

2018 REMINGTON COLLEGE DRUG AND ALCOHOL PROGRAM BIENNIAL REPORT

Introduction

Remington College is committed to providing a healthy and safe learning environment for its students, employees, and guests. Abuse of drugs and alcohol disrupts this environment and interferes with the academic and personal development of the student, and personal and professional development of Remington College employees. Remington College enforces a strict policy against the use or possession of illegal drugs, alcohol and/or un-prescribed and/or improperly used controlled substances at any Remington College facility or event and encourages the abstinence or low risk consumption of alcohol away from Remington College facilities or events and complete abstinence of illegal or misused drugs. Anti-drug and alcohol policies can help minimize drug and alcohol abuse through disciplinary actions and awareness, but it is up to every member of Remington College to make an individual attempt to prevent the illegal use of drugs and abuse of alcohol.

Remington College students and employees may be subject to civil liability resulting from violation of the laws regarding drug and/or alcohol abuse. Such liability may exist independently of any disciplinary action taken by Remington College for violation of its policies (which includes violation of pertinent laws). Remington College is required by the Drug Free Schools and Communities Act Amendments of 1989 ("DFSCA") to adopt and implement a Drug and Alcohol Program ("DAP") to prevent the use of illicit drugs and the abuse of alcohol by students and employees. As part of the overall DAP, Remington College maintains both a student drug and alcohol abuse policy and an employee drug and alcohol abuse policy ("DAP Policy"). The DAP Policy is distributed annually to every student and employee of Remington College. Additional copies of the DAP Policy can be obtained from the Campus President at each Remington College campus.

Goals of the DAP

The DAP is designed to educate students and employees of the risks associated with drug and/or alcohol use/abuse in an effort to minimize the negative impact and influences of drug and alcohol use both on and off campus, as well as help achieve the goals of promoting awareness of these risks through outreach and training, support and referral services, along with policy enforcement/discipline. The DAP seeks to accomplish these goals in several ways:

- Annual distribution of the DAP Policy to all current Remington College students and employees, thus reminding them on a yearly basis of the health and legal risks of drug and/or alcohol use/abuse.
- Distribution to incoming Remington College students at orientation of the DAP Policy.
- Ongoing posting of the DAP Policy on at least one bulletin board on each Remington College campus.
- Annual completion of compliance checklists and continual monitoring to determine the strengths and weaknesses of the DAP.
- Distribution of the DAP to new Remington College employees as part of the new-hire process.

Alcohol-Free/Drug-Free Options

Remington College creates and promotes an environment on Campus in which alcohol and drug use is not tolerated. The use or possession of illegal drugs, alcohol and/or un-prescribed and/or improperly used controlled substances (*e.g.* medication) is banned at all times on any Remington College campus, which includes students and/or employees being on campus under the influence of alcohol and/or drugs even if consumed off campus.

Normative Environment

Remington College takes efforts to maintain a social and academic environment that supports and encourages a healthy lifestyle through communication with students and employees concerning the risks associated with drug and/or alcohol use/abuse. This is accomplished through distribution to and/or review with students and employees of the DAP Policy. The DAP Policy is provided to all new students and employees through the applicable College Catalog or Employee Handbook that they receive at the beginning of their tenure with Remington College along with the DAP Policy being posted on at least one public bulletin board at each Remington College campus. Additionally, the DAP Policy is further discussed with new students during orientation. The DAP Policy contains contact numbers for several substance abuse programs should any student and/or employee desire to seek help and/or treatment.

Remington College encourages its students to strive for high academic goals and communicates the detrimental effects that alcohol and/or drug use can have on reaching those goals, and periodically, Remington College promotes pro-health messages throughout campus via posters and/or other postings on bulletin boards.

Alcohol Marketing and Promotion

Remington College does not allow any advertising of alcohol on Campus. Alcohol industry sponsorship for any Remington College events is banned.

Policy Development and Enforcement

The implementation of the DAP Policy at all Remington College campuses is designed to facilitate more consistent enforcement of the requirements outlined therein, and students and employees are notified of the penalties, both through Remington College and local, state, and federal law enforcement, which may result from violation of the DAP Policy. Completion of the annual compliance checklist and continual monitoring by the Remington College campuses helps facilitate ongoing policy review and evaluation of the DAP Policy. All biennial reviews are conducted by the Remington College campuses in conjunction with the Remington College Legal and Human Resources Departments. It is the goal of Remington College to revisit and change any policies that are proven to ineffective with respect to informing Remington College students and employees of the risks associated with drug and/or alcohol use/abuse or maintaining a drug and alcohol free environment at all Remington College campuses

Strengths and Potential Weaknesses of the DAP

The strengths of Remington College's DAP are:

- Larger awareness of the risks associated with drug and/or alcohol use/abuse by students and employees through repetitive exposure to the DAP Policy.
- Provision of telephone help lines and contact information to students and employees that may be struggling with the effects of drug and/or alcohol use/abuse.
- Banishment of alcohol advertising and/or use/abuse of drugs and/or alcohol on all Remington College campuses, including being under the influence of drugs and/or alcohol while on campus.

The potential weakness of Remington College's DAP are:

- Lack of on-campus counselors to be utilized by students and/or employees; however, this potential weakness has been addressed through the provision of telephone help lines and contact information to students and employees that may be struggling with the effects of drug and/or alcohol use/abuse. Additionally, the college has staffed Student Success Coordinators who are available by phone and chat to assist students with various life issues. The Student Success Coordinators also maintain a student resource website, www.Remington360.com. The website has resources and social service support contact information and is accessible by all students and staff.

Student and Employee Drug and Alcohol Abuse Policies

A. Student Drug and Alcohol Abuse Policy

All Remington College properties are designated as drug-free and alcohol-free environments. For purposes of this policy "Remington College activities" include those activities that are planned, promoted, or sponsored by Remington College and/or student externship sites, including student organization events, and "Remington College property" includes Remington College owned or leased land, facilities, vehicles, and/or equipment.

Students may not manufacture, possess, use, sell, distribute, dispense, receive, or transport any controlled substances, illicit drugs or alcohol while on Remington College property and/or participating in Remington College activities. This includes all forms of narcotics, hallucinogens, depressants, stimulants, and other drugs whose use, possession, or transfer is restricted or prohibited by law. Additionally, students may not be under the influence of alcohol, illegal drugs, or un-prescribed and/or improperly used controlled substances in any manner while on Remington College property and/or participating in any Remington College activities, whether or not consumed on campus premises or outside of the campus' operating hours.

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Students who engage in such behavior will be considered to be in violation of the Student Conduct and Discipline Policy and will be subject to disciplinary action, up to and including expulsion, as well as possible referral for prosecution. Sanctions may also include referrals for appropriate rehabilitation.

Remington College reserves the right to implement several kinds of drug/alcohol testing for students at all locations. The following is a list of drug and alcohol tests that Remington College reserves the right to conduct in accordance with state and federal laws:

1. Pre-Enrollment Testing
2. Pre-Externship Testing
3. Reasonable Suspicion Testing
4. Random Testing
5. Post-Rehabilitation Testing

Legal Sanctions

Local, state, and federal laws prohibit the unlawful possession, use, distribution, and sale of illegal drugs and underage possession, use, distribution and sale of alcohol. See Appendix I for state specific sanctions.

The Federal Controlled Substances Act provides penalties of up to life imprisonment and a range of fines based on amount and type of narcotics for unlawful distribution or possession with intent to distribute narcotics. For the first offense of unlawful possession of a controlled substance, a person is subject to up to one year of imprisonment and fines not less than \$1,000. Any person who unlawfully distributes a controlled substance to a person under twenty-one (21) years of age may be punished by up to twice the term of imprisonment and fine for the first offense and up to three times the term of imprisonment and fine for the second offense except as otherwise authorized by law.

Students who are under twenty-one (21) years of age and who use, sell, or who are in the possession of alcoholic beverages are subject to the penalties of that State's underage drinking laws.

Health Risks

Specific serious health risks are associated with the use of illegal drugs and alcohol. Some of the major risks are:

Alcohol and other depressants (barbiturates, sedatives, and tranquilizers): Addiction, vehicle or other accidents as a result of impaired ability and judgment, overdose which can result in death, damage to a developing fetus, heart and liver damage.

Marijuana: Addiction, panic reaction, impaired short-term memory, increased risk of lung cancer and emphysema and impairment of driving ability.

Cocaine: Addiction, heart attack, seizures, lung damage, severe depression, paranoia, psychosis. Similar risks are associated with other stimulants such as speed and uppers.

Hallucinogens (Acid, LSD, PCP, Ecstasy, etc.): Unpredictable behavior, emotional instability, violent behavior, organic brain damage in heavy users, convulsions, and coma.

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Narcotics (Heroin, Demerol, Morphine, Codeine, etc.): Addiction, accidental overdose, and risk of hepatitis and AIDS from contaminated needles.

Inhalants (harmful gases and aerosols, glue, nitrous oxide, etc.): Loss of consciousness, suffocation, damage to the brain and central nervous system, sudden death, nausea and vomiting, nosebleeds, impaired judgment.

Available Drug and/or Alcohol Counseling/Treatment

Students are encouraged to seek professional help should they need assistance with drug and/or alcohol problems. The following are groups which can be contacted for help:

1-800-NCA-CALL – National Council on Alcoholism Information Line: The National Council on Alcoholism, Inc. is the national nonprofit organization combating alcoholism, other drug addictions, and related problems. It provides information about NCA's State and local affiliate's activities in their areas, and it also provides referral services to families and individuals seeking help with an alcohol or other problem.

1-800-662-HELP – Substance Abuse and Mental Health Services Administration
The SAMHSA Helpline is a confidential, free, 24-hour-a-day, 365-day-a-year information service, provided in English and Spanish, for individuals and family members facing substance abuse issues. This service provides referrals to local treatment facilities, support groups, and community-based organizations. Callers can also order free publications and other information in print on substance abuse and mental health issues.

B. Employee Drug and Alcohol Abuse Policy

All Company properties are designated as drug-free and alcohol-free environments. As such, the following activities are prohibited while employees are on any Company property, are participating in any Company activity, and/or are participating in any student organization event. "Company activities" include activities that are planned, promoted, or sponsored by the Company. "Company property" includes Company-owned or leased land, facilities, vehicles, and/or equipment. In very limited circumstances alcohol may be allowed on company property. In these rare circumstances, prior approval must be granted by the Company President.

Employees may not manufacture, possess, use, sell, distribute, dispense, receive, or transport any controlled substances or illicit and/or illegal drugs or alcohol. This includes all forms of narcotics, hallucinogens, depressants, stimulants, and other drugs whose use, possession, or transfer is restricted or prohibited by law. As a condition of employment under federal grants received by the Company, all employees must abide by the terms of this policy and must notify the Company in writing of the employee's conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.

Employees may not be under the influence of alcohol, illegal drugs, or un-prescribed and/or improperly used controlled substances in any manner on any Company property, while at work, participating in any Company activity, and/or participating in any student organization event, whether or not consumed on Company premises and whether or not consumed outside of the Company's operating hours.

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Employees who engage in any of the aforementioned behavior(s) will be subject to disciplinary action, up to and including termination, as well as possible referral for prosecution.

The following is a list of drug and alcohol tests that the Company reserves the right to conduct in accordance with state and federal laws:

1. Pre-Employment Testing
2. Reasonable Suspicion Testing
3. Post-Accident Testing
4. Random Testing
5. Post-Rehabilitation Testing

Legal Sanctions

Local, state, and federal laws prohibit the unlawful possession, use, distribution, and sale of illegal drugs and the underage possession, use, distribution, and sale of alcohol.

The Federal Controlled Substances Act provides penalties of up to life imprisonment and a range of fines based on amount and type of narcotics for unlawful distribution or possession with intent to distribute narcotics. For the first offense of unlawful possession of a controlled substance, a person is subject to up to one (1) year of imprisonment and fines of not less than one thousand dollars (\$1,000). Any person who unlawfully distributes a controlled substance to a person under twenty-one (21) years of age may be punished by up to twice the term of imprisonment and fine for the first offense and up to three times the term of imprisonment and fine for the second offense except as otherwise authorized by law.

Employees or visitors who are under twenty-one (21) years of age and who use, sell, or are in possession of alcoholic beverages are subject to the penalties of that state's underage drinking laws.

Health Risks

Specific serious health risks are associated with the use of illegal drugs and alcohol. Some of the major risks are:

Alcohol and other depressants (barbiturates, sedatives, and tranquilizers): Addiction, vehicle or other accidents as a result of impaired ability and judgment, overdose that can result in death, damage to a developing fetus, and heart and liver damage.

Marijuana: Addiction, panic reaction, impaired short-term memory, increased risk of lung cancer and emphysema, and impairment of driving ability.

Cocaine: Addiction, heart attack, seizures, lung damage, severe depression, paranoia, psychosis. Similar risks are associated with other stimulants such as speed and uppers.

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instability, violent behavior, organic brain damage in heavy users, convulsions, and coma.

Narcotics (heroin, Demerol, morphine, codeine, etc.): Addiction, accidental overdose, and risk of hepatitis and AIDS from contaminated needles.

Inhalants (harmful gases and aerosols, glue, nitrous oxide, etc.): Loss of consciousness, suffocation, damage to the brain and central nervous system, sudden death, nausea and vomiting, nosebleeds, impaired judgment.

Available Drug and/or Alcohol Counseling/Treatment

Employees are encouraged to seek professional help should they need assistance with drug and/or alcohol problems. The following groups can be contacted for help:

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1-800-662-HELP – Substance Abuse and Mental Health Services Administration

The SAMHSA Helpline is a confidential, free, 24-hour-a-day, 365-day-a-year information service, provided in English and Spanish, for individuals and family members facing substance abuse issues. This service provides referrals to local treatment facilities, support groups, and community-based organizations. Callers can also order free publications and other information in print on substance abuse and mental health issues.

President Certification Statement

I certify that I have read this Biennial Report in compliance with the Drug Free Schools and Communities Act and will promote active communication with the Remington College campuses in conjunction with the Legal and Human Resources Departments in an effort to ensure that Remington College’s DAP remains effective and is consistently implemented and enforced.



Pamela S. Bell, President

1/10/19

Date

Attachment I

State Sanctions

Alabama Drug Statutes Chart

Alabama Code: Title 13A Criminal Code

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., barbitol, 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	
OFFENSES	PENALTIES
13A-12-211(a) Unlawful distribution of any substance in Schedules I-V	Class B Felony: 2-20 yrs.; \$0-\$30000
13A-12-217 2nd degree Unlawful manufacture of controlled substance in Schedule I-V	Class B Felony: 2-20 yrs; \$0-\$30000
13A-12-218 1st degree Unlawful manufacture of controlled substance in Schedules I-V Violation of unlawful manufacture w/ 2 or more of the following conditions: (1) possess. of firearm (2) use of booby trap (3) presence of hazardous/dangerous materials creating health risk or enviro. Danger (4) clandestine lab w/in 500 ft. of a residence, business, church or school (5) clandestine lab actually produced controlled substance (6) clandestine lab for production of Sched I and II substances (7) person under 17 present during manufacture	Class A felony: 10-99 yrs H.L.; \$0-\$60000

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Alabama Code: Title 13A Criminal Code

13A-12-211(c) Possession with intent to distribute (1) Cocaine: 8-28 g; (2) Heroin, opium, morphine: 2-4 g; (3) MDA: 8-28 g; (4) MMA: 8-28 g; (5) amphetamine: 8-28 g; (6) methamphetamine: 8-28g	Class B Felony: 2-20 yrs; \$0-\$30000
13A-12-212(a)(1) Unlawful possession of controlled substances in Schedules I-V	Class C Felony 366 days-10 yrs; \$0-\$500
13A-12-213(a) Unlawful possession of marijuana; 1st degree (1) any amount for non-personal use (2) any amount for personal use if subsequent conviction	Class C Felony 366 days-10 yrs; \$0-\$500
13A-12-214(a): Unlawful possession of marijuana; 2nd degree any amount for personal use	Class A misdemeanor 0-1 yr; \$0-\$600
13A-12-214.1(a) Unlawful possession of salvia	Class A misdemeanor 0-1 yr; \$0-\$600
13A-12-215 Distribution of substances in Schedules I-V to a minor	Class A felony: 10-99 yrs H.L.; \$0-\$60000; no p. or p. or S.S.
13A-12-231(1) Marijuana Trafficking:	No probation or S.S.
(a) 2.2-100lbs.	3 yrs. Min.; \$25000
(b) 100-500 lbs	5 yrs. Min.; \$50000
(c) 500-1000 lbs	15 yrs. Min.; \$200000
(d) 1000 lbs or more	Life w/o parole
13A-12-231(2) Cocaine Trafficking:	No probation or S.S.
(a) 28-500g	3 yrs. Min.; \$50000
(b) 500g-1kg	5 yrs. Min.; \$100000
(c) 1kg-10kg	15 yrs. Min.; \$250000
(d) 10kg or more	Life w/o parole
13A-12-231(3) Illegal drug Trafficking (morphine, opium, heroine)	No probation or S.S.
(a) 4-14g	3 yrs. Min.; \$50000
(b) 14-28g	10 yrs. Min.; \$100000
(b) 28-56g	25 yrs. Min.; \$500000
(c) 56g or more	Life w/o parole
13A-12-231(4) Trafficking Methaqualone:	No probation or S.S.
(a) 500-999 pills	3 yrs. Min.; \$50000
(b) 1000-4000 pills	10 yrs. Min.; \$100000
(c) 4000-10000 pills	25 yrs. Min.; \$100000
(c) 10000 or more pills	Life w/o parole

Alabama Drug Statutes Chart

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13A-12-231(5) Trafficking Hydromorphone:	No probation or S.S.
(a) 500-999 pills	3 yrs. Min.; \$50000
(b) 1000-4000 pills	10 yrs. Min.; \$100000
(c) 4000-10000 pills	25 yrs. Min.; \$100000
(c) 10000 or more pills	Life w/o parole
13A-12-231(6) Trafficking 3,4-methylenedioxy amphetamine (MDA):	No probation or S.S.
(a) 28-500g	3 yrs. Min.; \$50000
(b) 500g-1kg	5 yrs. Min.; \$100000
(c) 1kg-10kg	15 yrs. Min.; \$250000
(d) 10kg or more	Life w/o parole
13A-12-231(7) Trafficking 5-methoxy-3, 4-methylenedioxy amphetamine (MMA):	No probation or S.S.
(a) 28-500g	3 yrs. Min.; \$50000
(b) 500g-1kg	5 yrs. Min.; \$100000
(c) 1kg-10kg	15 yrs. Min.; \$250000
(d) 10kg or more	Life w/o parole
13A-12-231(8) Trafficking phencyclidine (PCP):	No probation or S.S.
(a) 4-14g	3 yrs. Min.; \$50000
(b) 14-28g	10 yrs. Min.; \$100000
(b) 28-56g	25 yrs. Min.; \$500000
(c) 56g or more	Life w/o parole
13A-12-231(9) Trafficking lysergic acid diethylamide (LSD):	No probation or S.S.
(a) 4-14g	3 yrs. Min.; \$50000
(b) 14-28g	10 yrs. Min.; \$100000
(b) 28-56g	25 yrs. Min.; \$500000
(c) 56g or more	Life w/o parole
13A-12-231(10) Trafficking amphetamine:	No probation or S.S.
(a) 28-500g	3 yrs. Min.; \$50000
(b) 500g-1kg	5 yrs. Min.; \$100000
(c) 1kg-10kg	15 yrs. Min.; \$250000
(d) 10kg or more	Life w/o parole
13A-12-231(11) Trafficking methamphetamine:	No probation or S.S.
(a) 28-500g	3 yrs. Min.; \$50000
(b) 500g-1kg	5 yrs. Min.; \$100000
(c) 1kg-10kg	15 yrs. Min.; \$250000
(d) 10kg or more	Life w/o parole

Alabama Drug Statutes Chart

Alabama Code: Title 13A Criminal Code

13A-12-231(10) Trafficking controlled substance analogs:	No probation or S.S.
(a) 28-500g	3 yrs. Min.; \$50000
(b) 500g-1kg	5 yrs. Min.; \$100000
(c) 1kg-10kg	15 yrs. Min.; \$250000
(d) 10kg or more	Life w/o parole
13A-12-233(a) Criminal enterprise for purpose of drug trafficking	
(c)(1) 1 st conviction	25 yrs. Min.; \$50000-\$500000
(c)(2) 2 nd conviction	Life w/o parole; \$150000-\$1000000
13A-12-260 Drug Paraphernalia	
(c) Use or possession w/ intent to use	0-1 yr; \$0-\$6000
(d)(1) Use, deliver or sell Paraphernalia for manufacture	366 days-10 yrs; \$0-\$15000
(d)(2) Same: while in possession of firearm	2-20 yrs; \$0-\$30000
13A-12-205 Attempt, criminal solicitation, and criminal conspiracy to commit a controlled substance crime	Same penalty for crime charged
13A-12-250 Violation w/in 3 miles of a School, College or University	Additional 5 yrs. w/o probation
13A-12-270 Violation w/in 3 miles of a public housing project	Additional 5 yrs. w/o probation
20-2-71 Pharmacies; dispensing violations:	
(1) Distribution in violation of registration requirements	Class B felony; 2-20 yrs; \$0-\$30000
(2) manufacture of controlled substance not authorized by registration	Class B felony; 2-20 yrs; \$0-\$30000
(3) refusal/failure to maintain required records	1 st offense: Class A misdemeanor; 0-1 yr; \$0-\$600 2 nd offense: Class B felony; 2-20 yrs; \$0-\$30000
(4) refusing entry for authorized inspection	Class B felony; 2-20 yrs; \$0-\$30000
(5) knowingly maintaining structure or vehicle used by persons to use, keep or sell controlled substances	Class B felony; 2-20 yrs; \$0-\$30000
20-2-72 Order forms – false registration, possession, information – counterfeit substances	
(1) Distribution of Sched I or II substance w/o req'd order form	Class B Felony: 2-20 yrs; \$0-\$30000

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

Arkansas Drug Statutes Chart

Arkansas Code Title 5 Criminal Code

007 07 CARR 002: List of Controlled Substances and Schedule Assignments	Penalties	Enhancements/Benefit Restrictions
SCHEDULE I A.C.A. § 5-64-203 Criteria: (1) High potential for abuse; (2) No accepted med. Use in US; or (3) lacks accepted safety for med use	5-64-42(b). Possession of Sched I or II substance that is not methamphetamine or cocaine w/ purpose to deliver 5-64-426(b) Delivery of Sched I or II substance that is not methamphetamine or cocaine 5-64-427(c) Manufacture of Sched I or II substance that is not methamphetamine or cocaine	
Opiates Opiate derivatives: E.g., heroin, codeine compounds, morphine compounds, etc. Hallucinogenic substances: E.g., marijuana, MDMA, mescaline, DMT, peyote, LSD, psilocybin, etc. Depressants: E.g., date rape drug(GHB), Quaaludes, etc. Stimulants: e.g., marzipan, BZP, etc. Mephedrone, MDPV, Methylone (bath salts)	(2)(B) hydromorphone hydrochloride; 80-160 units; 5-20 yrs; \$0-\$15,000 (3)(B) hydromorphone hydrochloride; >128mg/160 units (<200g); 6-30 yrs; \$0-\$15,000 (2)(C) LSD; 80-160 units; 5-20 yrs; \$0-\$15,000 (3)(C) LSD; >160 units/1600u (<200g); 6-30 yrs; \$0-\$15,000	
	Other Sched I/II depressant/hallucinogenic substances (2)(D) 80 units-160 units (<200g); 5-20yrs; \$0-\$15,000 (3)(D) >160 units (<200g); 6-30 yrs; \$0-\$15,000	
	Other Sched I/II stimulants (2)(E) 80-160 units (<200g); 5-20yrs; \$0-\$15,000 (3)(E) >160 units (<200g); 6-30yrs; \$0-\$15,000	
	Other Sched I and II substances: (1) <2 grams; 3-10 yrs; \$0-\$10,000 (2)(A) 2g-28g; 5-20 yrs; \$0-\$15,000 (3)(A) 28g-200g; 6-30yrs; \$0-\$15,000	
	5-64-419(b)(2) Possession of Sched I or II substance that is not methamphetamine or cocaine	
	(A) <2g; 0-6 yrs; \$0-\$10,000 (B) 2g-28g; 3-10yrs; \$0-\$10,000 (C) 28g-200g; 5-20yrs; \$0-\$15,000	
	5-64-440(b)(1) Trafficking Sched I or II substance that is not methamphetamine or cocaine (Possession >200g) 10-40yrs	No probation or S.S.
	5-64-419(b)(1) Possession of methamphetamine or cocaine	
	(A) <2g; 0-6yrs; \$0-\$10,000 (B) 2g-10g; 3-10yrs; \$0-\$10,000 (C) 10g-200g; 5-20yrs; \$0-\$15,000	Increased penalty if already incarcerated
	5-64-440(b)(1) Trafficking methamphetamine or cocaine (Possession >200g) 10-40yrs	No probation or S.S.
SCHEDULE II A.C.A. § 5-64-205 Criteria: (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		

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	Subsequent conviction will result in (2)(B)(i) penalty
	(2)(B)(i) >2g; 10-40 yrs	No probation or s.s.
	(2)(B)(ii) >2g (personal use); 6-30yrs; \$0-\$15,000	
	5-64-423 (b) Manufacture of cocaine	
	(2)(A) <2g; 3-10yrs; \$0-\$10,000	
	(2)(B) 2g-10g; 5-20yrs; \$0-\$15,000	
	(2)(C) 2g-200g; 10-40yrs	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	
Stimulants: e.g., appetite suppressants Depressants: e.g., amobarbital,	(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	

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sedatives, anesthetics, Ketamine, GHA Nalorphine Limited narcotic drugs: Compounds w/ limited percentages of codeine, hydrocodone, dihydrocodone, opium, morphine Anabolic Steroids and hormones (except those exempted) Hallucinogenic substances: e.g., synthetic dronabinol (THC)	5-64-419(3) Possession of Sched III substance (A) <2g; 0-1yr; \$0-\$2500; 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	
	5-64-440 Trafficking Sched III substance (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	
	(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	
Narcotic drugs: e.g., compounds with limited quantities of difenoxin and dextropropoxyphene	5-64-432(b) Possession of other Sched IV or V controlled substance w/ purpose to deliver	
	(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	
Depressants: e.g., alprazolam, barbitol, camazepam, sleep aids, muscle relaxants, sedatives, xanax, lunesta Fenfluramine Stimulants: e.g., appetite suppressants Other substances: e.g., pentazocine, butorphanol	5-64-434 Delivery of Sched IV or V controlled substance 5-64-435 Manufacture of Sched IV or V controlled substance	
	(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	
	5-64-419(b)(4) Possession of a Schedule IV or V controlled substance	
	(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.
SCHEDULE V A.C.A. § 5-64-211 Criteria: (1) low abuse potential relative to Schedule IV; (2) accepted med use is US; and (3)		

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abuse may lead to limited phys dependence or psych dependence relative to Schedule IV		
Narcotic Drugs Narcotics containing nonnarcotic active medicinal ingredients: e.g., limited percentages of codeine, opium, etc. Stimulants: e.g., ephedrine, pseudoephedrine Depressants: anti-seizure compounds		
SCHEDULE VI: A.C.A. § 5-64-214 Criteria: (1) no accepted med use in US; (2) lack of accepted safety under med use; (3) relatively high psych and/or phsy dependence; and (4) use presents definite risk to public health	5-64-436(b) Possession of a Sched VI substance w/ purpose to deliver 5-64-432(b) Delivery of a Sched VI controlled substance 5-64-439(b) Manufacture of a Sched VI controlled substance	
	(1) <14g; 0-1yr; \$0-\$2,500 (2) 14g-4oz; 0-6yrs; \$0-\$10,000 (3) 4oz-25lbs; 3-10yrs; \$0-\$10,000 (4) 25-100lbs; 5-20yrs; \$0-\$15,000 (5) 100lbs-500lbs; 6-30yrs; \$0-\$15,000	
Marijuana and THC Synthetic Cannaboids and analogs: e. g, "Spice" and other herbal incenses Salvia divinorum	5-64-419(b)(5) Possession of a Sched VI controlled substance	
	(i) <4oz; 0-1yr; \$0-\$2,500 (ii) 1-4oz w/ 2 prior convictions; 0-6yrs;\$0-\$10,000 (iii) 4oz-10lbs; 0-6yrs; \$0-\$10,000 (iv) 10lbs-100lbs; 3-10yrs; \$0-\$10,000 (v) 25lbs-100lbs; 5-20yrs; \$0-\$15,000 (vi) 100lbs-500lbs; 6-30yrs; \$0-\$15,000	
	5-64-440(b) Trafficking a Sched VI controlled substance	
	(5) >500lbs; 10-40yrs	No probation or S.S.
PROHIBITED ACTS; ALL SCHEDULES		
Penalties		Enhancements/Benefit Restrictions
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.		
(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		

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(b)(2)(B) Schedule III, IV, V; 0-6yrs; \$0-\$10,000	
(b)(2)(C) Schedule VI; 0-1yr; \$0-\$2,500	
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; 1 st or 2 nd offense	0-1yr; \$0-\$2,500
(b)(3) Other substance 3 rd 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

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5-64-444 Drug paraphernalia – Delivery to a minor		
(a) delivering drug paraphernalia to a minor at least 3 yrs younger in furtherance of a felony drug offense		5-20yrs; \$0-\$10,000
(b) delivering drug paraphernalia to a minor at least 3 yrs younger		0-1yr; \$0-\$2,500
5-64-445 Advertisement of a counterfeit substance or drug paraphernalia		
3-10yrs; \$0-\$10,000		
5-64-1101 Unlawful possession of ephedrine, pseudoephedrine or phenylpropanolamine		
>5g of ephedrine; 9g of pseudoephedrine or phenylpropanolamine		0-6yrs; \$0-\$10,000
5-64-1102 Possession of ephedrine, pseudoephedrine, or phenylpropanolamine with purpose to manufacture methamphetamine		
(a)(2)(A) quantity capable of producing <10g of methamphetamine		0-6yrs; \$0-\$10,000
(a)(2)(B) quantity capable of producing >10g of methamphetamine		5-20yrs; \$0-\$15,000
(b)(1) quantity capable of producing >28g of Schedule I or II substance		5-20yrs; \$0-\$15,000
(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		0-6yrs; \$0-\$10,000
5-64-1103 Sales limits on ephedrine, pseudoephedrine, or phenylpropanolamine		
(a) sale by unauthorized person	Violation of (a) or (d) : 1 st or 2 nd offense: 0-1yr; \$0-\$2,500 3 rd offense: 0-6yrs; \$0-\$10,000 4 th or subsequent offense: 3-10yrs; \$0-\$10,000	
(d)(1) >3 packages of a product containing ephedrine, pseudoephedrine, or phenylpropanolamine		
(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		
5-64-1112 Unauthorized disclosure and access of confidential information collected regarding the sale of ephedrine, pseudoephedrine and phenylpropanolamine		
(a)(1) release or disclosure to unauthorized person		0-1yr; \$0-\$2,500
(a)(2) obtaining information for unauthorized person		
5-64-1201 Unlawful possession of nitrous oxide		
Possession with intent to inhale for intoxication		0-1yr; \$0-\$2,500
5-64-1202 Unlawful distribution of nitrous oxide		
Distribution of nitrous oxide for purpose of intoxication		0-1yr; \$0-\$2,500
5-64-1301 Possession of anhydrous ammonia in unlawful container		
Possession in container that does not comply with regulations		5-20yrs; \$0-\$15,000

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SCHEDULE I Fla. Stat. § 893.03(1) Criteria: (1) High potential for abuse; (2) No accepted med. Use in US; or (3) lacks accepted safety for med use		Enhancements/Benefit Restrictions
(a)Opiates: E.g., difenoxin, propiram, etc. (b)Opiate derivatives: E.g., heroin, codeine compounds, morphine compounds, etc. (c)Hallucinogenic substances: E.g., cannabis, synthetic THC, mescaline, DMT, peyote, LSD, psilocybin, salvia divinorum, etc. (d)Depressants: E.g., date rape drug(GHB), Quaaludes, etc.	893.13(1)(a). Manufacture, delivery, sale or possession w/ intent	
	1. Schedule I(a),(b)&(d), II(a),(b)&methamphetamine substances 2 nd degree felony: 0-15yrs;\$0-\$10,000	893.13(3)(b) >10g of Sched I(a)&(b) substances: 1 st degree felony: 0-30yrs; \$0-\$15,000 (c),(d),(e),(f)&(h)(1) w/in 1000 ft of childcare center, school, college, place of worship or public housing: 1 st degree felony: 3yrs-30yrs; \$0-\$15,000
		(4)(a) delivery of Schedule I(a)(b)&(d), II(a), (b), & methamphetamine substances to a minor by a person over 18 or use of a minor as agent or employee 1 st degree felony: 0-30 yrs: \$0-\$15,000 No S.S. or Probation
SCHEDULE II Fla. Stat. § 893.03(2) 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 3 rd 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: 2 nd degree felony: 0-15yrs; \$0-\$5,000
(a)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; cocaine (b)Other depressants and hallucinogenic substances: e.g., methadone, synthetic THC		(4)(b) delivery of Schedule III, IV, and other Schedule I and II substances to a minor by a person over 18 or use of a minor as agent or employee 2 nd degree felony: 0-15yrs; \$0-\$10,000 No S.S. or Probation

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(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		893.13(1)(3)(g) (1)Manufacture/intent to manufacture methamphetamine or PCP in presence of child under 16 yrs: 1 st degree felony; 5 yrs-30yrs; \$0-\$15,000 (2)causing great bodily harm to child under 16: 1 st degree felony: 10yrs-30yrs;\$0-\$15,000
(a)compounds containing quantities of the certain depressant or stimulant substances: e.g., barbituric acid derivatives, lysergic acid, appetite suppressants, anesthetics (b)Nalorphine (c)Limited narcotic drugs: Compounds w/ limited percentages of codeine, hydrocodone, dihydrocodone, opium, morphine (d)Anabolic Steroids and hormones (except those exempted) (e) Ketamine (f) Synthetic THC (Deonabinol) (g) GHA	893.135(1)(a) Trafficking in Cannabis: Sale, purchase, manufacture, delivery, bringing into the state, or possession of more than 25lbs/300plants 1 st degree Felony: 30yrs max.	

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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 3yrs min.; \$25,000 2. 2,000lbs-10,000lbs/2,000-10,000plants 7yrs min; \$50,000 3. >10,000lbs/>10,000plants 15yrs min; \$200,000	No S.S. or probation prior to mandatory minimum
Prescription medication containing potentially abusive quantities of certain narcotics: E.g., Klonopin, 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 1 st degree felony: 30yrs max.	
	a. 28g-200g: 3yrs min; \$50,000 b. 200g-400g: 7yrs min; \$100,00 c. 400g-150kg: 15yrs 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
	893.135(1)(c) Trafficking in Schedule I(b), II(a), III(c)3 or III(c)4 substance: Sale, purchase, manufacture, delivery, bringing into the state, or possession of more than 4g	

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	1 st degree felony: 30yrs max.	
	(a) 4g-14g: 3yrs min; \$50,000 (b) 14g-28g: 15yrs min; \$100,000 (c) 28g-30kg: 25yrs min; \$500,000	No S.S. or probation prior to mandatory minimum
	(c)(2) >30kg: 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
	893.135(1)(d) Trafficking in phencyclidine (PCP): Sale, purchase, manufacture, delivery, bringing into the state, or possession of more than 28g 1 st degree felony: 30yrs max.	
	a. 28g-200g: 3yrs min; \$50,000 b. 200g-400g: 7yrs min; \$100,00 c. >400g: 15yrs min; \$250,000	No S.S. or probation prior to mandatory minimum
	(c)(2) importation of >800g with knowledge that probable result of importation would be death of any person Capital felony: life sentence or death penalty; \$500,000	No S.S. or probation
	893.135(1)(e) Trafficking in methaqualone (Quaalude): Sale, purchase, manufacture, delivery, bringing into the state, or possession of more than 200g	

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	1 st degree felony: 30yrs max.	
	200g-5kg: 3yrs min; \$50,000 5kg-25kg: 7yrs min; \$100,000 >25kg: 15 yrs min; \$250,000	No S.S. or probation prior to mandatory minimum
	(c)(2) importation of >50kg with knowledge that probable result of importation would be death of any person Capital felony: life sentence or death penalty; \$500,000	No S.S. or probation
	893.135(1)(f) Trafficking in amphetamine, methamphetamine: Sale, purchase, manufacture, delivery, bringing into the state, or possession of more than 14g 1 st degree felony: 30yrs max.	
	a. 14g-28g: 3yrs min; \$50,000 b. 28g-200g: 7yrs min; \$100,000 c. >200g: 15 yrs min; \$250,000	No S.S. or probation prior to mandatory minimum
	(c)(2) importation of >400g with knowledge that probable result of importation would be death of any person Capital felony: life sentence or death penalty; \$500,000	No S.S. or probation
	893.135(1)(g) Trafficking in flunitrazepam: Sale, purchase, manufacture, delivery, bringing into the state, or possession of more than 4g 1 st degree felony: 30yrs max.	
	(a) 4g-14g: 3yrs min; \$50,000 (b) 14g-28g: 15yrs min; \$100,000 (c) 28g-30kg: 25yrs min; \$500,000	No S.S. or probation prior to mandatory minimum
	(c)(2) >30kg: life sentence	No S.S. or probation (c)(2)(a) person intentionally

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

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

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	state, or possession of more than 1g 1 st 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	No S.S. or probation
	893.135(5) Conspiracy to Traffic any of the above substances: Same penalty for actually committing the offense	
	893.13(3) Delivery of 0-20g of cannabis 1 st degree misdemeanor; 0-1yrs; \$0-\$1,000	
	893.13(5) Bringing controlled substance into the state (a) Schedule I(a)(b)&(d), II(a)(b)&methamphetamine substances 2 nd degree felony: 0-15yrs;\$0-\$10,000 (b) Schedule III, IV, and other Schedule I and II substances 3 rd degree felony: 0-5yrs; \$0-\$5,000	
	893.13(6) Possession of a controlled substance (a) 3 rd degree felony; 0-5yrs; \$0-\$5,000 (b) <20 g of cannabis; <3 g of Schedule I(c) substance: 1 st degree misdemeanor; \$0-1yrs; \$0-\$1,000	

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	(c) >10g of Schedule I(a),(b) substance: 1st degree felony: 0-30yrs; \$0-\$10,000	
	893.13(2)(a) Purchase or possession w/ intent to purchase 1. Schedule I(a)(b)&(d), II(a)(b)&methamphetamine 2 nd degree felony: 0-15yrs;\$0-\$10,000 2. Schedule III, IV, and other Schedule I and II substances 3 rd degree felony: 0-5yrs; \$0-\$5,000	
	(3)(b) >10g of Schedule I(a) or (b) 1 st degree felony: 0yrs-30yrs; \$0-\$15,000	
SCHEDULE V Fla. Stat. § 893.03(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 dependenc	893.13(1)(a). Manufacture, delivery, sale or possession w/ intent 3. Schedule V substances 1 st degree misdemeanor: 0-1yr; \$0-\$1,000	
	893.13(2)(a). Purchase or Possession w/ intent to purchase 3. Schedule V substances 1 st degree misdemeanor: 0-1yr; \$0-\$1,000	
(a)Narcotics containing nonnarcotic active medicinal ingredients: e.g., limited percentages of codeine, opium, etc. (b)Buprenorphine (c)Pyrovalerone	893.13(5)(c) Bringing Schedule V substances into the state 1 st degree misdemeanor: 0-1yr; \$0-\$1,000	(c)(3) w/in 1000 ft of childcare center or school: additional \$500 fine and 100 hrs of community service
Prohibited Acts: All Schedules 893.13(7)	Penalties	Enhancements/Benefit Restrictions
(1) Distribute or dispense a	1 st Offense: 1 st degree	Subsequent Violation: 3 rd degree

Florida Drug Statutes Chart

Florida Statutes: Title 46 Criminal Code

controlled substance in violation of this chapter	misdemeanor: 0-1yr; \$0-\$1,000	felony; 0-5yrs; \$0-\$5,000
(2) Refuse or fail to keep records/information as required by this chapter	1 st Offense: 1 st degree misdemeanor: 0-1yr; \$0-\$1,000	Subsequent Violation: 3 rd degree felony; 0-5yrs; \$0-\$5,000
(3) Refuse entry into premises for inspection authorized by this chapter	1 st Offense: 1 st degree misdemeanor: 0-1yr; \$0-\$1,000	Subsequent Violation: 3 rd degree felony; 0-5yrs; \$0-\$5,000
(4) Distribute Schedule I or II substances w/o required order form	1 st Offense: 1 st degree misdemeanor: 0-1yr; \$0-\$1,000	Subsequent Violation: 3 rd degree felony; 0-5yrs; \$0-\$5,000
(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	1 st Offense: 1 st degree misdemeanor: 0-1yr; \$0-\$1,000	Subsequent Violation: 3 rd degree felony; 0-5yrs; \$0-\$5,000
(6) Use for his/her personal advantage any information obtained in enforcement of this chapter	1 st Offense: 1 st degree misdemeanor: 0-1yr; \$0-\$1,000	Subsequent Violation: 3 rd degree felony; 0-5yrs; \$0-\$5,000
(7) Unauthorized possession a blank prescription form	1 st Offense: 1 st degree misdemeanor: 0-1yr; \$0-\$1,000	Subsequent Violation: 3 rd degree felony; 0-5yrs; \$0-\$5,000
(8) 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	1 st degree misdemeanor 0-1yr; \$0-\$1,000	
(9) Acquire possession of a controlled substance by misrepresentation	1 st degree misdemeanor 0-1yr; \$0-\$1,000	
(10) Affix false labeling to a package containing a controlled substance	1 st degree misdemeanor 0-1yr; \$0-\$1,000	
(11) Furnish false information in any report or other document required under this chapter	1 st degree misdemeanor 0-1yr; \$0-\$1,000	
(12) Store anhydrous ammonia in an unapproved container	1 st degree misdemeanor 0-1yr; \$0-\$1,000	
(13) Obtain controlled	1 st degree misdemeanor 0-	Violation by practitioner: 3 rd

Florida Drug Statutes Chart

Florida Statutes: Title 46 Criminal Code

substance by misrepresentation by misrepresentation with intent to obtain a controlled substance that is not medically necessary	1yr; \$0-\$1,000	degree felony: 0-5yrs; \$0-\$5,000
893.1351 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	(1) ownership, lease or rent: 0-5yrs; \$0-\$5,000 (2) actual or constructive possession: 0-15yrs; \$0-\$10,000 (3) actual or constructive possession w/ presence of minor: 0-30yrs; \$0-\$15,000	
893.147(1) Use or possession of drug paraphernalia	1 st degree misdemeanor: 0-1yr; \$0-\$1,000	
893.147(2) Manufacture or delivery of drug paraphernalia	3 rd degree felony: 0-5yrs; \$0-\$5,000	
893.147(3) Delivery of drug paraphernalia to a minor	2 nd degree felony: 0-15 yrs; \$0-\$10,000	
893.147(4) Transportation of drug paraphernalia	3 rd degree felony: 0-5yrs; \$0-\$5,000	
893.147(5) Advertisement of drug paraphernalia	1 st degree misdemeanor: 0-1yr; \$0-\$1,000	
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	2 nd degree felony: 0-15yrs; \$0-\$10,000	
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 893.1495(3) displaying ephedrine compounds in a place accessible to general public 893.1495(4) allowing an employee to sell compounds without a training program	1 st offense: 2 nd degree misdemeanor; 0-60days; \$0-\$500 2 ND offense: 1 st degree misdemeanor; 0-1yr; \$0-\$10,000 3 rd offense: 3 rd degree felony; 0-5yrs; \$0-\$5,000	

Florida Drug Statutes Chart

Florida Statutes: Title 46 Criminal Code

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.
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PART III. FEES, FINES, AND RESTITUTION**Note**

Part heading amended by L 1998, c 269, §3; L 2000, c 205, §5.

§706-640 Authorized fines. (1) A person who has been convicted of an offense may be sentenced to pay a fine not exceeding:

- (a) \$50,000, when the conviction is of a class A felony, murder in the first or second degree, or attempted murder in the first or second degree;
- (b) \$25,000, when the conviction is of a class B felony;
- (c) \$10,000, when the conviction is of a class C felony;
- (d) \$2,000, when the conviction is of a misdemeanor;
- (e) \$1,000, when the conviction is of a petty misdemeanor or a violation;
- (f) Any higher amount equal to double the pecuniary gain derived from the offense by the defendant;
- (g) Any higher or lower amount specifically authorized by statute.

(2) Notwithstanding section 706-641, the court shall impose a mandatory fine upon any defendant convicted of theft in the first or second degree committed by receiving stolen property as set forth in section 708-830(7). The fine imposed shall be the greater of double the value of the stolen property received or \$25,000 in the case of a conviction for theft in the first degree; or the greater of double the value of the stolen property received or \$10,000 in the case of a conviction for theft in the second degree. The mandatory fines imposed by this subsection shall not be reduced except and only to the extent that payment of the fine prevents the defendant from making restitution to the victim of the offense, or that the defendant's property, real or otherwise, has been forfeited under chapter 712A as a result of the same conviction for which the defendant is being fined under this subsection. Consequences for nonpayment shall be governed by section 706-644; provided that the court shall not reduce the fine under section 706-644(4) or 706-645. [L 1972, c 9, pt of §1; am L 1986, c 314, §33; am L 1987, c 181, §5; am L 1997, c 149, §4]

COMMENTARY ON §706-640

This section sets forth the maximum fine authorized for any offense according to grade and class. The maximum amount provided should be sufficient for both deterrent and correctional purposes; discretion in imposing a fine within the set maximum should be guided by the criteria set forth in §706-641.

The most significant use of the fine as a means of penalizing the offender is in offenses involving pecuniary gain. When the amount of pecuniary gain is proven, subsection (5) subordinates the stated amounts and authorizes a greater fine in an amount equal to double the pecuniary gain.

Subsection (6) acknowledges that other higher or lower fines may be authorized with respect to specific offenses when deemed necessary or appropriate to the situation. Subsection (6) also preserves and recognizes higher and lower limits for offenses which are set by provisions of law not within the Penal Code.

Because of the questionable wisdom and constitutionality of authorizing the disposition of assessing costs against convicted defendants in criminal cases, the Code departs from prior Hawaii law and does not authorize such a sentence. As a practical matter, costs are almost never imposed in criminal cases. The departure is from previous statutory language rather than practice.

SUPPLEMENTAL COMMENTARY ON §706-640

Act 314, Session Laws 1986, increased the maximum amounts of fines to allow a sentencing court discretion to impose severe fines, especially when the offender derives great financial gain from the criminal activity. Conference Committee Report No. 51-86.

Act 181, Session Laws 1987, added language to this section to reflect the recently created statutory murder and attempted murder crimes. These crimes are murder in the first and second degree and attempted murder in the first and second degree. Senate Standing Committee Report No. 1130.

Act 149, Session Laws 1997, amended this section to impose mandatory fines upon persons convicted of receiving stolen property. With the property crime rate continuing to escalate at a dramatic rate, the legislature supported the imposition of severe penalties for those who are in receipt of stolen property, in an effort to deter the criminal activity. Senate Standing Committee Report No. 1600.

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Relevant State Statutes

LOUISIANA

LA. R.S.

§ 966. Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; possession of marijuana, possession of synthetic cannabinoids

A. Manufacture; distribution. Except as authorized by this Part, it shall be unlawful for any person knowingly or intentionally:

- (1) To produce, manufacture, distribute or dispense or possess with intent to produce, manufacture, distribute, or dispense, a controlled dangerous substance or controlled substance analogue classified in Schedule I;
- (2) To create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance classified in Schedule I.

B. Penalties for violation of Subsection A of this Section. Any person who violates Subsection A of this Section with respect to:

- (1) A substance classified in Schedule I which is a narcotic drug (all substances in Schedule I preceded by an asterisk “*”), upon conviction shall be sentenced to imprisonment for not less than five nor more than fifty years at hard labor at least five years of which shall be served without benefit of probation, or suspension of sentence, and may, in addition, be required to pay a fine of not more than fifty thousand dollars.
- (2) Except as otherwise provided in Paragraph (3) of this Subsection, any other controlled dangerous substance classified in Schedule I, shall upon conviction be sentenced to a term of imprisonment at hard labor for not less than five years nor more than thirty years, at least five years of which shall be served without benefit of parole, probation, or suspension of sentence, and pay a fine of not more than fifty thousand dollars.
- (3) A substance classified in Schedule I which is marijuana, tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinols, or synthetic cannabinoids shall upon conviction be sentenced to a term of imprisonment at hard labor for not less than five nor more than thirty years, and pay a fine of not more than fifty thousand dollars.

C. Possession. It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance classified in Schedule I unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner or as provided in R.S. 40:978, while acting in the course of his professional practice, or except as otherwise authorized by this Part. Any person who violates this Subsection with respect to:

- (1) A substance classified in Schedule I which is a narcotic drug (all substances in Schedule I preceded

by an asterisk), shall be imprisoned at hard labor for not less than four years nor more than ten years and may, in addition, be required to pay a fine of not more than five thousand dollars.

(2) Phencyclidine, shall be sentenced to imprisonment with or without hard labor for not less than five nor more than twenty years and may be sentenced to pay a fine of not more than five thousand dollars, or both.

(3) Any other controlled dangerous substance classified in Schedule I, shall be imprisoned at hard labor for not more than ten years, and may in addition, be required to pay a fine of not more than five thousand dollars.

D. Other penalties for possession.

(1) Except as otherwise authorized in this Part:

(a) Any person who knowingly or intentionally possesses twenty-eight grams or more, but less than two hundred grams, of a narcotic drug (all substances in Schedule I preceded by an asterisk “*”), shall be sentenced to serve a term of imprisonment at hard labor of not less than five years, nor more than thirty years, and to pay a fine of not less than fifty thousand dollars, nor more than one hundred fifty thousand dollars.

(b) Any person who knowingly or intentionally possesses two hundred grams or more, but less than four hundred grams, of a narcotic drug (all substances in Schedule I preceded by an asterisk “*”), shall be sentenced to serve a term of imprisonment at hard labor of not less than ten years, nor more than thirty years, and to pay a fine of not less than one hundred thousand dollars, nor more than three hundred fifty thousand dollars.

(c) Any person who knowingly or intentionally possesses four hundred grams or more of a narcotic drug (all substances in Schedule I preceded by an asterisk “*”), shall be sentenced to serve a term of imprisonment at hard labor of not less than fifteen years, nor more than thirty years, and to pay a fine of not less than two hundred fifty thousand dollars, nor more than six hundred thousand dollars.

E. Possession of marijuana, or synthetic cannabinoids. (1) Except as provided in Subsections E and F of this Section, on a first conviction for violation of Subsection C of this Section with regard to marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids the offender shall be fined not more than five hundred dollars, imprisoned in the parish jail for not more than six months, or both.

(2)(a) Except as provided in Subsection F or G of this Section, on a second conviction for violation of Subsection C of this Section with regard to marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids, the offender shall be fined not less than two hundred fifty dollars, nor more than two thousand dollars, imprisoned with or without hard labor for not more than five years, or both.

(b) If the court places the offender on probation, the probation shall provide for a minimum condition that he participate in a court-approved substance abuse program and perform four eight-hour days of court-approved community service activities. Any costs associated with probation shall be paid by the offender.

(3) Except as provided in Subsection F or G of this Section, on a third or subsequent conviction for violation of Subsection C of this Section with regard to marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids the offender shall be sentenced to imprisonment with or without hard labor for not more than twenty years, and may, in addition, be sentenced to pay a fine of

not more than five thousand dollars.

(4) A conviction for the violation of any other statute or ordinance with the same elements as R.S. 40:966(C) prohibiting the possession of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall be considered as a prior conviction for the purposes of this Subsection relating to penalties for second, third, or subsequent offenders.

(5) A conviction for the violation of any other statute or ordinance with the same elements as R.S. 40:966(B)(3) prohibiting the distributing or dispensing or possession with intent to distribute or dispense marijuana, of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall be considered as a prior conviction for the purposes of this Subsection relating to penalties for second, third, or subsequent offenders.

F. Except as otherwise authorized in this Part:

(1) Any person who knowingly or intentionally possesses sixty pounds or more, but less than two thousand pounds of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve a term of imprisonment at hard labor of not less than five years, nor more than thirty years, and to pay a fine of not less than fifty thousand dollars nor more than one hundred thousand dollars.

(2) Any person who knowingly or intentionally possesses two thousand pounds or more, but less than ten thousand pounds of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve a term of imprisonment at hard labor of not less than ten years nor more than forty years, and to pay a fine of not less than one hundred thousand dollars nor more than four hundred thousand dollars.

(3) Any person who knowingly or intentionally possesses ten thousand pounds or more of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve a term of imprisonment at hard labor of not less than twenty-five years, nor more than forty years and to pay a fine of not less than four hundred thousand dollars nor more than one million dollars.

G. With respect to any person to whom the provisions of Subsections D and F are applicable, the adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for probation or parole prior to serving the minimum sentences provided by Subsection D or F.

H. Notwithstanding any other provision of law to the contrary, unless eligible for parole at an earlier date, a person committed to the Department of Public Safety and Corrections serving a life sentence for the production, manufacturing, distribution, or dispensing or possessing with intent to produce, manufacture, or distribute heroin shall be eligible for parole consideration upon serving at least fifteen years of imprisonment in actual custody.

§ 981. Distribution to persons under age eighteen

A. Persons over twenty-five to persons under eighteen. Any person who is at least twenty-five years of age, or more, who violates R.S. 40:966 or R.S. 40:967 by distributing a substance, listed in Schedules I or II, which is a narcotic drug, to a person under eighteen years of age, shall, upon conviction, be punished by imprisonment at hard labor for not less than ten nor more than thirty years.

B. Any person who is at least eighteen years of age who violates R.S. 40:966 or R.S. 40:967 by distributing a substance listed in Schedule I or II which is a narcotic drug to a person under eighteen years of age who is at least three years his junior shall, upon conviction, be punished by a term of imprisonment of not less than five nor more than thirty years.

C. Any person who is at least eighteen years of age who violates R.S. 40:966 through 970 by distributing any other controlled dangerous substance listed in Schedules I, II, III, IV, and V to a person under eighteen years of age who is at least three years his junior shall, upon conviction, be punished by a term of imprisonment up to one and one-half times the longest term of imprisonment authorized by R.S. 40:966 through 970 or by payment of not more than twice the fine authorized by R.S. 40:966 through 970, or both.

§ 982 Second or subsequent offenses

A. Any person convicted of any offense under this part, if the offense is a second or subsequent offense, shall be sentenced to a term of imprisonment that is twice that otherwise authorized or to payment of a fine that is twice that otherwise authorized, or both. If the conviction is for an offense punishable under R.S. 40:966(B), R.S. 40:967(B), R.S. 40:968(B) or R.S. 40:969(B), and if it is the offender's second or subsequent offense, the court may impose in addition to any term of imprisonment and fine, twice the special parole term otherwise authorized.

B. For purposes of this section, an offense shall be considered a second or subsequent offense, if, prior to the commission of such offense, the offender had at any time been convicted of any violation of this state, the United States, any other state or any foreign country, relating to the unlawful use, possession, production, manufacturing, distribution, or dispensation of any narcotic drug, marijuana, depressant, stimulant, or hallucinogenic drugs.

Ohio Laws

This list is not meant to be an exhaustive list of law regarding controlled substances.

Ohio Revised Code (ORC) Section 2925.02 provides that no person shall knowingly corrupt another with drugs by inducing or forcing them to use a controlled substance.	PENALTY FOR VIOLATION: Mandatory imprisonment from 6 months to 10 years, depending upon amount and type of drug involved and history of previous drug abuse offenses.
ORC 2925.03 provides that no person shall knowingly "traffic" in controlled or illicit substances, including marijuana. Trafficking includes selling, offering to sell, delivering, distributing, preparing, cultivating, and manufacturing of controlled substances.	PENALTY FOR VIOLATION: Mandatory fines range from \$100 to \$20,000, depending on offense and drug involved. Mandatory jail sentences range from 6 months to 10 years.
ORC 2925.11 provides that no person shall knowingly obtain, possess, or use a controlled substance.	PENALTY FOR VIOLATION: Drug abuse involving amounts of marijuana less than 100 grams carries a penalty of \$100. Other violations involving marijuana result in mandatory jail terms of not more than 8 years and mandatory fines of \$15,000. Drug abuse offenses involving other drugs may result in jail terms of up to 10 years and fines of \$20,000.
ORC 2925.12 provides that no person shall make obtain, possess, or use drug abuse instruments.	PENALTY FOR VIOLATION: A first offense can carry a jail term of up to 90 days and fines of \$750.
ORC 2925.14 provides that no person shall knowingly use, possess with purpose to use, sell, manufacture or advertise drug paraphernalia.	PENALTY FOR VIOLATION: Depending upon the facts, imprisonment up to 6 months and fines up to \$1,000.
ORC 2925.31 provides, except for lawful research, clinical, medical, dental, or veterinary purposes, no person with intent to induce intoxication or similar effect, shall obtain, possess, or use a harmful intoxicant.	PENALTY FOR VIOLATION: Up to \$1,000 and 6 months in jail.
ORC 2925.37 provides that no person shall knowingly possess, make, sell, or deliver counterfeit controlled substances.	PENALTY FOR VIOLATION: Depending upon the facts, the penalty can be up to 180 days in jail and a \$1,000 fine, but aggravating circumstances can cause the offense to become a felony of the fourth degree with prison terms between 6-18 months and a fine up to \$5,000.
ORC 4301.63 provides that no person under the age of 21 years shall purchase beer or intoxicating liquor.	PENALTY FOR VIOLATION: A fine of not less than \$25 nor more than \$100 may be imposed. The court may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court and shall designate the time within which the public work shall be completed.

ORC 4301.631 provides that no underage person can purchase low alcohol beverages, that no person may furnish low alcohol beverages to an underage person, and that no person shall allow underage persons to consume low alcohol beverages on his/her property.	PENALTY FOR VIOLATION: Punishments for violating ORC 4301.631 range from fines of \$25 to \$250 and imprisonment up to 30 days.
ORC 4301.633 provides that no person shall knowingly furnish any false information as to the name, age, or other identification of any person under 21 years of age for the purpose of obtaining beer or intoxicating liquor for a person under 21 years of age, by purchase or as a gift.	PENALTY FOR VIOLATION: Misdemeanor of the first degree. The maximum penalty is imprisonment for not more than 6 months and a \$1,000 fine.
ORC 4301.634 provides that no person under the age of 21 years shall knowingly show or give false information concerning his name, age, or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place in this state where beer or intoxicating liquor is sold under a permit issued by the department of liquor control.	PENALTY FOR VIOLATION: Misdemeanor of the first degree. The maximum penalty is imprisonment for not more than 6 months and a \$1,000 fine.
ORC 4301.64 prohibits the consumption of any beer or intoxicating liquor in a motor vehicle.	PENALTY FOR VIOLATION: Misdemeanor of the fourth degree. The maximum penalty is imprisonment for not more than 30 days and a \$250 fine.
ORC 4301.69(A) prohibits selling beer or intoxicating liquor to a person under the age of 21 years, or buying it for or furnishing it to such a person.	PENALTY FOR VIOLATION: Misdemeanor. The maximum penalty is imprisonment for not more than 6 months and a fine of not less than \$500 and no more than \$1,000.
ORC 4301.69(E) provides that no underage person shall knowingly possess or consume any beer or intoxicating liquor, in any public or private place, unless he is accompanied by a parent, spouse, or legal guardian, who is not an underage person, or unless the beer or intoxicating liquor is given for medical or religious purposes.	PENALTY FOR VIOLATION: Misdemeanor of the first degree. The maximum penalty is imprisonment for not more than 6 months and a \$1,000 fine.
ORC 4511.19 prohibits any person from driving a motor vehicle while under the influence of alcohol and/or any drug of abuse.	PENALTY FOR VIOLATION: Misdemeanor of the first degree. The maximum penalty is imprisonment for not more than 6 months and a \$1,000 fine, in addition to license suspension. Penalties for repeat offenders can result in up to 5 years in prison.

South Carolina Drug Statutes

South Carolina Code of Laws: Title 44 Health Code

SCHEDULE CRITERIA AND COMPOSITION	OFFENSES/PENALTIES 44-53-370	ENHANCEMENTS/BENEFIT RESTRICTIONS
SCHEDULE I: (a) A high potential for abuse; (b) No accepted medical use in treatment in the United States; (c) A lack of accepted safety for use in treatment under medical supervision. S.C. Code Ann. § 44-53-180	(b)(1) Manufacture, distribution, purchase or possess w/ intent (p.w.i.) Schedule I(b)&(c) narcotics, LSD, Schedule II narcotics Felony: <15yrs and/or <\$25,000	2 nd offense: 5-30yrs and/or <\$50,000 3 rd or subsequent offense: 10-30yrs and/or <\$50,000 eligible for s.s. and p.p. if 1 st or 2 nd offense, or 3 rd offense (and priors were possession convictions)
(B) Opiates: E.g., difenoxin (C) Opium derivatives: E.g., heroin, codeine compounds, morphine compounds, etc. (D) Hallucinogenic substances: E.g., marijuana, MDMA, mescaline, DMT, peyote, LSD, psilocybin, THC, synthetic cannabinoids, etc. (E) Depressants: E.g., Qualuudes, GHB (F) Stimulants: E.g., fenethylline, MDPV, mephedrone S.C. Code Ann. § 44-53-190	(b)(2) Manufacture, distribution, p.w.i. Other Schedule I, II, or III, flunitrazepam or analogues Felony: <5yrs and/or <\$5,000 (d)(4) Prima facie guilt of Manufacture, distribution, p.w.i. Possession of more than: 1g of cocaine, 100mg of eucaine, 4grains of opium, 4grains of morphine, 2 grains of heroin, 100mg of isonipecaïne, 28g/1oz of marijuana, 10oz of hashish, 50mcg of LSD or MDMA, 20ml of GHA	2 nd offense: <10yrs and/or <\$10,000 3 rd or subsequent offense: 5-20yrs and/or <\$20,000 eligible for s.s. and p.p. if 1 st or 2 nd offense, or 3 rd offense (and priors were possession convictions) 44-53-460 Reduced sentence for accommodation offense: delivery/distribution was only for accommodation to another individual and not for profit or to induce addiction Misdemeanor: <6months and/or <\$1,000
SCHEDULE II: (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. S.C. Code Ann. § 44-53-200	(d)(1) Possession Schedule I(b)&(c) narcotics, LSD, Schedule II narcotics Misdemeanor: <2yrs and/or <\$5,000	2 nd offense: felony: <5yrs and/or <\$5,000 3 rd or subsequent offense: <5yrs and/or <\$10,000 Eligible for s.s. and p.p.
	(d)(3) Possession Cocaine (<1g) Misdemeanor: <3yrs and/or <\$5,000	Court may require drug rehab 2 nd offense: felony: <5yrs and/or <\$7,500 3 rd or subsequent offense: <10yrs and/or <\$12,500 Eligible for s.s. and p.p.

South Carolina Drug Statutes

South Carolina Code of Laws: Title 44 Health Code

<p>(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</p>	<p>(d)(4) Possession Marijuana (<28g/1oz) or hashish (<10g) Misdemeanor: <30days and/or \$100-\$200</p>	<p>2nd or subsequent offense: misdemeanor: <1yr and/or \$200-\$1,000 Eligible for pretrial intervention, conditional discharge, s.s. and p.p.</p>
<p>(c) Other opiates: e.g., methadone, dihydrocodeine (d) Stimulants: Ritalin, amphetamine, methamphetamine (f) Depressants: e.g., amobarbital, PCP (g) Amphetamine precursors S.C. Code Ann. § 44-53-210</p>	<p>(d)(2) All other controlled substances Schedules I-V Misdemeanor: <6months and/or <\$1,000</p>	<p>2nd offense: misdemeanor: <1yr and/or <\$2,000 eligible for s.s. and p.p.</p>
<p>SCHEDULE III: (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. S.C. Code Ann. § 44-53-220</p>	<p>(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)</p> <p>g)(1) Schedule I(b)&(c) narcotics, LSD, Schedule II narcotics Felony: <20yrs and/or <\$30,000</p> <p>g)(2) Other controlled substances or GHB Felony: <15yrs and/or <\$25,000</p>	<p>2nd offense: 5-30yrs and/or <\$50,000 3rd or subsequent offense: 15-30yrs and/or <\$50,000 1st offense eligible for p.p. or s.s., 2nd/3rd offense not eligible</p> <p>2nd offense: <20yrs and/or <\$30,000 3rd or subsequent offense: 5-25yrs and/or <\$40,000 1st offense eligible for p.p. or s.s., 2nd/3rd offense not eligible</p>
<p>(b) Stimulants: e.g., appetite suppressants (c) Depressants: e.g., barbiturates, sedatives, anesthetics, lysergic acid, GHA (d) Nalorphine (e) Limited narcotic drugs: Compounds w/ limited percentages of codeine, hydrocodone, dihydrocodone, opium, morphine S.C. Code Ann. § 44-53-230</p>		

South Carolina Drug Statutes

South Carolina Code of Laws: Title 44 Health Code

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. S.C. Code Ann. § 44-53-240	(b)(3) Manufacture, distribution, p.w.i. Schedule IV (except for flunitrazepam) Misdemeanor: <3yrs and/or <\$3,000	2 nd or subsequent offenses: felony: <5yrs and/or <\$6,000 Eligible for s.s. and p.p. if 1 st or 2 nd offense, or 3 rd offense (and priors were possession convictions)
(a) Depressants: e.g., alprazolam, clonazepam, (b) Stimulants: e.g., appetite suppressants (c) fenfluramine (e) Limited narcotic drugs: compounds w/ limited quantities of difenoxin & dextropropoxyphene (f) pentazocine hydrochloride (g) butorphanol 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. S.C. Code Ann. § 44-53-260	(b)(4) Manufacture, distribution, p.w.i. Schedule V Misdemeanor: <1yr and/or <\$1,000	2 nd or subsequent offense: 2x the 1 st offense penalty Eligible for s.s. and p.p. if 1 st or 2 nd offense, or 3 rd offense (and priors were possession convictions)
(1) Narcotics containing nonnarcotic active medicinal ingredients: e.g., limited percentages of codeine, opium, etc.	44-53-391 Possession, manufacture, sale, advertise or p.w.i. drug paraphernalia	Civil fine: <\$500; corporation: <\$50,000

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S.C. Code Ann. § 44-53-270		
Trafficking Offenses 44-53-370 (e)		
(1) Marijuana		
(a) 10-100lbs	1 st offense: 1-10yrs; \$1,000 2 nd offense: 5-20yrs; \$15,000 3 rd 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	1 st offense: 3-10yrs; \$25,000; No p.p. or s.s. 2 nd offense: 5-30yrs; \$50,000; No p.p. or s.s. 3 rd or subsequent offense: 25-30yrs; \$50,000; No p.p. or s.s.	
(b) 28-100g	1 st offense: 7-25yrs; \$50,000; No p.p. or s.s. 2 nd offense: 7-30yrs; \$50,000; No p.p. or s.s. 3 rd or subsequent offense: 25-30yrs; \$50,000; 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; \$200,00; No p.p. or s.s.	
(3) morphine, opium, heroin		
(a) 4-14g	1 st offense: 7-25yrs; \$50,000; No p.p. or s.s. 2 nd 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	1 st offense: 1-10yrs; \$10,000; No p.p. or s.s. 2 nd 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)	1 st offense: 3-10yrs; \$20,000; No p.p. or s.s. 2 nd offense: 5-30yrs; \$40,000; No p.p. or s.s. 3 rd or subsequent offense: 25-30yrs; \$50,000 No p.p. or s.s.	
(b) 500-1,000u	1 st offense; 7-25yrs; \$50,000; No p.p. or s.s. 2 nd offense; 7-30yrs; \$50,000; No p.p. or s.s. 3 rd or subsequent offense: 25-30yrs; \$50,000; No p.p. or s.s.	

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(c) >1,000u	25yrs; \$100,000; No p.p. or s.s.
(6) Flunitrazepam	
(a) 1-100g	1 st offense: 1-10yrs; \$10,000; No p.p. or s.s. 2 nd offense: 25yrs; \$25,000; No p.p. or s.s.
(b) 100-1,000g	25yrs; \$25,000 No p.p. or s.s.
(c) 1,000g-5kg	25yrs; \$50,000; No p.p. or s.s.
(d) >5kg	25-30yrs; \$200,000; No p.p. or s.s.
(7) GHA	
(a) 50ml/mg	1 st offense: 1-10yrs; \$10,000; No p.p. or s.s. 2 nd or subsequent offense: 25yrs; \$25,000; No p.p. or s.s.
(8) MDMA	
(a) 100-500u	1 st offense: 3-10yrs; \$20,000; No p.p. or s.s. 2 nd offense: 5-30yrs; \$40,000; No p.p. or s.s. 3 rd offense: 25-30yrs; \$50,000; No p.p. or s.s.
(b) 500-1,000u	1 st offense: 7-25yrs; \$50,000; No p.p. or s.s. 2 nd offense: 7-30yrs; \$50,000; No p.p. or s.s. 3 rd or subsequent offense: 25-30yrs; \$50,000; No p.p. or s.s.
(c) >1,000u	25yrs; \$100,000; No p.p. or s.s.
"Methamphetamine and Cocaine Base" Specific Offenses 44-53-375	
(A) Possession of <1g of methamphetamine/cocaine base	1 st offense: Misdemeanor: <3yrs and/or <\$5,000; drug rehab may be required 2 nd offense: felony: <5yrs and/or <\$7,500 3 rd offense: felony: <10yrs and/or <\$12,500 Eligible for p.p. and s.s.
(B) Manufacture, distribution, p.w.i. of methamphetamine/cocaine base (Felony) *Possession of >1g is prima facie evidence of manufacture *(D) Possession of equipment or paraphernalia used in manufacture is prima facie evidence of intent to manufacture	1 st offense: <15yrs and/or <\$25,000 2 nd offense: 5-30yrs and/or <\$50,000 3 rd or subsequent offense: 10-30yrs and/or <\$50,000 Eligible for s.s. and p.p. if 1 st or 2 nd offense (or 3 rd offense and priors were possession convictions)
(C) Trafficking in methamphetamine and cocaine base (felony)	
(1) 10-28g	1 st offense: 3-10yrs; \$25,000; No p.p. or s.s. 2 nd offense: 5-30yrs; \$50,000; No p.p. or s.s. 3 rd or subsequent offense: 25-30yrs; \$50,000; No p.p. or s.s.
(2) 28-100g	1 st offense: 7-25yrs; \$50,000; No p.p. or s.s. 2 nd offense: 7-30yrs; \$50,000; No p.p. or s.s. 3 rd or subsequent offense: 25-30yrs; \$50,000; No p.p. or s.s.
(3) 100-200g	25yrs; \$50,000; No p.p. or s.s.

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(4) 200-400g	25yrs; \$100,000; No p.p. or s.s.
(5) >400g	25-30yrs; \$200,000; No p.p. or s.s.
(E) Trafficking in pseudoephedrine, ephedrine, or phenylpropanolamine	
(a) 9-28g	1 st offense: <10yrs; \$25,000; No p.p. or s.s. 2 nd offense: 5-30yrs; \$50,000; No p.p. or s.s. 3 rd or subsequent offense: 25-30yrs; \$50,000; No p.p. or s.s.
(b) 28-100g	1 st offense: 7-25yrs; \$50,000; No p.p. or s.s. 2 nd offense: 7-30yrs; \$50,000; No p.p. or s.s. 3 rd or subsequent offense: 25-30yrs; \$50,000 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.
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	1 st offense: <\$5,000 2 nd offense: <\$10,000 Misdemeanor
(B)(1) sale to an individual in any single day of a nonprescription product containing <3.6g	1 st offense: <\$5,000 2 nd offense: <\$10,000 Misdemeanor
(B)(2) sale/possession of <9g in a 30 day period Felony	1 st offense: <5yrs and/or <\$5,000 2 nd or subsequent offense: <10yrs and/or >\$10,000
(C) unlawful purchase by retailer of product from any entity other than registered manufacturer/distributor	1 st offense: <1yr and/or <\$1,000 2 nd offense: <3yrs and/or <\$5,000 Misdemeanor
(D)(1) Violation of identification requirements Misdemeanor	1 st offense: \$500-\$1,000 2 nd offense: \$1,000-\$5,000 3 rd or subsequent: \$5,000-\$10,000
(D)(2) violation of log requirements in sale Misdemeanor	1 st offense: \$500-\$1,000 2 nd offense: \$1,000-\$5,000 3 rd or subsequent: \$5,000-\$10,000
(E) possession, manufacture, delivery or p.w.i. of products altered from their original condition Felony	1 st offense: <5yrs and/or <\$5,000 2 nd or subsequent offense: <10yrs and/or >\$10,000
(F) misrepresentation in required log	1 st offense: misdemeanor: <\$1,000' 2 nd or subsequent offense: felony: <\$5,000
44-53-376 Disposal of waste from methamphetamine production	1 st offense: <5yrs and/or <\$5,000 2 nd or subsequent offense: <10yrs and/or <\$10,000

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44-53-378 Exposing child to methamphetamine	1 st offense: <5yrs and/or <\$5,000 2 nd or subsequent offense: <10yrs and/or <\$10,000
44-53-380 Prescription and Registration Violations	
(1) Distribution of controlled substances in violation of prescription and registration requirements	Civil fine: <\$1,000 If violation committed knowingly/intentionally: felony: <5yrs or <\$10,000
(2) distribution or manufacture of controlled substance not authorized by registration	
(3) omit, remove, alter required symbol under Federal Controlled Substances Act	
(4) refusal or failure to keep required records	
(5) refusing entry for authorized inspections	
(6) maintenance of place or vehicle which is resorted to by persons using controlled substances or storing and selling controlled substances	
(7) failure to register to manufacture, distribute controlled substances as required	
44-53-390 Knowing or intentionally:	
(1) distributing a Schedule I or II substance w/o required order form	Felony: <5yrs and/or <\$10,000
(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 container 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	1 st offense: misdemeanor; <2yrs and/or <\$2,000 2 nd or subsequent offense: felony; <5yrs
44-53-1530(1) Delivery, dispensation or prescription of anabolic steroids w/o medical purpose; sale or delivery of anabolic steroids w/o valid prescription; sale or delivery of anabolic steroids by	1 st offense: felony; <5yrs and/or <\$5,000 2 nd or subsequent offense: <10yrs and/or <\$10,000

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person who is not a practitioner, pharmacist or veterinarian	
44-53-1530 Possession of anabolic steroids w/o a valid prescription	
(2)<10units Misdemeanor	1 st offense: <6months and/or <\$1,000 2 nd or subsequent offense: <1yr and/or <\$2,000
(3)10-100units Misdemeanor	1 st offense: <1yrs and/or <\$2,000 2 nd or subsequent offense: <2yrs and/or <\$3,000
(4)>100units Felony	1 st offense: <5yrs and/or <\$5,000 2 nd or subsequent offense: <10yrs and/or \$10,000
Enhancements	Penalties
44-53-440 Distribution to minors	Schedule I(b)&(c) narcotics or LSD, Schedule II narcotics, or crack cocaine: Felony; <20yrs and/or <\$30,000; no p.p. or s.s. Other controlled substances: Misdemeanor; <10yrs 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: 5-15yrs
44-53-445 Distribution or purchase w/in ½ mile of school, public park, public playground	(D)(1) felony; <10yrs and/or <\$10,000 (D)(2) when violation is purchase of controlled substance: misdemeanor; <1yrs and/or <\$1,000
44-53-450 Conditional Discharge for 1st 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 <20yrs 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 <20yrs Civil Penalty: value of property/funds involved; or \$10,000 (whichever is greater)
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)

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SCHEDULE I	OFFENSES/PENALTIES (*All sentences are for standard offenders. Enhancement/mitigating factors may increase/reduce sentence. See sentencing statutes in appendix)	ENHANCEMENTS/ BENEFIT RESTRICTIONS
39-17-405 Criteria (1) High potential for abuse; (2) No accepted med. Use in US or lacks accepted safety for med use	39-17-417(b) Manufacture, delivery, sale, possession w/ intent (p.w.i.) of Schedule I Class B felony: 8-12yrs; <\$100,000	
39-17-406 Substances (b) Opiates (c) Opium derivatives: E.g., heroin, codeine compounds, morphine compounds, etc. (d) Hallucinogenic substances: E.g., MDMA, mescaline, DMT, peyote, LSD, psilocybin, synthetic THC, etc. (e) Depressants: e.g., GHB, Qualuudes (f) Stimulants: E.g., fenethylline, BZP	3-17-417(i) Manufacture, delivery, p.w.i. of heroin (>15g); morphine (>15g); hydromorphone (>5g); LSD (>5g); cocaine (>26g); pentazocine & tripeleennamine (>5g); PCP (>30g); barbiturates (>100g); phenmetrazine (>50g); amphetamine/ methamphetamine (>26g); peyote (>1000g); Other Schedule I or II substances (>200g) Class B felony: 8-12yrs; <\$200,000	
SCHEDULE II		

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<p>39-17-407 Criteria (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</p>	<p>3-17-417(j) Manufacture, delivery, p.w.i. of heroin (>150g); morphine (>150g); hydromorphone (>50g); LSD (>50g); cocaine (>300g); pentazocine & tripeleennamine (>50g); PCP (>300g); barbiturates (>1000g); phenmetrazine (>500g); amphetamine/ methamphetamine (>300g); peyote (>10000g); Other Schedule I or II substances (>2000g) Class A felony; 15-25yrs; <\$500,000</p>	
<p>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, methamphetamine, PCP, fentanyl</p>	<p>39-17-417(c)(1) Manufacture, delivery, p.w.i. of cocaine or methamphetamine</p>	
	<p>> .5g: Class B felony; 8-12yrs; <\$100,000</p>	
	<p>< .5g: Class C felony; 3-6yrs; <\$100,000</p>	<p>w/ deadly weapon: Class B felony; 8-12yrs</p>
<p>SCHEDULE III</p>		

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39-17-409 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	39-17-417(d) Manufacture, delivery, p.w.i. of Schedule III Class D felony; 2-4yrs; <\$50,000	Anabolic steroids: eligible for pretrial diversion
39-17-410 Substances (b) Stimulants: e.g., appetite suppressants (c) Depressants: e.g., barbiturates, sedatives, anesthetics, Ketamine, GHA (d) Nalorphine (e) Limited narcotic drugs: Compounds w/ limited percentages of codeine, hydrocodone, dihydrocodone, opium, morphine (f) Anabolic Steroids and hormones (except those exempted) (g) Hallucinogenic substances: Dronabinol		
SCHEDULE IV		
39-17-411 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	39-17-417(e) Manufacture, delivery, p.w.i. of flunitrazepam Class C felony; 3-6yrs; <\$100,000 Other Schedule IV: Class D felony; 2-4yrs; <\$50,000	
39-17-412 Substances (b) Compounds containing limited narcotic quantities: e.g., difenoxin, dextropropoxyphene (c) Depressants: e.g., Klonopin, Ativan, flunitrazepam (d) Fenfluramine (e) Stimulants: e.g., appetite suppressants (f) Pentazocine & butorphanol		

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SCHEDULE V		
39-17-413 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	39-17-417(f) Manufacture, delivery, p.w.i. of Schedule V Class E felony; 1-2yrs; <\$5,000	
39-17-414 Substances (b) Narcotics containing nonnarcotic active medicinal ingredients: e.g., limited percentages of codeine, opium, etc. (c) Pyrovalerone (d) Lacosamide & Pregabalin		
39-17-415 SCHEDULE VI		
Substances: Marijuana, THC, and synthetic equivalents	39-17-417(g) Manufacture, delivery, p.w.i. of Schedule VI	39-17-418(b) Distribution of <½ oz of marijuana Class A misdemeanor: <1yr and/or <\$2,500
	(1) ½ oz – 10lbs of marijuana/<2lbs of hashish: Class E felony; 1-2yrs; <\$5,000	
	(2) 10-70lbs of marijuana/2-4lbs of hashish/10-19plants: Class D felony; 2-4yrs; <\$50,000	
	(3) 4-8lbs of hashish/20-99plants: Class C felony; 3-6yrs; <\$100,000	
	4-17-417(i)(13) 70-300lbs of marijuana/8-15lbs of hashish/100-499plants: Class B felony; 8-12yrs; <\$200,000	
	4-17-417(j)(13) >300lbs of marijuana/>15lbs of hashish/>500plants: Class A felony; 15-25yrs; <\$500,000	

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39-17-416 SCHEDULE VII		
Substances: Butyl nitrite	39-17-417(h) Manufacture, delivery, p.w.i. of Schedule VII Class E felony; 1-2yrs; <\$1,000	
OTHER OFFENSES/PENALTIES		ENHANCEMENTS/ BENEFIT RESTRICTIONS
39-17-418 Simple possession or casual exchange: Class A misdemeanor; <1yr and/or <\$2,500		Drug offender school, rehab, community service may be required 3 rd or subsequent offense: Class E felony; 1-2yrs; <\$50,000
39-17-421 substitution of drugs in filling prescriptions: Class C misdemeanor; <30days and/or <\$50.00		
39-17-422 inhaling, selling, giving or possessing glue, paint, gas, etc. for unlawful purposes: Class A misdemeanor; <1yr and/or <\$2,500		Sale w/ knowledge of unlawful use: Class E felony; 1-2yrs; <\$50,000
39-17-423 Sale, delivery, distribution of counterfeit controlled substance: Class E felony; 1-2yrs; <\$50,000		Recipient: Class A misdemeanor; <1yr and/or <\$2,500
39-17-425 Unlawful drug paraphernalia use/advertisement: Class A misdemeanor; <1yr and/or <\$2,500		Sale w/ knowledge of unlawful use: Class E felony; 1-2yrs; <\$50,000
39-17-430 Prescription of steroids for performance enhancement w/o medical necessity: Class D felony; 2-4yrs; <\$50,000		
39-17-431 Violation of methamphetamine precursor regulations: Class A misdemeanor; <1yr and/or <\$2,500		
39-17-435 Initiation of a process intended to result in methamphetamine manufacture: Class B felony; 8-12yrs; <\$200,000		
39-17-437 Possession of substance designed to falsify drug test: Class A misdemeanor; <1yr and/or <\$2,500 Sale of synthetic urine: Class C misdemeanor; <30days and/or <\$50.00		
39-17-438 Manufacture, distribution or possession of salvia divinorum: Class D felony; 2-4yrs; <\$50,000		2 nd or subsequent violation: Class C felony; 3-6yrs; <\$100,000
39-17-452 Manufacture, distribution, or		

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possession of methcathinone: Class A misdemeanor; <1yr and/or <\$2,500	
39-17-452 Manufacture, distribution or p.w.i. of imitation controlled substances: Class E felony; 1-2yrs; \$2,000-\$5,000 Use of imitation controlled substances: Class A misdemeanor; <1yr; \$250-\$2,500	
39-17-454(c) Manufacture, delivery, sale of a controlled substance analogue: Class D felony; 2-4yrs; <\$50,000 39-17-454(d) Possession or casual exchange of <1g of a controlled substance analogue: Class A misdemeanor; <1yr and/or <\$2,500	2 nd or subsequent violation: Class C felony; 3-6yrs; <\$100,000 If delivery to minor: 1 degree higher
39-17-454(f) representation that a controlled substance analogue is a controlled substance: Class A misdemeanor ; <1yr and/or <\$2,500	
ENHANCEMENT OFFENSES	ENHANCED PENALTIES
39-17-417(k) Manufacture, delivery, or p.w.i. to a minor	One penalty classification higher
39-17-432 Violations w/in 1,000 ft of a school, library, rec center or park	One penalty classification higher and higher fine No s.s. or p. p.

Texas Drug Statutes

Texas Health and Safety Code: Title 6 Food, Drugs, Alcohol, and Hazardous Substances

PENALTY GROUP	OFFENSES/PENALTIES	ENHANCEMENTS/BENEFIT RESTRICTIONS
481.102 Penalty Group 1 (1) Opiates (2) Opium derivatives: e.g., codeine compounds, morphine compounds, heroin (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 (4) other opiates not listed in (1) or (2) (5) flunitrazepam (Rohypnol) (6) Methamphetamine (7) phenylacetone & methylamine together w/ into to manufacture meth (8) PCP; (9) GHB; (10) Ketamine	481.112 Manufacture or Delivery of Penalty 1 Substance	481.140 Use of Child in Commission of Crime: punishment increased 1 degree. If force used, 1 st degree felony
	(b) <1g: state jail felony; 180days-2yrs; <\$10,000	481.1122 Manufacture in presence of child (1) punishment increased by 1 degree
	(c) 1-4g: 1 st degree felony: life or 5-99yrs; <\$10,000	481.1122 Manufacture in presence of child (1) punishment increased by 1 degree
	(d) 4-200g: 1 st degree felony: life or 5-99yrs; <\$10,000	
	(e) 200-400g: life or 10-99yrs; <\$100,000	481.1122 In Presence of child (2) 15yr min; <\$150,000
	(f) >400g: life or 15-99yrs; <\$250,000	481.1122 In Presence of child (3) 20yrs min; <\$300,000
	481.115 Possession of Penalty 1 Substance	
	(b) <1g; state jail felony: 180days-2yrs; <\$10,000	
	(c) 1-4g; 3 rd degree felony: 2-10yrs; <\$10,000	
	(d) 4-200g: 2 nd degree felony: 2-20yrs; <\$10,000	
	(e) 200-400g: 1 st degree felony: life or 5-99yrs; <\$10,000	
	(f) >400g: life or 10-99yrs; <\$100,000	
481.1021 Penalty Group 1A LSD	481.1121 Manufacture or Delivery of Penalty 1A Substance	481.140 Use of Child in Commission of Crime: punishment increased 1 degree. If force used, 1 st degree felony
	(b)(1) <20 units (u): state jail felony: 180days-2yrs;<\$10,000	

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Texas Health and Safety Code: Title 6 Food, Drugs, Alcohol, and Hazardous Substances

	(b)(2) 20-80u: 2 nd degree felony: 2-20yrs; <\$10,000	
	(b)(3) 80-4,000u: 1 st degree felony: life or 5-99yrs; <\$10,000	
	(b)(4) >4,000u: life or 15-99yrs; <\$250,000	
	481.1151 Possession of Penalty 1A substance	
	(1) <20u: state jail felony: 180days-2yrs;<\$10,000	
	(2) 20-80u: 3 rd degree felony: 2-10yrs; <\$10,000	
	(3) 80-4,000u: 2 nd degree felony: 2-20yrs; <\$10,000	
	(4) 4,000-8,000u: 1 st degree felony: life or 5-99yrs; <\$10,000	
	(5) >8,000u: life or 15-99yrs; <\$250,000	
481.103 Penalty Group 2 (1) Hallucinogenic substances: e.g., DMT, synthetic THC, MDMA, BZP, psilocybin, mescaline (2) Phenylacetone (3) depressant/stimulant compounds not listed elsewhere: e.g., amphetamine, Vyvanse, Qualuude (4) Compounds derived from 2-aminopropanal: e.g., MDPV, mephedrone	481.113 Manufacture or Deliver of Penalty 2 or 2a substance	481.140 Use of Child in Commission of Crime: punishment increased 1 degree. If force used, 1 st degree felony
	(b) <1g: state jail felony: 180days-2yrs;<\$10,000	
	(c) 1-4g: 2 nd degree felony: 2-20yrs; <\$10,000	
	(d) 4-400g: 1 st degree felony: life or 5-99yrs; <\$10,000	
	(e) >400g: life or 10-99yrs; <\$100,000	
	481.116 Possession of Penalty 2 substance	
	(b) <1g: state jail felony: 180days-2yrs;<\$10,000	
	(c) 1-4g: 3 rd degree felony: 2-10yrs; <\$10,000	
	(d) 4-400g: 2 nd degree felony: 2-20yrs; <\$10,000	

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	(e) >400g: life or 5-99yrs; <\$50,000	
481.1031 Penalty Group 2A Synthetic chemical compounds mimicking the pharmacological effect of naturally occurring cannabinoids	481.1161 Possession of Penalty 2A substance	
	(b)(1) <2oz: Class B misdemeanor: <\$2,000 and/or <180days	
	(b)(2) 2-4oz: Class A misdemeanor: <\$4,000 and/or <1yr	
	(b)(3) 4oz-5lbs: state jail felony: 180days-2yrs;<\$10,000	
	(b)(4) 5-50lbs: 3rd degree felony: 2-10yrs; <\$10,000	
	(b)(5) 50-2,000lbs: 2nd degree felony: 2-20yrs; <\$10,000	
	(b)(6) >2,000lbs: life or 5-99yrs; <\$50,000	
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	481.114 Manufacture or Delivery of Penalty 3 or 4 substance	481.140 Use of Child in Commission of Crime: punishment increased 1 degree. If force used, 1 st degree felony
	(b) <28g: state jail felony: 180days-2yrs;<\$10,000	
	(c) 28-200g: 2 nd degree felony: 2-20yrs; <\$10,000	
	(d) 200-400g: 1 st degree felony: life or 5-99yrs; <\$10,000	
	(e) >400g: life or 10-99yrs; <\$100,000	
	481.117 Possession of Penalty 3 substance	
	(b) <28g: Class A misdemeanor	
	(c) 28-200g: 3 rd degree felony	

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exempted	(d) 200-400g: 2 nd degree felony	
	(e) >400g: life or 5-99yrs; <\$50,000	
481.105 Penalty Group 4 (1) compounds containing 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	481.118 Possession of Penalty 4 substance	
	(b) <28g: Class B misdemeanor	
	(c) 28-200g: 3 rd degree felony	
	(d) 200-400g: 2 nd 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	Penalties	Enhancements/ Benefit Restrictions
481.119(A) Manufacture or delivery of scheduled substance not listed in Penalty Groups	Class A misdemeanor	
481.119(b) Possession of scheduled substance not listed in Penalty Groups	Class B misdemeanor	
482.002 Unlawful delivery or manufacture w/ intent to deliver simulated controlled substance represented as a controlled substance	State jail felony	
Marihuana	Penalties	Enhancements/ Benefit Restrictions
481.120 Delivery of Marihuana	(1) <¼ oz & no remuneration Class B misdemeanor	481.140 Use of Child in Commission of Crime: punishment increased 1 degree. If force used, 1 st degree felony

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	(2) < ¼ oz & remuneration Class A misdemeanor (3) ¼ oz-5lbs state jail felony (4) 5-50lbs: 2 nd degree felony (5) 50-2,000lbs: 1 st degree felon (6) >2,000lbs: life or 10-99yrs; <\$100,000	
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: 3 rd degree felony (5) 50-2,000lbs: 2 nd degree felony (6) >2,000lbs: life or 5-99yrs; <\$50,000	
Enhancement Offenses		Penalties
481.122 Delivery of Penalty 1, 1A, 2, 3 or marijuana to a child		2 nd degree felony; 481.140 Use of Child in Commission of Crime: punishment increased 1 degree. If force used, 1 st 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: 2 nd degree felony (d)(2) Penalty 2: 3 rd 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) 3 rd degree felony

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481.136 Unlawful sale or receipt of chemical precursor w/o permit or in violation of requirements	(b) state jail felony; 2 nd offense: 3 rd degree felony
481.137 Transfer of precursor for unlawful manufacture	(b) 3 rd degree felony; 2 nd offense: 3 rd degree
481.138 Unlawful transfer or receipt of chemical laboratory apparatus w/o permit or in violation of requirements	(b) state jail felony; 2 nd offense: 3 rd degree
481.139 Transfer of chemical laboratory apparatus w/ knowledge that recipient will use it to unlawfully manufacture a controlled substance/analogue	(b) 3 rd degree felony
481.125(a) Possession of drug paraphernalia	(d) Class C misdemeanor
481.125(b) Delivery of drug paraphernalia	(e) Class A misdemeanor; 2 nd offense: additional 90days-1yr (c) delivery to minor >3yrs younger: state jail felony
481.126(a)(2)&(4) Financial transactions derived from or intended to further drug offense	(b) 2 nd degree felony
481.126(a)(1)&(3): Financial transactions derived from or intended to further drug offense punishable by life imprisonment	(b) 1 st degree felony
Prescription Drug Offense	
481.127 Unauthorized disclosure of prescription information	(b) state jail felony
481.128 Offenses of Commercial registrant	
(1) distribution of controlled substances in violation of prescription program; (2) manufacture of unauthorized controlled substance; (3) refusal/failure to maintain required records; (4) possession of unauthorized official prescription form; (5) delivery/possession of counterfeit official prescription form; (6) refusal of entry into premises for inspection; (7) refusal/failure to return official prescription form; (8) refusal/failure to maintain required documentation; (9) refusal/failure to maintain required security	(c) state jail felony (d) w/o culpable mental state: <\$1,000 additional penalty (b) intentional violation of (8)&(9): <\$5,000 additional penalty
481.1285(b)(1) Conversion of controlled substance by registrant to their own use	(c) state jail felony
481.1285(b)(2) Diversion of controlled substance to unlawful use of another	(c) 3 rd degree felony

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481.129(a)(1) Distribution of Schedule I or II substance w/o required order form	(1) Schedule I or II: 2 nd degree felony (2) Schedule III or IV: 3 rd degree felony (3) Schedule V: Class A misdemeanor
481.129(a)(2) Use of an invalid registration number in course of manufacture, prescription or distribution of a controlled substance	
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: 2 nd degree felony (2) Schedule III or IV: 3 rd degree felony (3) Schedule V: Class A misdemeanor
481.129(b) making, distributing or possessing a thing designed to reproduced 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: 2 nd degree felony (2) Schedule III, IV, or V: 3 rd 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