

Drug Penalties

Types of Drugs	Possession	Possession with Intent to Sell or Deliver; To Manufacture; or to Sell and/or Deliver	NC Statute
Schedule I: Heroin, LSD, Peyote, Mescaline, Psilocybin (Mushrooms), other Hallucinogens, Methaqualone (Quaaludes), Phencyclidine (PCP), and MDA	Maximum Penalty: Five (5) years in prison and/or fine (felony).	Maximum Penalty: Ten (10) years in prison and/or fine (felony).	§ 90-89
Schedule II: Morphine, Demerol, Codeine, Percodan, Percocet, Fentanyl, Dilaudid, Secondal, Nembutal, Cocaine, methamphetamines, Amphetamine and other opium and opium extracts and narcotics	Maximum Penalty: Two (2) years in prison and/or \$2,000 fine (misdemeanor), <i>UNLESS</i> 1. Exceeds four (4) tablets, capsules, other dosage units or equivalent quantity of Hydromorphone. 2. Exceeds 100 tablets, capsules, other dosage units or equivalent quantity. <i>Maximum Penalty:</i> Five (5) years in prison and/or fine (felony).	Maximum Penalty: Ten (10) years in prison and/or fine (felony).	§ 90-90
Schedule III: Certain barbiturates such as amobarbital and codeine containing medicine such as Fiorinal #3, Doriden, Tylenol #3, Empirin #3, and codeine-based cough suppressants such as Tussionex and Hycomine, and all anabolic steroids.	Possession of less than 100 tablets, capsules, other dosage units or equivalent quantity: Maximum Penalty: Two (2) years in prison and/or fine (misdemeanor). To possess more than 100 tablets, capsules, other dosage units or equivalent quantity: Maximum Penalty: Five (5) years in prison and/or fine (felony).	Maximum Penalty: Five (5) years in prison and/or fine (felony).	§ 90-91
Schedule IV: Barbital, narcotics, and stimulants including Valium, Talwin, Librium, Equanil, Darvon, Davocet, Placidyl, Tranzene, Serax, Ionamin (yellow jackets).	Maximum Penalty: Same as Schedule III	Maximum Penalty: Five (5) years in prison and/or fine (felony).	§ 90-92

<p>Schedule V: Compounds that contain very limited amounts of codeine, dihydrocodeine, ethylmorphine, opium, and atropine, such as Terpene Hydrate with codeine, Robitussin AC.</p>	<p>Maximum Penalty: Six (6) months in prison and/or fine (misdemeanor).</p>	<p>Maximum Penalty: Five (5) years in prison and/or fine (felony).</p>	<p>§ 90-93</p>
<p>Schedule VI: Marijuana, THC, Hashish, Tetrahydrocannabinol.</p>	<p>Possession of less than ½ ounce of Marijuana or 1/20 ounce Hashish: Maximum Penalty: 20 days in prison and/or \$200 fine (misdemeanor). If Marijuana, the sentence must be suspended.</p> <p>Possession of more than ½ ounce of Marijuana or 1/20 ounce Hashish: Maximum Penalty: 120 days in prison and/or fine up to \$500 (misdemeanor).</p> <p>Possession of more than 1 ½ ounce of Marijuana or 3/20 ounce of Hashish or any quantity of synthetic Tetrahydrocannabinols or Tetrahydrocannabinols isolated from the resin of marijuana: Maximum Penalty: Twelve (12) months in prisons and/or fine (felony).</p>	<p>Maximum Penalty: Delivery of less than 5 grams of marijuana for no compensation is not considered sale or delivery, but may still be prosecuted as possession.</p> <p>Less than 10 pounds: Class H felony punishable by up to 8 months in prison and a discretionary fine for the first offense.</p> <p>In excess of 10 pounds, but less than 50 pounds: Class H felony and shall be sentenced up to 39 months in prison, and fined \$5,000.</p> <p>50 pounds but less than 2,000 pounds: Class G felony and shall be sentenced up to 51 months in prison, and fined \$25,000.</p> <p>2,000 pounds but less than 10,000 pounds: Class F felony and shall be sentenced up to 93 months in prison, and fined \$50,000.</p> <p>10,000 pounds or more: Class D felony and shall be sentenced up to 222 months in prison, and fined not less than \$2000,000.</p>	<p>§ 90-94</p>

<p>Drug Paraphernalia: Grinder, scale, pipe, baggies, rolling paper, cigar cutter, etc.</p>	<p>Maximum Penalty: One hundred twenty (120) days in prison and/or fine (misdemeanor).</p>	<p>Maximum Penalty: One hundred twenty (120) days in prison and/or fine (misdemeanor). However, delivery of drug paraphernalia by a person over 18 years of age to someone under 18 years of age who is at least three (3) years younger: One (1) year in prison and/or fine (felony). It is unlawful for any person to purchase or otherwise procure an advertisement in any newspaper, magazine, handbill, or other publication, or purchase or otherwise procure an advertisement on a billboard, sign, or other outdoor display, when he knows that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia: Sixty (60) days in prison and/or fine (misdemeanor).</p>	<p>§ 90-113.22 - § 90-113.24</p>
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