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North Carolina Penalties for the Illegal Possession and Trafficking of Controlled Substances

The North Carolina Controlled Substances Act (G.S. 90-86) may be found in the North Carolina Criminal Law And Procedure book or on the Internet at <http://www.ncga.state.nc.us/Statutes/Statutes.html>.

Similar to the Federal Controlled Substance Act (1970), the North Carolina Controlled Substances Act (G.S. 90-86) defines controlled substances and places them into one of six categories called "schedules." The placement of a controlled substance into a schedule is determined by a set of defined criteria that evaluate the substance's potential for abuse, medical use, and safety or dependence liabilities. Minimum punishments for violations may also be found in the Act.

The Schedules, Controlled Substances and Penalties for Possession chart below describes the schedule system, gives examples of drugs in each schedule and outlines the minimum punishment for possession of any amount of the substance. The punishments for illegally trafficking controlled substances are much more severe than those for possession. The Illegal Trafficking Penalties chart below will describe the minimum amount of controlled substance that one must possess in to be charged with trafficking.

Schedules, Controlled Substances and Penalties for Possession

Schedule I Has a high potential for abuse. Has no medical use. Has a lack of accepted safety.	Heroin Ecstasy GHB Methaqualone Peyote Opiates (and others)	First Offense Class 1 Felony 4-5 Months	
Schedule II Has a high potential for abuse. Has accepted medical use with severe restrictions. Abuse may lead to physical or psychological dependence.	Cocaine Raw Opium Opium Extracts, Fluid and Powder Codeine Hydrocodone Morphine Methadone Methamphetamine Ritalin (and others)	First Offense Class 1 Misdemeanor 45 Days in Jail	Second Offense Class 1 Felony 4-5 Months
Schedule III Has potential for abuse, but less than Schedule I or	Ketamine Anabolic Steroids Some Barbiturates (and others)	First Offense Class 1 Misdemeanor	Second Offense Class 1 Felony 4-5 Months

Cocaine		35 - 42 Months	
	200 - 399 grams	Class F Felony 70 - 87 Months	\$100,000 Fine
	400 grams or more	Class D Felony 175 - 219 Months	\$250,000 Fine
Methamphetamines	28 - 199 grams	Class F Felony 70 - 84 Months	\$50,000 Fine
	200 - 399 grams	Class E Felony 90 - 117 Months	\$100,000 Fine
	400 grams or more	Class C Felony 225 - 279 Months	\$250,000 Fine

Has an accepted medical use. Abuse may lead to limited dependence.		Jail	
Schedule IV Has a low potential for abuse. Has an accepted medical use. Abuse may lead to limited dependence.	Valium Xanax Rohypnol Darvon Clonazepam Barbital (and others)	First Offense Class 1 Misdemeanor 45 Days in Jail	Second Offense Class 1 Felony 4-5 Months
Schedule V Has a low potential for abuse. Has an accepted medical use. Abuse may lead to limited dependence.	Over the counter cough medicines with codeine (and others)	First Offense Class 2 Misdemeanor 30 Days in Jail	Second Offense Class 1 Misdemeanor 45 Days in Jail
Schedule VI Has a low potential for abuse. Has no accepted medical use. Abuse may lead to limited dependence.	Marijuana Hashish Hashish Oil	First Offense Class 3 Misdemeanor 10 Days in Jail or Suspended Sentence	Second Offense Class 2 Misdemeanor 30 Days in Jail

Illegal Trafficking Penalties

Marijuana	10 - 49 lbs.	Class H Felony 25 - 30 Months	\$5,000 Fine
	50 - 1,999 lbs.	Class G Felony 35 - 42 Months	\$25,000 Fine
	2,000 - 9,999 lbs.	Class F Felony 70 - 84 Months	\$50,000 Fine
	10,000 lbs. or more	Class D Felony 175 - 219 Months	\$200,000 Fine
Heroin	4 - 13 grams	Class F Felony 70 - 84 Months	\$50,000 Fine
	14 - 27 grams	Class E Felony 90 - 117 Months	\$100,000 Fine
	28 grams or more	Class C Felony 225 - 279 Months	\$250,000 Fine
	28 - 199 grams	Class G Felony	\$50,000 Fine

Cocaine		35 - 42 Months	
	200 - 399 grams	Class F Felony 70 - 87 Months	\$100,000 Fine
	400 grams or more	Class D Felony 175 - 219 Months	\$250,000 Fine
Methamphetamines	28 - 199 grams	Class F Felony 70 - 84 Months	\$50,000 Fine
	200 - 399 grams	Class E Felony 90 - 117 Months	\$100,000 Fine
	400 grams or more	Class C Felony 225 - 279 Months	\$250,000 Fine