscellaneous Substances

<table>
<thead>
<tr>
<th><strong>Penalties</strong></th>
<th><strong>Enhancements/ Benefit Restrictions</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>481.119(A) Manufacture or delivery of scheduled substance not listed in Penalty Groups</strong></td>
<td>Class A misdemeanor</td>
</tr>
<tr>
<td><strong>481.119(b) Possession of scheduled substance not listed in Penalty Groups</strong></td>
<td>Class B misdemeanor</td>
</tr>
<tr>
<td><strong>482.002 Unlawful delivery or manufacture w/ intent to deliver simulated controlled substance represented as a controlled substance</strong></td>
<td>State jail felony</td>
</tr>
</tbody>
</table>

### Marihuana

<table>
<thead>
<tr>
<th><strong>Penalties</strong></th>
<th><strong>Enhancements/ Benefit Restrictions</strong></th>
</tr>
</thead>
</table>
| **481.120 Delivery of Marihuana**  
(1) <¼ oz & no remuneration  
Class B misdemeanor  
(2) < ¼ oz & remuneration | **481.140 Use of Child in Commission of Crime:**  
punishment increased 1 degree. If force used, degree |
## Texas Drug Statutes

**Texas Health and Safety Code: Title 6 Food, Drugs, Alcohol, and Hazardous Substances**

<table>
<thead>
<tr>
<th>Class A misdemeanor</th>
<th>felony</th>
</tr>
</thead>
<tbody>
<tr>
<td>(3) ¼ oz-5lbs</td>
<td>state jail felony</td>
</tr>
<tr>
<td>(4) 5-50lbs:</td>
<td>degree felony</td>
</tr>
<tr>
<td>(5) 50-2,000lbs:</td>
<td>degree felony</td>
</tr>
<tr>
<td>(6) &gt;2,000lbs:</td>
<td>life or 10-99yrs; &lt;$100,000</td>
</tr>
</tbody>
</table>

### 481.121 Possession of Marihuana

| (1) <2oz: Class B misdemeanor |
| (2) 2-4oz: Class A misdemeanor |
| (3) 4oz-5lbs: state jail felony |
| (4) 5-50lbs: degree felony |
| (5) 50-2,000lbs: degree felony |
| (6) >2,000lbs: life or 5-99yrs; <$50,000 |

### Enhancement Offenses

| 481.122 Delivery of Penalty 1, 1A, 2, 3 or marijuana to a child |
| Penalties |
| degree felony; 481.140 Use of Child in Commission of Crime: punishment increased 1 degree. If force used, degree felony |

| 481.134 Delivery of controlled substance in, on, or w/in 1,000ft of a “drug-free zone” |
| Either a felony 1 degree higher or an additional 5 years and doubled fine depending on the original punishment as defined by statute |

| 481.141 Manufacture or Delivery of Controlled Substance Causing death or serious bodily injury |
| Punishment is increased by 1 degree |

### OTHER OFFENSES

| Offenses |
| Penalties/Enhancements/ Benefit Restrictions |

| 481.124 Possession or Transport of anhydrous ammonia or chemical precursors w/ intent to manufacture controlled substance |
| (d)(1) Penalty 1/1A: degree felony |
| (d)(2) Penalty 2: degree felony |
| (d)(3) Penalty 3/4: state jail felony |
| (d)(4) Scheduled substance not listed in Penalty group: Class A misdemeanor |

| 481.1245 Possession or transport of anhydrous ammonia in improper container |
| (b) degree felony |

| 481.136 Unlawful sale or receipt of chemical precursor w/o permit or in |
| (b) state jail felony; offense: degree felony |
Texas Drug Statutes
Texas Health and Safety Code: Title 6 Food, Drugs, Alcohol, and Hazardous Substances

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Degree/Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>481.137</td>
<td>Transfer of precursor for unlawful manufacture</td>
<td>(b) degree felony; offense: degree</td>
</tr>
<tr>
<td>481.138</td>
<td>Unlawful transfer or receipt of chemical laboratory apparatus w/o permit or in violation of requirements</td>
<td>(b) state jail felony; offense: degree</td>
</tr>
<tr>
<td>481.139</td>
<td>Transfer of chemical laboratory apparatus w/ knowledge that recipient will use it to unlawfully manufacture a controlled substance/analogue</td>
<td>(b) degree felony</td>
</tr>
<tr>
<td>481.125(a)</td>
<td>Possession of drug paraphernalia</td>
<td>(d) Class C misdemeanor</td>
</tr>
<tr>
<td>481.125(b)</td>
<td>Delivery of drug paraphernalia</td>
<td>(e) Class A misdemeanor; offense: additional 90 days-1yr; (c) delivery to minor &gt;3 yrs younger: state jail felony</td>
</tr>
<tr>
<td>481.126(a)(2)&amp;(4)</td>
<td>Financial transactions derived from or intended to further drug offense</td>
<td>(b) degree felony</td>
</tr>
<tr>
<td>481.126(a)(1)&amp;(3): Financial transactions derived from or intended to further drug offense punishable by life imprisonment</td>
<td>(b) degree felony</td>
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</tr>
</tbody>
</table>

### Prescription Drug Offense

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Degree/Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>481.127</td>
<td>Unauthorized disclosure of prescription information</td>
<td>(b) state jail felony</td>
</tr>
<tr>
<td>481.128</td>
<td>Offenses of Commercial registrant</td>
<td>(c) state jail felony; (d) w/o culpable mental state: &lt;$1,000 additional penalty; (b) intentional violation of (8)&amp;(9): &lt;$5,000 additional penalty</td>
</tr>
<tr>
<td>481.1285(b)(1)</td>
<td>Conversion of controlled substance by registrant to their own use</td>
<td>(c) state jail felony</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Penalty</td>
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<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>481.1285(b)(2)</td>
<td>Diversion of controlled substance to unlawful use of another</td>
<td><strong>(c)</strong> degree felony</td>
</tr>
<tr>
<td>481.129(a)(1)</td>
<td>Distribution of Schedule I or II substance w/o required order form</td>
<td></td>
</tr>
</tbody>
</table>
| 481.129(a)(2) | Use of an invalid registration number in course of manufacture, prescription or distribution of a controlled substance | **(1)** Schedule I or II: degree felony  
**(2)** Schedule III or IV: degree felony  
**(3)** Schedule V: Class A misdemeanor |
| 481.129(a)(3) | Issue of a forged prescription |                                                                 |
| 481.129(a)(4) | Use of Schedule II prescription issued to another person |                                                                 |
| 481.129(a)(5) | Obtaining/attempting to obtain controlled substance by misrepresentation, fraudulent prescription |                                                                 |
| 481.129(a)(6) | Furnishing false information in required documentation |                                                                 |
| 481.129(a-1) | Obtaining/attempting to obtain from a practitioner a controlled substance not medically necessary | **(1)** Schedule I or II: degree felony  
**(2)** Schedule III or IV: degree felony  
**(3)** Schedule V: Class A misdemeanor |
| 481.129(b) | Making, distributing or possessing a thing designed to reproduce a counterfeit substance | Class A misdemeanor |
| 481.129(c)(1) | Delivery of a prescription or prescription form for invalid purpose; | **(1)** delivery of prescription form or prescription for Schedule II substance: degree felony  
**(2)** Schedule III, IV, or V: degree felony |
| 481.129(c)(2) | Possession of an invalid prescription or prescription form | **(1)** delivery of prescription form or prescription for Schedule II or III substance: state jail felony  
**(2)** Schedule IV or V prescription: Class B misdemeanor |
§ 12.21 Class A Misdemeanor
• An individual adjudged guilty of a Class A misdemeanor shall be punished by:
  o (1) a fine not to exceed $ 4,000;
  o (2) confinement in jail for a term not to exceed one year; or
  o (3) both such fine and confinement.

§ 12.22. Class B Misdemeanor
• An individual adjudged guilty of a Class B misdemeanor shall be punished by:
  o (1) a fine not to exceed $ 2,000;
  o (2) confinement in jail for a term not to exceed 180 days; or
  o (3) both such fine and confinement.

§ 12.23. Class C Misdemeanor
An individual adjudged guilty of a Class C misdemeanor shall be punished by a fine not to exceed $ 500.

§ 12.31. Capital Felony
• (a) An individual adjudged guilty of a capital felony in a case in which the state seeks the death penalty shall be punished by imprisonment in the Texas Department of Criminal Justice for life without parole or by death. An individual adjudged guilty of a capital felony in a case in which the state does not seek the death penalty shall be punished by imprisonment in the Texas Department of Criminal Justice for:
  o (1) life, if the individual's case was transferred to the court under 54.02, Family Code; or
  o (2) life without parole.
• (b) In a capital felony trial in which the state seeks the death penalty, prospective jurors shall be informed that a sentence of life imprisonment without parole or death is mandatory on conviction of a capital felony. In a capital felony trial in which the state does not seek the death penalty, prospective jurors shall be informed that the state is not seeking the death penalty and that:
  o (1) a sentence of life imprisonment is mandatory on conviction of the capital felony, if the case was transferred to the court under 54.02, Family Code; or
  o (2) a sentence of life imprisonment without parole is mandatory on conviction of the capital felony.

§ 12.32. First Degree Felony Punishment
• (a) An individual adjudged guilty of a felony of the first degree shall be punished by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 5 years.
  • (b) In addition to imprisonment, an individual adjudged guilty of a felony of the first degree may be punished by a fine not to exceed $ 10,000.

§ 12.33. Second Degree Felony Punishment
Texas Drug Statutes

•  **(a)** An individual adjudged guilty of a felony of the second degree shall be punished by imprisonment in the Texas Department of Criminal Justice for any term of not more than 20 years or less than 2 years.

•  **(b)** In addition to imprisonment, an individual adjudged guilty of a felony of the second degree may be punished by a fine not to exceed $10,000.

§ 12.34. Third Degree Felony Punishment

•  **(a)** An individual adjudged guilty of a felony of the third degree shall be punished by imprisonment in the Texas Department of Criminal Justice for any term of not more than 10 years or less than 2 years.

•  **(b)** In addition to imprisonment, an individual adjudged guilty of a felony of the third degree may be punished by a fine not to exceed $10,000.

§ 12.35. State Jail Felony Punishment

•  **(a)** Except as provided by Subsection (c), an individual adjudged guilty of a state jail felony shall be punished by confinement in a state jail for any term of not more than two years or less than 180 days.

•  **(b)** In addition to confinement, an individual adjudged guilty of a state jail felony may be punished by a fine not to exceed $10,000.

•  **(c)** An individual adjudged guilty of a state jail felony shall be punished for a third degree felony if it is shown on the trial of the offense that:
  o  **(1)** a deadly weapon as defined by Section 1.07 was used or exhibited during the commission of the offense or during immediate flight following the commission of the offense, and that the individual used or exhibited the deadly weapon or was a party to the offense and knew that a deadly weapon would be used or exhibited; or
  o  **(2)** the individual has previously been finally convicted of any felony:
    ▪  **(A)** under Section 20A.03 or 21.02 or listed in Section 3g(a)(1), Article 42.12, Code of Criminal Procedure; or
    ▪  **(B)** for which the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure.

§ 481.102. Penalty Group 1

•  Penalty Group 1 consists of:
  o  **(1)** the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, if the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:
    ▪  Alfentanil;
    ▪  Allylprodine;
    ▪  Alphacetylmethadol;
    ▪  Benzethidine;
    ▪  Betaprodine;
    ▪  Clonitazene;
    ▪  Diampromide;
    ▪  Diethylthiambutene;
    ▪  Difenoxin not listed in Penalty Group 3 or 4;
    ▪  Dimenoxadol;
Texas Drug Statutes

Dimethylthiambutene;
Dioxaphetyl butyrate;
Dipipanone;
Ethylmethylthiambutene;
Etonitazene;
Etoxeridine;
Furethidine;
Hydroxypethidine;
Ketobemidone;
Levophenacylmorphan;
Meprobine;
Methodol;
Moramide;
Morpheridine;
Noracymethadol;
Norlevorphanol;
Normethadone;
Norpipanone;
Phenadoxone;
Phenampronide;
Phenomorphon;
Phenoperidine;
Piritramide;
Proheptazine;
Properidine;
Propiram;
Sufentanil;
Tilidine; and
Trimeperidine;

(2) the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, if the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- Acetorphine;
  Acetyldihydrocodeine;
  Benzylmorphine;
  Codeine methylbromide;
  Codeine-N-Oxide;
  Cyprenorphine;
  Desomorphine;
  Dihydromorphine;
  Drotebanol;
  Etorphine, except hydrochloride salt;
  Heroin;
  Hydromorphinol;
  Methyldesorphine;
  Methyldihydromorphine;
  Monoacetylmorphine;
  Morphine methylbromide;
  Morphine methylsulfonate;
  Morphine-N-Oxide;
  Myrophine;
  Nicocodeine;
Texas Drug Statutes

Nicomorphine;
Normorphine;
Pholcodine; and
Thebacon;

(3) the following substances, however produced, except those narcotic drugs listed in another group:

(A) Opium and opiate not listed in Penalty Group 3 or 4, and a salt, compound, derivative, or preparation of opium or opiate, other than thebaine derived butorphanol, nalmefene and its salts, naloxone and its salts, and naltrexone and its salts, but including:

- Codeine not listed in Penalty Group 3 or 4;
- Dihydroetorphine;
- Ethylmorphine not listed in Penalty Group 3 or 4;
- Granulated opium;
- Hydrocodone not listed in Penalty Group 3;
- Hydromorphone;
- Metopon;
- Morphine not listed in Penalty Group 3;
- Opium extracts;
- Opium fluid extracts;
- Oripavine;
- Oxycodone;
- Oxymorphone;
- Powdered opium;
- Raw opium;
- Thebaine; and
- Tincture of opium;

(B) a salt, compound, isomer, derivative, or preparation of a substance that is chemically equivalent or identical to a substance described by Paragraph (A), other than the isoquinoline alkaloids of opium;

(C) Opium poppy and poppy straw;

(D) Cocaine, including:

(i) its salts, its optical, position, and geometric isomers, and the salts of those isomers;

(ii) coca leaves and a salt, compound, derivative, or preparation of coca leaves;

(iii) a salt, compound, derivative, or preparation of a salt, compound, or derivative that is chemically equivalent or identical to a substance described by Subparagraph (i) or (ii), other than decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine; and

(E) concentrate of poppy straw, meaning the crude extract of poppy straw in liquid, solid, or powder form that contains the phenanthrine alkaloids of the opium poppy;

(4) the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, if the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

- Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
- Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
Texas Drug Statutes

Alphaprodine;
Anileridine;
Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
Beta-hydroxy-3-methylfentanyl;
Bezitramide;
Carfentanil;
Dihydrocodeine not listed in Penalty Group 3 or 4;
Diphenoxylate not listed in Penalty Group 3 or 4;
Fentanyl or alpha-methylfentanyl, or any other derivative of Fentanyl;
Isomethadone;
Levomethorphan;
Levorphanol;
Metazocine;
Methadone;
Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
3-methylfentanyl(N-[3-methyl-1-(2-phenylethyl)-4-piperidinyl]-N-phenylpropanamide);
3-methylthiofentanyl(N-[3-methyl-1-(2-thienyl) ethyl-4-piperidinyl]-N-phenylpropanamide);
Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
Para-fluorofentanyl(N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinylpropanamide);
PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxy piperidine);
Pethidine (Meperidine);
Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenyl piperidine;
Pethidine-Intermediate-B, ethyl-4-phenyl piperidine-4-carboxylate;
Pethidine-Intermediate-C, 1-methyl-4-phenyl piperidine-4-carboxylic acid;
Phenazocine;
Pimcinodine;
Racemethorphan;
Racemorphan;
Remifentanil; and
Thiofentanyl(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-prop anamide);
(5) Flunitrazepam (trade or other name: Rohypnol);
(6) Methamphetamine, including its salts, optical isomers, and salts of optical isomers;
(7) Phenylacetone and methylamine, if possessed together with intent to manufacture methamphetamine;
(8) Phencyclidine, including its salts;
(9) Gamma hydroxybutyric acid (some trade or other names: gamma hydroxybutyrate, GHB), including its salts; and
(10) Ketamine.

§ 481.1021. Penalty Group 1-A

Penalty Group 1-A consists of lysergic acid diethylamide (LSD), including its salts, isomers, and salts of isomers.

§ 481.103. Penalty Group 2

• (a) Penalty Group 2 consists of:
(1) any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, if the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- alpha-ethyltryptamine;
- alpha-methyltryptamine;
- 4-bromo-2, 5-dimethoxyamphetamine (some trade or other names: 4-bromo-2, 5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2, 5-DMA);
- 4-bromo-2, 5-dimethoxyphenethylamine;
- Bufotenine (some trade and other names: 3-(beta- Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)- 5- indolol; N, N-dimethylserotonin; 5-hydroxy-N, N- dimethyltryptamine; mappine);
- Diethyltryptamine (some trade and other names: N, N-Diethyltryptamine, DET);
- 2, 5-dimethoxyamphetamine (some trade or other names: 2, 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA);
- 2, 5-dimethoxy-4-ethylamphetamine (trade or other name: DOET);
- 2, 5-dimethoxy-4-(n)-propylthiophenethylamine (trade or other name: 2C-T-7);
- Dimethyltryptamine (trade or other name: DMT);
- Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product (some trade or other names for Dronabinol: (a6aR-trans)-6a,7,8,10a-tetrahydro- 6,6, 9- trimethyl-3-pentyl-6H- dibenzo [b,d]pyran-1-ol or (-)-delta-9-(trans)- tetrahydrocannabinol);
- Ethylamine Analog of Phencyclidine (some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1- phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
- Ibogaine (some trade or other names: 7-Ethyl-6, 6, beta 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H- pyrrolo [1′, 2′:1, 2] azepino [5, 4-b] indole; tabernanthe iboga.);
- Mescaline;
- 5-methoxy-N, N-diisopropyltryptamine;
- 5-methoxy-3, 4-methylenedioxy amphetamine;
- 4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; para methoxyamphetamine; PMA);
- 1-methyl- 4-phenyl-4-propionoxypiperidine (MPPP, PPMP);
Texas Drug Statutes

4-methyl-2, 5-dimethoxyamphetamine (some trade and other names: 4-methyl-2, 5-dimethoxy-alpha- methylphenethylamine; "DOM"; "STP");

3,4-methylenedioxy methamphetamine (MDMA, MDM);

3,4-methylenedioxy amphetamine;

3,4-methylenedioxy N-ethylamphetamine (Also known as N-ethyl MDA);

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;

N-benzylpiperazine (some trade or other names: BZP; 1-benzylpiperazine);

N-ethyl-3-piperidyl benzilate;

N-hydroxy-3,4-methylenedioxyamphetamine (Also known as N-hydroxy MDA);

4-methylaminorex;

N-methyl-3-piperidyl benzilate;

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);

1-Phenylcyclohexylamine;

1-Piperidinocyclohexanecarbonitrile (PCC);

Psilocin;

Psilocybin;

Pyrrolidine Analog of Phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);

Tetrahydrocannabinols, other than marihuana, and synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as:

delta-1 cis or trans tetrahydrocannabinol, and their optical isomers;

delta-6 cis or trans tetrahydrocannabinol, and their optical isomers;

delta-3, 4 cis or trans tetrahydrocannabinol, and its optical isomers;

compounds of these structures, regardless of numerical designation of atomic positions, since nomenclature of these substances is not internationally standardized;

Thiophene Analog of Phencyclidine (some trade or other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl Analog of Phencyclidine; TPCP, TCP);
Texas Drug Statutes

1-pyrrolidine (some trade or other name: TCPy);
1-(3-trifluoromethylphenyl)piperazine (trade or other name: TFMPP); and
3,4,5-trimethoxy amphetamine;

(2) Phenylacetone (some trade or other names: Phenyl-2-propanone; P2P, Benzylethyl ketone, methyl benzyl ketone);

(3) unless specifically excepted or unless listed in another Penalty Group, a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant or stimulant effect on the central nervous system:

Aminorex (some trade or other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-phenyl-2-oxazolamine);

Amphetamine, its salts, optical isomers, and salts of optical isomers;

Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-amino-1-propanone);

Etorphine Hydrochloride;

Fenethylline and its salts;

Lisdexamfetamine, including its salts, isomers, and salts of isomers;

Mecloqualone and its salts;

Methaqualone and its salts;

Methcathinone (some trade or other names: 2-methylamino-propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylnorpropiophenone; monomethylpropion; ephedrine, N-methylcathinone; methylephedrine; AL-464; AL-422; AL-463; and UR 1431);

N-Ethylamphetamine, its salts, optical isomers, and salts of optical isomers; and

N,N-dimethylamphetamine (some trade or other names: N,N,alpha-trimethylbenzeneethaneamine; N,N,alpha-trimethylphenethylamine), its salts, optical isomers, and salts of optical isomers; and

(4) any compound structurally derived from 2-aminopropanal by substitution at the 1-position with any monocyclic or fused-polycyclic ring system, including:

(A) compounds further modified by:

(i) substitution in the ring system to any extent (including alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents), whether or not further substituted in the ring system by other substituents;

(ii) substitution at the 3-position with an alkyl substituent; or

(iii) substitution at the 2-amino nitrogen atom with alkyl or dialkyl groups, or inclusion of the 2-amino nitrogen atom in a cyclic structure; and

(B) by example, compounds such as:
Texas Drug Statutes

4-Methylmethcathinone (Also known as Mephedrone);
3,4-Dimethylmethcathinone (Also known as 3,4-DMMC);
3-Fluoromethcathinone (Also known as 3-FMC);
4-Fluoromethcathinone (Also known as Flephedrone);
3,4-Methylenedioxy-N-methylcathinone (Also known as Methylone);
3,4-Methylenedioxypyrovalerone (Also known as MDPV);
alpha-Pyrrolidinopentiophenone (Also known as alpha-PVP);
Naphthylpyrovalerone (Also known as Naphyrone);
beta-Keto-N-methylbenzodioxolylpropylamine (Also known as Butylone);
beta-Keto-N-methylbenzodioxolylpentanamine (Also known as Petylone);
beta-Keto-Ethylbenzodioxolylbutanamine (Also known as Eutylone); and
3,4-methylenedioxy-N-ethylcathinone (Also known as Ethylone).

(b) For the purposes of Subsection (a)(1) only, the term "isomer" includes an optical, position, or geometric isomer.

(c) To the extent Subsection (a)(4) conflicts with this subtitle or another law, the subtitle or other law prevails.

§ 481.1031. Penalty Group 2-A

Penalty Group 2-A consists of any quantity of a synthetic chemical compound that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring cannabinoids, including:

naphthoylindoles structurally derived from 3-(1-naphthoyl)indole by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the napthyl ring to any extent, including:

AM-2201;
JWH-004;
JWH-007;
JWH-009;
JWH-015;
JWH-016;
JWH-018;
JWH-019;
JWH-020;
JWH-046;
JWH-047;
Texas Drug Statutes

JWH-048;
JWH-049;
JWH-050;
JWH-073;
JWH-076;
JWH-079;
JWH-080;
JWH-081;
JWH-082;
JWH-083;
JWH-093;
JWH-094;
JWH-095;
JWH-096;
JWH-097;
JWH-098;
JWH-099;
JWH-100;
JWH-116;
JWH-122;
JWH-148;
JWH-149;
JWH-153;
JWH-159;
JWH-164;
JWH-165;
JWH-166;
JWH-180;
JWH-181;
JWH-182;
JWH-189;
JWH-193;
JWH-198;
JWH-200;
JWH-210;
JWH-211;
JWH-212;
JWH-213;
JWH-234;
JWH-235;
JWH-239;
JWH-240;
JWH-241;
JWH-242;
JWH-258;
naphthylmethyldiones structurally derived from 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent, including:

JWH-175;
JWH-184;
JWH-185;
JWH-192;
JWH-194;
JWH-195;
JWH-196;
JWH-197; and
JWH-199;

naphthoylpyrroles structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent, including:

JWH-030;
JWH-145;
JWH-146;
JWH-147;
JWH-150;
JWH-156;
JWH-243;
JWH-244;
JWH-245;
JWH-246;
JWH-292;
JWH-293; JWH-307; JWH-308; JWH-309; JWH-346; JWH-347; JWH-348; JWH-363; JWH-364; JWH-365; JWH-366; JWH-367; JWH-368; JWH-369; JWH-370; JWH-371; JWH-372; JWH-373; and JWH-392;
naphthylmethylindenes structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent, including:
   JWH-171;
   JWH-172;
   JWH-173; and
   JWH-176;
phenylacetylindoles structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent, including:
   AM-694;
   AM-1241;
   JWH-167;
   JWH-203;
   JWH-204;
   JWH-205;
   JWH-206;
   JWH-208;
   JWH-237;
   JWH-248;
   JWH-249;
   JWH-250;
JWH-251; JWH-252; JWH-253; JWH-302; JWH-303; JWH-305; JWH-306; JWH-311; JWH-312; JWH-313; JWH-314; and JWH-315;
cyclohexylphenols structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not substituted in the cyclohexyl ring to any extent, including:
  CP-55,940;
  CP-47,497;
  analogues of CP-47,497, including VII, V, VIII, I, II, III, IV, IX, X, XI, XII, XIII, XV, and XVI;
  JWH-337; JWH-344; JWH-345; and JWH-405; and

cannabinol derivatives, except where contained in marihuana, including tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives, such as:
  Nabilone;
  HU-210;
  HU-211; and
  WIN-55,212-2.

§ 481.104. Penalty Group 3

- **(a)** Penalty Group 3 consists of:
  - (1) a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:
    - Methylphenidate and its salts; and
    - Phenmetrazine and its salts;
  - (2) a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:
    - a substance that contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid not otherwise described by this subsection;
Texas Drug Statutes

a compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt of any of these, and one or more active medicinal ingredients that are not listed in any penalty group;
a suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs, and approved by the United States Food and Drug Administration for marketing only as a suppository;
Alprazolam;
Amobarbital;
Bromazepam;
Camazepam;
Chlordiazepoxide;
Chlorhexadol;
Clobazam;
Clonazepam;
Clorazepate;
Clotiazepam;
Cloxazolam;
Delorazepam;
Diazepam;
Estazolam;
Ethyl loflazepate;
Fludiazepam;
Flurazepam;
Glutethimide;
Halazepam;
Haloxzolam;
Ketazolam;
Loprazolam;
Lorazepam;
Lormetazepam;
Lysergic acid, including its salts, isomers, and salts of isomers;
Lysergic acid amide, including its salts, isomers, and salts of isomers;
Mebutamate;
Medazepam;
Methyprylon;
Midazolam;
Nimetazepam;
Nitrazepam;
Nordiazepam;
Oxazepam;
Oxazolam;
Pentazocine, its salts, derivatives, or compounds or mixtures thereof;
Pentobarbital;
Pinazepam;
Prazepam;
Quazepam;
Secobarbital;
Sulfondiethylmethane;
Sulfonethylmethane;
Sulfonmethane;
Temazepam;
Tetrazepam;
Tiletamine and zolazepam in combination, and its salts. (some trade or other
names for a tiletamine-zolazepam combination product: Telazol, for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone, and for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e](1,4)-diazepin-7(1H)-one,

Triazolam;
Zaleplon;
Zolpidem; and
Zopiclone;

(3) Nalorphine;

(4) a material, compound, mixture, or preparation containing limited quantities of the following narcotic drugs, or any of their salts:

- not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

- not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

- not more than 300 milligrams of dihydrocodeine (hydrocodone), or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

- not more than 300 milligrams of dihydrocodeine (hydrocodone), or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

- not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

- not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

- 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;

- not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; and

- not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) a material, compound, mixture, or preparation that contains any quantity of the following substances:

Barbital;
Chloral betaine;
Chloral hydrate;
Ethchlorvynol;
Ethinamate;
Meprobamate;
Methohexital;
Methylphenobarbital (Mephobarbital);
Paraldehyde;
Petrichloral; and
Phenobarbital;

(6) Peyote, unless unharvested and growing in its natural state, meaning all parts of the plant classified botanically as Lophophora, whether growing or not, the seeds of the plant, an extract from a part of the plant, and every compound,
manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts;

- (7) unless listed in another penalty group, a material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including the substance's salts, optical, position, or geometric isomers, and salts of the substance's isomers, if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:
  - Benzphetamine;
  - Cathine [(+)-norpseudoephedrine];
  - Chlorphentermine;
  - Clortermine;
  - Diethylpropion;
  - Fencamfamin;
  - Fenfluramine;
  - Fenproporex;
  - Mazindol;
  - Mefenorex;
  - Modafinil;
  - Pemoline (including organometallic complexes and their chelates);
  - Phendimetrazine;
  - Phentermine;
  - Pipradrol;
  - Sibutramine; and
  - SPA [(−)-1-dimethylamino-1,2-diphenylethane];

- (8) unless specifically excepted or unless listed in another penalty group, a material, compound, mixture, or preparation that contains any quantity of the following substance, including its salts:
  - Dextropropoxyphene (Alpha-(+) -4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane); and

- (9) an anabolic steroid, including any drug or hormonal substance, or any substance that is chemically or pharmacologically related to testosterone, other than an estrogen, progestin, dehydroepiandrosterone, or corticosteroid, and promotes muscle growth, including the following drugs and substances and any salt, ester, or ether of the following drugs and substances:
  - Androstanediol;
  - Androstanedione;
  - Androstenediol;
  - Androstenedione;
  - Bolasterone;
  - Boldenone;
  - Calusterone;
  - Clostebol;
  - Dehydrochormethyltestosterone;
  - Delta-1-dihydrotestosterone;
  - Dihydrotestosterone (4-dihydrotestosterone);
  - Drostanolone;
  - Ethylestrenol;
  - Fluoxymesterone;
  - Formebulone;
  - Furazabol;
  - 13beta-ethyl-17beta-hydroxygon-4-en-3-one;
  - 4-hydroxytestosterone;
Texas Drug Statutes

4-hydroxy-19-nortestosterone;
Mestanolone;
Mesterolone;
Methandienone;
Methandriol;
Methenolone;
17alpha-methyl-3beta, 17 beta-dihydroxy-5alpha- androstane;
17alpha-methyl-3alpha, 17 beta-dihydroxy-5alpha- androstane;
17alpha-methyl-3beta, 17beta-dihydroxyandrost-4- ene;
17alpha-methyl-4-hydroxynandrolone;
Methyldienolone;
Methyltestosterone;
Methyltrienolone;
17alpha-methyl-delta-1-dihydrotestosterone;
Mibolerone;
Nandroline;
Norandrostenediol;
Norandrostenedione;
Norbolethone;
Norclostebol;
Norethandrolone;
Normethandrolone;
Oxandrolone;
Oxymesterone;
Oxymetholone;
Stanozolol;
Stenbolone;
Testolactone;
Testosterone;
Tetrahydrogestrinone; and
Trenbolone.

• (b) Penalty Group 3 does not include a compound, mixture, or preparation containing a stimulant substance listed in Subsection (a)(1) if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant effect on the central nervous system and if the admixtures are included in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances that have a stimulant effect on the central nervous system.

• (c) Penalty Group 3 does not include a compound, mixture, or preparation containing a depressant substance listed in Subsection (a)(2) or (a)(5) if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system and if the admixtures are included in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances that have a depressant effect on the central nervous system.

§ 481.105. Penalty Group 4

• Penalty Group 4 consists of:
  o (1) a compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs that includes one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer on the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:
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- not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;
- not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;
- not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;
- not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;
- not more than 15 milligrams of opium per 29.5729 milliliters or per 28.35 grams; and
- not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;

(2) unless specifically excepted or unless listed in another penalty group, a material, compound, mixture, or preparation containing any quantity of the narcotic drug Buprenorphine or Butorphanol or a salt of either; and

(3) unless specifically exempted or excluded or unless listed in another penalty group, any material, compound, mixture, or preparation that contains any quantity of pyrovalerone, a substance having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers.

§ 481.106. Classification of Controlled Substance Analogue

- For the purposes of the prosecution of an offense under this subchapter involving the manufacture, delivery, or possession of a controlled substance, Penalty Groups 1, 1-A, and 2 include a controlled substance analogue that:
  - (1) has a chemical structure substantially similar to the chemical structure of a controlled substance listed in the applicable penalty group; or
  - (2) is specifically designed to produce an effect substantially similar to, or greater than, a controlled substance listed in the applicable penalty group.

§ 481.112. Offense: Manufacture or Delivery of Substance in Penalty Group 1

- (a) Except as authorized by this chapter, a person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in Penalty Group 1.
- (b) An offense under Subsection (a) is a state jail felony if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, less than one gram.
- (c) An offense under Subsection (a) is a felony of the second degree if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, one gram or more but less than four grams.
- (d) An offense under Subsection (a) is a felony of the first degree if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, four grams or more but less than 200 grams.
- (e) An offense under Subsection (a) is punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed $100,000, if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, 200 grams or more.
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substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, 200 grams or more but less than 400 grams.

- (f) An offense under Subsection (a) is punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed $ 250,000, if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, 400 grams or more.

§ 481.1121. Offense: Manufacture or Delivery of Substance in Penalty Group 1-A

- (a) Except as provided by this chapter, a person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in Penalty Group 1-A.

- (b) An offense under this section is:
  o (1) a state jail felony if the number of abuse units of the controlled substance is fewer than 20;
  o (2) a felony of the second degree if the number of abuse units of the controlled substance is 20 or more but fewer than 80;
  o (3) a felony of the first degree if the number of abuse units of the controlled substance is 80 or more but fewer than 4,000; and
  o (4) punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 15 years and a fine not to exceed $ 250,000, if the number of abuse units of the controlled substance is 4,000 or more.

§ 481.1122. Manufacture of Substance in Penalty Group 1: Presence of Child

- If it is shown at the punishment phase of a trial for the manufacture of a controlled substance listed in Penalty Group 1 that when the offense was committed a child younger than 18 years of age was present on the premises where the offense was committed:
  o (1) the punishments specified by Sections 481.112(b) and (c) are increased by one degree;
  o (2) the minimum term of imprisonment specified by Section 481.112(e) is increased to 15 years and the maximum fine specified by that section is increased to $ 150,000; and
  o (3) the minimum term of imprisonment specified by Section 481.112(f) is increased to 20 years and the maximum fine specified by that section is increased to $ 300,000.

§ 481.113. Offense: Manufacture or Delivery of Substance in Penalty Group 2 or 2-A

- (a) Except as authorized by this chapter, a person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in Penalty Group 2 or 2-A.

- (b) An offense under Subsection (a) is a state jail felony if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, less than one gram.

- (c) An offense under Subsection (a) is a felony of the second degree if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, one gram or more but less than four grams.
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• (d) An offense under Subsection (a) is a felony of the first degree if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, four grams or more but less than 400 grams.

• (e) An offense under Subsection (a) is punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed $100,000, if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, 400 grams or more.

§ 481.114. Offense: Manufacture or Delivery of Substance in Penalty Group 3 or 4

• (a) Except as authorized by this chapter, a person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in Penalty Group 3 or 4.

• (b) An offense under Subsection (a) is a state jail felony if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, less than 28 grams.

• (c) An offense under Subsection (a) is a felony of the second degree if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, 28 grams or more but less than 200 grams.

• (d) An offense under Subsection (a) is a felony of the first degree, if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, 200 grams or more but less than 400 grams.

• (e) An offense under Subsection (a) is punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed $100,000, if the amount of the controlled substance to which the offense applies is, by aggregate weight, including any adulterants or dilutants, 400 grams or more.

§ 481.115. Offense: Possession of Substance in Penalty Group 1

• (a) Except as authorized by this chapter, a person commits an offense if the person knowingly or intentionally possesses a controlled substance listed in Penalty Group 1, unless the person obtained the substance directly from or under a valid prescription or order of a practitioner acting in the course of professional practice.

• (b) An offense under Subsection (a) is a state jail felony if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, less than one gram.

• (c) An offense under Subsection (a) is a felony of the third degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, one gram or more but less than four grams.

• (d) An offense under Subsection (a) is a felony of the second degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, four grams or more but less than 200 grams.

• (e) An offense under Subsection (a) is a felony of the first degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 200 grams or more but less than 400 grams.

• (f) An offense under Subsection (a) is punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed $100,000, if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 400 grams or more.
§ 481.1151. Offense: Possession of Substance in Penalty Group 1-A

- **(a)** Except as provided by this chapter, a person commits an offense if the person knowingly possesses a controlled substance listed in Penalty Group 1-A.
- **(b)** An offense under this section is:
  - 1. a state jail felony if the number of abuse units of the controlled substance is fewer than 20;
  - 2. a felony of the third degree if the number of abuse units of the controlled substance is 20 or more but fewer than 80;
  - 3. a felony of the second degree if the number of abuse units of the controlled substance is 80 or more but fewer than 4,000;
  - 4. a felony of the first degree if the number of abuse units of the controlled substance is 4,000 or more but fewer than 8,000; and
  - 5. punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 15 years and a fine not to exceed $250,000, if the number of abuse units of the controlled substance is 8,000 or more.

§ 481.116. Offense: Possession of Substance in Penalty Group 2

- **(a)** Except as authorized by this chapter, a person commits an offense if the person knowingly or intentionally possesses a controlled substance listed in Penalty Group 2, unless the person obtained the substance directly from or under a valid prescription or order of a practitioner acting in the course of professional practice.
- **(b)** An offense under Subsection (a) is a state jail felony if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, less than one gram.
- **(c)** An offense under Subsection (a) is a felony of the third degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, one gram or more but less than four grams.
- **(d)** An offense under Subsection (a) is a felony of the second degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, four grams or more but less than 400 grams.
- **(e)** An offense under Subsection (a) is punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than five years, and a fine not to exceed $50,000, if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 400 grams or more.

§ 481.1161. Offense: Possession of Substance in Penalty Group 2-A

- **(a)** Except as authorized by this chapter, a person commits an offense if the person knowingly possesses a controlled substance listed in Penalty Group 2-A, unless the person obtained the substance directly from or under a valid prescription or order of a practitioner acting in the course of professional practice.
- **(b)** An offense under this section is:
  - 1. a Class B misdemeanor if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, two ounces or less;
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- **(2)** a Class A misdemeanor if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, four ounces or less but more than two ounces;
- **(3)** a state jail felony if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, five pounds or less but more than four ounces;
- **(4)** a felony of the third degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 50 pounds or less but more than 5 pounds;
- **(5)** a felony of the second degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 2,000 pounds or less but more than 50 pounds; and
- **(6)** punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 5 years, and a fine not to exceed $50,000, if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, more than 2,000 pounds.

§ 481.117. Offense: Possession of Substance in Penalty Group 3

- **(a)** Except as authorized by this chapter, a person commits an offense if the person knowingly or intentionally possesses a controlled substance listed in Penalty Group 3, unless the person obtains the substance directly from or under a valid prescription or order of a practitioner acting in the course of professional practice.
- **(b)** An offense under Subsection (a) is a Class A misdemeanor if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, less than 28 grams.
- **(c)** An offense under Subsection (a) is a felony of the third degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 28 grams or more but less than 200 grams.
- **(d)** An offense under Subsection (a) is a felony of the second degree, if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 200 grams or more but less than 400 grams.
- **(e)** An offense under Subsection (a) is punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than five years, and a fine not to exceed $50,000, if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 400 grams or more.

§ 481.118. Offense: Possession of Substance in Penalty Group 4

- **(a)** Except as authorized by this chapter, a person commits an offense if the person knowingly or intentionally possesses a controlled substance listed in Penalty Group 4, unless the person obtained the substance directly from or under a valid prescription or order of a practitioner acting in the course of practice.
- **(b)** An offense under Subsection (a) is a Class B misdemeanor if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, less than 28 grams.
- **(c)** An offense under Subsection (a) is a felony of the third degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 28 grams or more but less than 200 grams.
- **(d)** An offense under Subsection (a) is a felony of the second degree, if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 200 grams or more but less than 400 grams.
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• **(e)** An offense under Subsection (a) is punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than five years, and a fine not to exceed $50,000, if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 400 grams or more.

§ 481.119. Offense: Manufacture, Delivery, or Possession of Miscellaneous Substances

• **(a)** A person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in a schedule by an action of the commissioner under this chapter but not listed in a penalty group. An offense under this subsection is a Class A misdemeanor.

• **(b)** A person commits an offense if the person knowingly or intentionally possesses a controlled substance listed in a schedule by an action of the commissioner under this chapter but not listed in a penalty group. An offense under this subsection is a Class B misdemeanor.

§ 481.120. Offense: Delivery of Marihuana

• **(a)** Except as authorized by this chapter, a person commits an offense if the person knowingly or intentionally delivers marihuana.

• **(b)** An offense under Subsection (a) is:
  o **(1)** a Class B misdemeanor if the amount of marihuana delivered is one-fourth ounce or less and the person committing the offense does not receive remuneration for the marihuana;
  o **(2)** a Class A misdemeanor if the amount of marihuana delivered is one-fourth ounce or less and the person committing the offense receives remuneration for the marihuana;
  o **(3)** a state jail felony if the amount of marihuana delivered is five pounds or less but more than one-fourth ounce;
  o **(4)** a felony of the second degree if the amount of marihuana delivered is 50 pounds or less but more than five pounds;
  o **(5)** a felony of the first degree if the amount of marihuana delivered is 2,000 pounds or less but more than 50 pounds; and
  o **(6)** punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed $100,000, if the amount of marihuana delivered is more than 2,000 pounds.

§ 481.121. Offense: Possession of Marihuana

• **(a)** Except as authorized by this chapter, a person commits an offense if the person knowingly or intentionally possesses a usable quantity of marihuana.

• **(b)** An offense under Subsection (a) is:
  o **(1)** a Class B misdemeanor if the amount of marihuana possessed is two ounces or less;
  o **(2)** a Class A misdemeanor if the amount of marihuana possessed is four ounces or less but more than two ounces;
  o **(3)** a state jail felony if the amount of marihuana possessed is five pounds or less but more than four ounces;
  o **(4)** a felony of the third degree if the amount of marihuana possessed is 50 pounds or less but more than 5 pounds;
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- (5) a felony of the second degree if the amount of marihuana possessed is 2,000 pounds or less but more than 50 pounds; and
- (6) punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 5 years, and a fine not to exceed $50,000, if the amount of marihuana possessed is more than 2,000 pounds.

§ 481.122. Offense: Delivery of Controlled Substance or Marihuana to Child

- (a) A person commits an offense if the person knowingly delivers a controlled substance listed in Penalty Group 1, 1-A, 2, or 3 or knowingly delivers marihuana and the person delivers the controlled substance or marihuana to a person:
  - (1) who is a child;
  - (2) who is enrolled in a public or private primary or secondary school; or
  - (3) who the actor knows or believes intends to deliver the controlled substance or marihuana to a person described by Subdivision (1) or (2).
- (b) It is an affirmative defense to prosecution under this section that:
  - (1) the actor was a child when the offense was committed; or
  - (2) the actor:
    - (A) was younger than 21 years of age when the offense was committed;
    - (B) delivered only marihuana in an amount equal to or less than one-fourth ounce; and
    - (C) did not receive remuneration for the delivery.
- (c) An offense under this section is a felony of the second degree.
- (d) In this section, "child" means a person younger than 18 years of age.
- (e) If conduct that is an offense under this section is also an offense under another section of this chapter, the actor may be prosecuted under either section or both.

§ 481.123. Defense to Prosecution for Offense Involving Controlled Substance Analogue

- (a) It is an affirmative defense to the prosecution of an offense under this subchapter involving the manufacture, delivery, or possession of a controlled substance analogue that the analogue:
  - (1) was not in any part intended for human consumption;
  - (2) was a substance for which there is an approved new drug application under Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 355); or
  - (3) was a substance for which an exemption for investigational use has been granted under Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 355), if the actor's conduct with respect to the substance is in accord with the exemption.
- (b) For the purposes of this section, Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 355) applies to the introduction or delivery for introduction of any new drug into intrastate, interstate, or foreign commerce.

§ 481.124. Offense: Possession or Transport of Certain Chemicals with Intent to Manufacture Controlled Substance
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• (a) A person commits an offense if, with intent to unlawfully manufacture a controlled substance, the person possesses or transports:
  o (1) anhydrous ammonia;
  o (2) an immediate precursor; or
  o (3) a chemical precursor or an additional chemical substance named as a precursor by the director under Section 481.077(b)(1).

• (b) For purposes of this section, an intent to unlawfully manufacture the controlled substance methamphetamine is presumed if the actor possesses or transports:
  o (1) anhydrous ammonia in a container or receptacle that is not designed and manufactured to lawfully hold or transport anhydrous ammonia;
  o (2) lithium metal removed from a battery and immersed in kerosene, mineral spirits, or similar liquid that prevents or retards hydration; or
  o (3) in one container, vehicle, or building, phenylacetic acid, or more than nine grams, three containers packaged for retail sale, or 300 tablets or capsules of a product containing ephedrine or pseudoephedrine, and:
    - (A) anhydrous ammonia;
    - (B) at least three of the following categories of substances commonly used in the manufacture of methamphetamine:
      - (i) lithium or sodium metal or red phosphorus, iodine, or iodine crystals;
      - (ii) lye, sulfuric acid, hydrochloric acid, or muriatic acid;
      - (iii) an organic solvent, including ethyl ether, alcohol, or acetone;
      - (iv) a petroleum distillate, including naphtha, paint thinner, or charcoal lighter fluid; or
      - (v) aquarium, rock, or table salt; or
    - (C) at least three of the following items:
      - (i) an item of equipment subject to regulation under Section 481.080, if the person is not registered under Section 481.063; or
      - (ii) glassware, a plastic or metal container, tubing, a hose, or other item specially designed, assembled, or adapted for use in the manufacture, processing, analyzing, storing, or concealing of methamphetamine.

• (c) For purposes of this section, a substance is presumed to be anhydrous ammonia if the substance is in a container or receptacle that is:
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- (1) designed and manufactured to lawfully hold or transport anhydrous ammonia; or
- (2) not designed and manufactured to lawfully hold or transport anhydrous ammonia, if:
  • (A) a properly administered field test of the substance using a testing device or instrument designed and manufactured for that purpose produces a positive result for anhydrous ammonia; or
  • (B) a laboratory test of a water solution of the substance produces a positive result for ammonia.

- (d) An offense under this section is:
  • (1) a felony of the second degree if the controlled substance is listed in Penalty Group 1 or 1-A;
  • (2) a felony of the third degree if the controlled substance is listed in Penalty Group 2;
  • (3) a state jail felony if the controlled substance is listed in Penalty Group 3 or 4; or
  • (4) a Class A misdemeanor if the controlled substance is listed in a schedule by an action of the commissioner under this chapter but not listed in a penalty group.

- (e) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

- (f) This section does not apply to a chemical precursor exempted by the director under Section 481.077(b)(2) from the requirements of that section.

§ 481.1245. Offense: Possession or Transport of Anhydrous Ammonia; Use of or Tampering with Equipment

- (a) A person commits an offense if the person:
  • (1) possesses or transports anhydrous ammonia in a container or receptacle that is not designed or manufactured to hold or transport anhydrous ammonia;
  • (2) uses, transfers, or sells a container or receptacle that is designed or manufactured to hold anhydrous ammonia without the express consent of the owner of the container or receptacle; or
  • (3) tampers with equipment that is manufactured or used to hold, apply, or transport anhydrous ammonia without the express consent of the owner of the equipment.

- (b) An offense under this section is a felony of the third degree.

§ 481.125. Offense: Possession or Delivery of Drug Paraphernalia

- (a) A person commits an offense if the person knowingly or intentionally uses or possesses with intent to use drug paraphernalia to
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plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this chapter or to inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter.

- (b) A person commits an offense if the person knowingly or intentionally delivers, possesses with intent to deliver, or manufactures with intent to deliver drug paraphernalia knowing that the person who receives or who is intended to receive the drug paraphernalia intends that it be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this chapter or to inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter.

- (c) A person commits an offense if the person commits an offense under Subsection (b), is 18 years of age or older, and the person who receives or who is intended to receive the drug paraphernalia is younger than 18 years of age and at least three years younger than the actor.

- (d) An offense under Subsection (a) is a Class C misdemeanor.

- (e) An offense under Subsection (b) is a Class A misdemeanor, unless it is shown on the trial of a defendant that the defendant has previously been convicted under Subsection (b) or (c), in which event the offense is punishable by confinement in jail for a term of not more than one year or less than 90 days.

- (f) An offense under Subsection (c) is a state jail felony.

§ 481.126. Offense: Illegal Barter, Expenditure, or Investment

- (a) A person commits an offense if the person:
  o (1) barters property or expends funds the person knows are derived from the commission of an offense under this chapter punishable by imprisonment in the Texas Department of Criminal Justice for life;
  o (2) barters property or expends funds the person knows are derived from the commission of an offense under Section 481.121(a) that is punishable under Section 481.121(b)(5);
  o (3) barters property or finances or invests funds the person knows or believes are intended to further the commission of an offense for which the punishment is described by Subdivision (1); or
  o (4) barters property or finances or invests funds the person knows or believes are intended to further the commission of an offense under Section 481.121(a) that is punishable under Section 481.121(b)(5).
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• (b) An offense under Subsection (a)(1) or (3) is a felony of the first degree. An offense under Subsection (a)(2) or (4) is a felony of the second degree.

§ 481.127. Offense: Unauthorized Disclosure of Information

• (a) A person commits an offense if the person knowingly gives, permits, or obtains unauthorized access to information submitted to the director under Section 481.075.

• (b) An offense under this section is a state jail felony.

§ 481.128. Offense and Civil Penalty: Commercial Matters

• (a) A registrant or dispenser commits an offense if the registrant or dispenser knowingly:
  o (1) distributes, delivers, administers, or dispenses a controlled substance in violation of Sections 481.070--481.075;
  o (2) manufactures a controlled substance not authorized by the person's registration or distributes or dispenses a controlled substance not authorized by the person's registration to another registrant or other person;
  o (3) refuses or fails to make, keep, or furnish a record, report, notification, order form, statement, invoice, or information required by this chapter;
  o (4) prints, manufactures, possesses, or produces an official prescription form without the approval of the director;
  o (5) delivers or possesses a counterfeit official prescription form;
  o (6) refuses an entry into a premise for an inspection authorized by this chapter;
  o (7) refuses or fails to return an official prescription form as required by Section 481.075(k);
  o (8) refuses or fails to make, keep, or furnish a record, report, notification, order form, statement, invoice, or information required by a rule adopted by the director; or
  o (9) refuses or fails to maintain security required by this chapter or a rule adopted under this chapter.

• (b) If the registrant or dispenser knowingly refuses or fails to make, keep, or furnish a record, report, notification, order form, statement, invoice, or information or maintain security required by a rule adopted by the director, the registrant or dispenser is liable to the state for a civil penalty of not more than $ 5,000 for each act.

• (c) An offense under Subsection (a) is a state jail felony.

• (d) If a person commits an act that would otherwise be an offense under Subsection (a) except that it was committed without the requisite
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culpable mental state, the person is liable to the state for a civil penalty of not more than $1,000 for each act.

• (e) A district attorney of the county where the act occurred may file suit in district court in that county to collect a civil penalty under this section, or the district attorney of Travis County or the attorney general may file suit in district court in Travis County to collect the penalty.

§ 481.1285. Offense: Diversion of Controlled Substance by Registrants, Dispensers, and Certain Other Persons

• (a) This section applies only to a registrant, a dispenser, or a person who, pursuant to Section 481.062(a)(1) or (2), is not required to register under this subchapter.

• (b) A person commits an offense if the person knowingly:
  o (1) converts to the person's own use or benefit a controlled substance to which the person has access by virtue of the person's profession or employment; or
  o (2) diverts to the unlawful use or benefit of another person a controlled substance to which the person has access by virtue of the person's profession or employment.

• (c) An offense under Subsection (b)(1) is a state jail felony. An offense under Subsection (b)(2) is a felony of the third degree.

• (d) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

§ 481.129. Offense: Fraud

• (a) A person commits an offense if the person knowingly:
  o (1) distributes as a registrant or dispenser a controlled substance listed in Schedule I or II, unless the person distributes the controlled substance under an order form as required by Section 481.069;
  o (2) uses in the course of manufacturing, prescribing, or distributing a controlled substance a registration number that is fictitious, revoked, suspended, or issued to another person;
  o (3) issues a prescription bearing a forged or fictitious signature;
  o (4) uses a prescription issued to another person to prescribe a Schedule II controlled substance;
  o (5) possesses, obtains, or attempts to possess or obtain a controlled substance or an increased quantity of a controlled substance:
    • (A) by misrepresentation, fraud, forgery, deception, or subterfuge;
    • (B) through use of a fraudulent prescription form; or
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• (C) through use of a fraudulent oral or telephonically communicated prescription; or
  o (6) furnishes false or fraudulent material information in or omits material information from an application, report, record, or other document required to be kept or filed under this chapter.

• (a-1) A person commits an offense if the person, with intent to obtain a controlled substance or combination of controlled substances that is not medically necessary for the person or an amount of a controlled substance or substances that is not medically necessary for the person, obtains or attempts to obtain from a practitioner a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact. For purposes of this subsection, a material fact includes whether the person has an existing prescription for a controlled substance issued for the same period of time by another practitioner.

• (b) A person commits an offense if the person knowingly or intentionally:
  o (1) makes, distributes, or possesses a punch, die, plate, stone, or other thing designed to print, imprint, or reproduce an actual or simulated trademark, trade name, or other identifying mark, imprint, or device of another on a controlled substance or the container or label of a container for a controlled substance, so as to make the controlled substance a counterfeit substance; or
  o (2) manufactures, delivers, or possesses with intent to deliver a counterfeit substance.

• (c) A person commits an offense if the person knowingly or intentionally:
  o (1) delivers a prescription or a prescription form for other than a valid medical purpose in the course of professional practice; or
  o (2) possesses a prescription for a controlled substance or a prescription form unless the prescription or prescription form is possessed:
    ▪ (A) during the manufacturing or distribution process;
    ▪ (B) by a practitioner, practitioner's agent, or an institutional practitioner for a valid medical purpose during the course of professional practice;
    ▪ (C) by a pharmacist or agent of a pharmacy during the professional practice of pharmacy;
    ▪ (D) under a practitioner's order made by the practitioner for a valid medical purpose in the course of professional practice; or
    ▪ (E) by an officer or investigator authorized to enforce this chapter within the scope of the officer's or investigator's official duties.

• (d) An offense under Subsection (a) is:
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- (1) a felony of the second degree if the controlled substance that is the subject of the offense is listed in Schedule I or II;
- (2) a felony of the third degree if the controlled substance that is the subject of the offense is listed in Schedule III or IV; and
- (3) a Class A misdemeanor if the controlled substance that is the subject of the offense is listed in Schedule V.

• (d-1) An offense under Subsection (a-1) is:
  - (1) a felony of the second degree if any controlled substance that is the subject of the offense is listed in Schedule I or II;
  - (2) a felony of the third degree if any controlled substance that is the subject of the offense is listed in Schedule III or IV; and
  - (3) a Class A misdemeanor if any controlled substance that is the subject of the offense is listed in Schedule V.

• (e) An offense under Subsection (b) is a Class A misdemeanor.

• (f) An offense under Subsection (c)(1) is:
  - (1) a felony of the second degree if the defendant delivers:
    - (A) a prescription form; or
    - (B) a prescription for a controlled substance listed in Schedule II; and
  - (2) a felony of the third degree if the defendant delivers a prescription for a controlled substance listed in Schedule III, IV, or V.

• (g) An offense under Subsection (c)(2) is:
  - (1) a state jail felony if the defendant possesses:
    - (A) a prescription form; or
    - (B) a prescription for a controlled substance listed in Schedule II or III; and
  - (2) a Class B misdemeanor if the defendant possesses a prescription for a controlled substance listed in Schedule IV or V.

§ 481.134. Drug-Free Zones

• (a) In this section:
  - (1) "Minor" means a person who is younger than 18 years of age.
  - (2) "Institution of higher education" means any public or private technical institute, junior college, senior college or university, medical or dental unit, or other agency of higher education as defined by 61.003, Education.
  - (3) "Playground" means any outdoor facility that is not on the premises of a school and that:
    - (A) is intended for recreation;
    - (B) is open to the public; and
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- (C) contains three or more play stations intended for the recreation of children, such as slides, swing sets, and teeterboards.
  - (4) "Premises" means real property and all buildings and appurtenances pertaining to the real property.
  - (5) "School" means a private or public elementary or secondary school or a day-care center, as defined by 42.002, Human Resources.
  - (6) "Video arcade facility" means any facility that:
    - (A) is open to the public, including persons who are 17 years of age or younger;
    - (B) is intended primarily for the use of pinball or video machines; and
    - (C) contains at least three pinball or video machines.
  - (7) "Youth center" means any recreational facility or gymnasium that:
    - (A) is intended primarily for use by persons who are 17 years of age or younger; and
    - (B) regularly provides athletic, civic, or cultural activities.

(b) An offense otherwise punishable as a state jail felony under Section 481.112, 481.113, 481.114, or 481.120 is punishable as a felony of the third degree, and an offense otherwise punishable as a felony of the second degree under any of those sections is punishable as a felony of the first degree, if it is shown at the punishment phase of the trial of the offense that the offense was committed:
  - (1) in, on, or within 1,000 feet of premises owned, rented, or leased by an institution of higher learning, the premises of a public or private youth center, or a playground; or
  - (2) in, on, or within 300 feet of the premises of a public swimming pool or video arcade facility.

(c) The minimum term of confinement or imprisonment for an offense otherwise punishable under Section 481.112(c), (d), (e), or (f), 481.113(c), (d), or (e), 481.114(c), (d), or (e), 481.115(c)--(f), 481.116(c), (d), or (e), 481.1161(b)(4), (5), or (6), 481.117(c), (d), or (e), 481.118(c), (d), or (e), 481.120(b)(4), (5), or (6), 481.121(b)(4), (5), or (6) is increased by five years and the maximum fine for the offense is doubled if it is shown on the trial of the offense that the offense was committed:
  - (1) in, on, or within 1,000 feet of the premises of a school, the premises of a public or private youth center, or a playground; or
  - (2) on a school bus.

(d) An offense otherwise punishable under Section 481.112(b), 481.113(b), 481.114(b), 481.115(b), 481.116(b), 481.1161(b)(3), 481.120(b)(3), or 481.121(b)(3) is a felony of the third degree if it is shown on the trial of the offense that the offense was committed:
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(1) in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, or a playground; or
(2) on a school bus.

(e) An offense otherwise punishable under Section 481.117(b), 481.119(a), 481.120(b)(2), or 481.121(b)(2) is a state jail felony if it is shown on the trial of the offense that the offense was committed:
(1) in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, or a playground; or
(2) on a school bus.

(f) An offense otherwise punishable under Section 481.118(b), 481.119(b), 481.120(b)(1), or 481.121(b)(1) is a Class A misdemeanor if it is shown on the trial of the offense that the offense was committed:
(1) in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, or a playground; or
(2) on a school bus.

(g) Subsection (f) does not apply to an offense if:
(1) the offense was committed inside a private residence; and
(2) no minor was present in the private residence at the time the offense was committed.

(h) Punishment that is increased for a conviction for an offense listed under this section may not run concurrently with punishment for a conviction under any other criminal statute.

§ 481.136. Offense: Unlawful Transfer or Receipt of Chemical Precursor

(a) A person commits an offense if the person sells, transfers, furnishes, or receives a chemical precursor subject to Section 481.077(a) and the person:
(1) does not hold a chemical precursor transfer permit as required by Section 481.078 at the time of the transaction;
(2) does not comply with Section 481.077 or 481.0771;
(3) knowingly makes a false statement in a report or record required by Section 481.077, 481.0771, or 481.078; or
(4) knowingly violates a rule adopted under Section 481.077, 481.0771, or 481.078.

(b) An offense under this section is a state jail felony, unless it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section or Section 481.137, in which event the offense is a felony of the third degree.
§ 481.137. Offense: Transfer of Precursor Substance for Unlawful Manufacture

- (a) A person commits an offense if the person sells, transfers, or otherwise furnishes a chemical precursor subject to Section 481.077(a) with the knowledge or intent that the recipient will use the chemical precursor to unlawfully manufacture a controlled substance or controlled substance analogue.
- (b) An offense under this section is a felony of the third degree.

§ 481.138. Offense: Unlawful Transfer or Receipt of Chemical Laboratory Apparatus

- (a) A person commits an offense if the person sells, transfers, furnishes, or receives a chemical laboratory apparatus subject to Section 481.080(a) and the person:
  o (1) does not have a chemical laboratory apparatus transfer permit as required by Section 481.081 at the time of the transaction;
  o (2) does not comply with Section 481.080;
  o (3) knowingly makes a false statement in a report or record required by Section 481.080 or 481.081; or
  o (4) knowingly violates a rule adopted under Section 481.080 or 481.081.
- (b) An offense under this section is a state jail felony, unless it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section, in which event the offense is a felony of the third degree.

§ 481.139. Offense: Transfer of Chemical Laboratory Apparatus for Unlawful Manufacture

- (a) A person commits an offense if the person sells, transfers, or otherwise furnishes a chemical laboratory apparatus with the knowledge or intent that the recipient will use the apparatus to unlawfully manufacture a controlled substance or controlled substance analogue.
- (b) An offense under Subsection (a) is a felony of the third degree.

§ 481.140. Use of Child in Commission of Offense

- (a) If it is shown at the punishment phase of the trial of an offense otherwise punishable as a state jail felony, felony of the third degree, or felony of the second degree under Section 481.112, 481.1121, 481.113, 481.114, 481.120, or 481.122 that the defendant used or attempted to use a child younger than 18 years of age to commit or assist in the commission of the offense, the punishment is increased by one degree, unless the defendant used or threatened to use force against the child or
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another to gain the child's assistance, in which event the punishment for the offense is a felony of the first degree.

- **(b)** Notwithstanding Article 42.08, Code of Criminal Procedure, if punishment for a defendant is increased under this section, the court may not order the sentence for the offense to run concurrently with any other sentence the court imposes on the defendant.

§ 481.141. Manufacture or Delivery of Controlled Substance Causing Death or Serious Bodily Injury

- **(a)** If at the guilt or innocence phase of the trial of an offense described by Subsection (b), the judge or jury, whichever is the trier of fact, determines beyond a reasonable doubt that a person died or suffered serious bodily injury as a result of injecting, ingesting, inhaling, or introducing into the person's body any amount of the controlled substance manufactured or delivered by the defendant, regardless of whether the controlled substance was used by itself or with another substance, including a drug, adulterant, or dilutant, the punishment for the offense is increased by one degree.

- **(b)** This section applies to an offense otherwise punishable as a state jail felony, felony of the third degree, or felony of the second degree under Section 481.112, 481.1121, 481.113, 481.114, or 481.122.

- **(c)** Notwithstanding Article 42.08, Code of Criminal Procedure, if punishment for a defendant is increased under this section, the court may not order the sentence for the offense to run concurrently with any other sentence the court imposes on the defendant.

§ 482.002. Unlawful Delivery or Manufacture with Intent to Deliver; Criminal Penalty

- **(a)** A person commits an offense if the person knowingly or intentionally manufactures with the intent to deliver or delivers a simulated controlled substance and the person:
  o **(1)** expressly represents the substance to be a controlled substance;
  o **(2)** represents the substance to be a controlled substance in a manner that would lead a reasonable person to believe that the substance is a controlled substance; or
  o **(3)** states to the person receiving or intended to receive the simulated controlled substance that the person may successfully represent the substance to be a controlled substance to a third party.

- **(b)** It is a defense to prosecution under this section that the person manufacturing with the intent to deliver or delivering the simulated controlled substance was:
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- (1) acting in the discharge of the person's official duties as a peace officer;
- (2) manufacturing the substance for or delivering the substance to a licensed medical practitioner for use as a placebo in the course of the practitioner's research or practice; or
- (3) a licensed medical practitioner, pharmacist, or other person authorized to dispense or administer a controlled substance, and the person was acting in the legitimate performance of the person's professional duties.

- (c) It is not a defense to prosecution under this section that the person manufacturing with the intent to deliver or delivering the simulated controlled substance believed the substance to be a controlled substance.

- (d) An offense under this section is a state jail felony.