

## Texas Drug Statutes

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

PENALTY GROUP	OFFENSES/PENALTIES	ENHANCEMENTS/BENEFIT RESTRICTIONS	
<p><b>481.102 Penalty Group 1</b>                      (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 &amp; methylamine together w/ into to manufacture meth                      (8) PCP; (9) GHB; (10) Ketamine</p>	<p><b>481.112 Manufacture or Delivery of Penalty 1 Substance</b></p>	<p><b>481.140 Use of Child in Commission of Crime:</b> punishment increased 1 degree. If force used, degree felony</p>	
	<p><b>(b)</b> &lt;1g: state jail felony; 180days-2yrs; &lt;\$10,000</p>	<p><b>481.1122 Manufacture in presence of child</b>                      (1) punishment increased by 1 degree</p>	
	<p><b>(c)</b> 1-4g: degree felony: life or 5-99yrs; &lt;\$10,000</p>	<p><b>481.1122 Manufacture in presence of child</b>                      (1) punishment increased by 1 degree</p>	
	<p><b>(d)</b> 4-200g: degree felony: life or 5-99yrs; &lt;\$10,000</p>		
	<p><b>(e)</b> 200-400g: life or 10-99yrs; &lt;\$100,000</p>	<p><b>481.1122 In Presence of child</b>                      (2) 15yr min; &lt;\$150,000</p>	
	<p><b>(f)</b> &gt;400g: life or 15-99yrs; &lt;\$250,000</p>	<p><b>481.1122 In Presence of child</b>                      (3) 20yrs min; &lt;\$300,000</p>	
	<p><b>481.115 Possession of Penalty 1 Substance</b></p>		
	<p><b>(b)</b> &lt;1g; state jail felony: 180days-2yrs; &lt;\$10,000</p>		
	<p><b>(c)</b> 1-4g; degree felony: 2-10yrs; &lt;\$10,000</p>		
	<p><b>(d)</b> 4-200g: degree felony: 2-20yrs; &lt;\$10,000</p>		
	<p><b>(e)</b> 200-400g: degree felony: life or 5-99yrs; &lt;\$10,000</p>		
	<p><b>(f)</b> &gt;400g: life or 10-99yrs; &lt;\$100,000</p>		
	<p><b>481.1021 Penalty Group 1A</b>                      LSD</p>	<p><b>481.1121 Manufacture or Delivery of Penalty 1A Substance</b></p>	<p><b>481.140 Use of Child in Commission of Crime:</b> punishment increased 1 degree. If force used, degree felony</p>
<p><b>(b)(1)</b> &lt;20 units (u): state jail felony: 180days-2yrs;&lt;\$10,000</p>			
<p><b>(b)(2)</b> 20-80u: degree felony: 2-20yrs; &lt;\$10,000</p>			
<p><b>(b)(3)</b> 80-4,000u: degree felony: life or 5-99yrs; &lt;\$10,000</p>			
<p><b>(b)(4)</b> &gt;4,000u:</p>			

## Texas Drug Statutes

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

	life or 15-99yrs; <\$250,000	
	<b>481.1151 Possession of Penalty IA substance</b>	
	<b>(1)</b> <20u: state jail felony: 180days-2yrs;<\$10,000	
	<b>(2)</b> 20-80u: degree felony: 2-10yrs; <\$10,000	
	<b>(3)</b> 80-4,000u: degree felony: 2-20yrs; <\$10,000	
	<b>(4)</b> 4,000-8,000u: degree felony: life or 5-99yrs; <\$10,000	
	<b>(5)</b> >8,000u: life or 15-99yrs; <\$250,000	
<b>481.103 Penalty Group 2</b> <b>(1) Hallucinogenic substances:</b> e.g., DMT, synthetic THC, MDMA, BZP, psilocybin, mescaline <b>(2) Phenylacetone</b> <b>(3) depressant/stimulant compounds not listed elsewhere:</b> e.g., amphetamine, Vyvanse, Qualuude <b>(4) Compounds derived from 2-aminopropanal:</b> e.g., MDPV, mephedrone	<b>481.113 Manufacture or Deliver of Penalty 2 or 2a substance</b>	<b>481.140 Use of Child in Commission of Crime:</b> punishment increased 1 degree. If force used, degree felony
	<b>(b)</b> <1g: state jail felony: 180days-2yrs;<\$10,000	
	<b>(c)</b> 1-4g: degree felony: 2-20yrs; <\$10,000	
	<b>(d)</b> 4-400g: degree felony: life or 5-99yrs; <\$10,000	
	<b>(e)</b> >400g: life or 10-99yrs; <\$100,000	
	<b>481.116 Possession of Penalty 2 substance</b>	
	<b>(b)</b> <1g: state jail felony: 180days-2yrs;<\$10,000	
	<b>(c)</b> 1-4g: degree felony: 2-10yrs; <\$10,000	
	<b>(d)</b> 4-400g: degree felony: 2-20yrs; <\$10,000	
	<b>(e)</b> >400g: life or 5-99yrs; <\$50,000	
<b>481.1031 Penalty Group 2A</b> Synthetic chemical compounds mimicking the pharmacological effect of naturally occurring cannabinoids	<b>481.1161 Possession of Penalty 2A substance</b>	
	<b>(b)(1)</b> <2oz: Class B misdemeanor: <\$2,000 and/or <180days	
	<b>(b)(2)</b> 2-4oz: Class A misdemeanor: <\$4,000 and/or <1yr	
	<b>(b)(3)</b> 4oz-5lbs: state jail felony: 180days-2yrs;<\$10,000	

## Texas Drug Statutes

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

	<p><b>(b)(4)</b> 5-50lbs: 3rd degree felony: 2-10yrs; &lt;\$10,000</p> <p><b>(b)(5)</b> 50-2,000lbs: 2nd degree felony: 2-20yrs; &lt;\$10,000</p> <p><b>(b)(6)</b> &gt;2,000lbs: life or 5-99yrs; &lt;\$50,000</p>	
<p>481.104 <b>Penalty Group 3</b></p> <p><b>(1)</b> compounds containing stimulants: e.g., Ritalin and Preludin</p> <p><b>(2)</b> compounds containing depressants: e.g., Xanax, Ativan, Klonopin</p> <p><b>(3)</b> Nalorphine</p> <p><b>(4)</b> compounds containing limited quantities of narcotics: e.g., codeine, morphine, difenoxin</p> <p><b>(5)</b> compounds containing other substances: e.g., barbiturates, chloral hydrates</p> <p><b>(6)</b> peyote</p> <p><b>(7)</b> compounds containing stimulants not listed elsewhere: e.g., appetite suppressants</p> <p><b>(8)</b> Dextropropoxyphene</p> <p><b>(9)</b> anabolic steroids not exempted</p>	<p>481.114 <b>Manufacture or Delivery of Penalty 3 or 4 substance</b></p> <p><b>(b)</b> &lt;28g: state jail felony: 180days-2yrs;&lt;\$10,000</p> <p><b>(c)</b> 28-200g: degree felony: 2-20yrs; &lt;\$10,000</p> <p><b>(d)</b> 200-400g: degree felony: life or 5-99yrs; &lt;\$10,000</p> <p><b>(e)</b> &gt;400g: life or 10-99yrs; &lt;\$100,000</p> <p>481.117 <b>Possession of Penalty 3 substance</b></p> <p><b>(b)</b> &lt;28g: Class A misdemeanor</p> <p><b>(c)</b> 28-200g: degree felony</p> <p><b>(d)</b> 200-400g: degree felony</p> <p><b>(e)</b> &gt;400g: life or 5-99yrs; &lt;\$50,000</p>	<p>481.140 <b>Use of Child in Commission of Crime:</b> punishment increased 1 degree. If force used, degree felony</p>
<p>481.105 <b>Penalty Group 4</b></p> <p><b>(1)</b> compounds containing limited quantities of narcotics that include nonnarcotic active medicinal ingredients: e.g., codeine, morphine, difenoxin</p> <p><b>(2)</b> compounds containing Buprenorphine or Butorphanol</p> <p><b>(3)</b> compounds containing pyrovalerone</p>	<p>481.118 <b>Possession of Penalty 4 substance</b></p> <p><b>(b)</b> &lt;28g: Class B misdemeanor</p> <p><b>(c)</b> 28-200g: degree felony</p> <p><b>(d)</b> 200-400g: degree felony</p> <p><b>(e)</b> &gt;400g: life or 5-99yrs; &lt;\$50,000</p>	
<p>481.106 <b>Controlled Substance Analogue to Penalty Groups 1,1A &amp; 2</b></p>		<p>481.123 <b>Affirmative defense</b> If analogue was not intended for human consumption; if</p>

## Texas Drug Statutes

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

(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		there is approved new drug application; or if it was exempted for investigational use
<b>Miscellaneous Substances</b>	<b>Penalties</b>	<b>Enhancements/ Benefit Restrictions</b>
481.119(A) <b>Manufacture or delivery of scheduled substance not listed in Penalty Groups</b>	Class A misdemeanor	
481.119(b) <b>Possession of scheduled substance not listed in Penalty Groups</b>	Class B misdemeanor	
482.002 <b>Unlawful delivery or manufacture w/ intent to deliver simulated controlled substance represented as a controlled substance</b>	State jail felony	
<b>Marihuana</b>	<b>Penalties</b>	<b>Enhancements/ Benefit Restrictions</b>
481.120 <b>Delivery of Marihuana</b>	(1) <¼ oz & no remuneration Class B misdemeanor	481.140 <b>Use of Child in Commission of Crime:</b> punishment increased 1 degree. If force used, degree felony
	(2) < ¼ oz & remuneration Class A misdemeanor	
	(3) ¼ oz-5lbs state jail felony	
	(4) 5-50lbs: degree felony	
	(5) 50-2,000lbs: degree felon	
	(6) >2,000lbs: life or 10-99yrs; <\$100,000	
481.121 <b>Possession of Marihuana</b>	(1) <2oz: Class B misdemeanor	
	(2) 2-4oz: Class A misdemeanor	
	(3) 4oz-5lbs: state jail felony	
	(4) 5-50lbs: degree felony	
	(5) 50-2,000lbs: degree felony	
	(6) >2,000lbs: life or 5-99yrs; <\$50,000	
<b>Enhancement Offenses</b>	<b>Penalties</b>	
481.122 <b>Delivery of Penalty 1, 1A, 2, 3 or marijuana to a child</b>	degree felony; 481.140 <b>Use of Child in Commission of Crime:</b> punishment increased 1 degree. If force used,	

## Texas Drug Statutes

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

	degree felony
<b>481.134 Delivery of controlled substance in, on, or w/in 1,000ft of a “drug-free zone”</b>	Either a felony 1 degree higher or an additional 5 years and doubled fine depending on the original punishment as defined by statute
<b>481.141 Manufacture or Delivery of Controlled Substance Causing death or serious bodily injury</b>	Punishment is increased by 1 degree
<b>OTHER OFFENSES</b>	
<b>Offenses</b>	<b>Penalties/Enhancements/ Benefit Restrictions</b>
<b>481.124 Possession or Transport of anhydrous ammonia or chemical precursors w/ intent to manufacture controlled substance</b>	<b>(d)(1)</b> Penalty 1/1A: degree felony <b>(d)(2)</b> Penalty 2: degree felony <b>(d)(3)</b> Penalty 3/4: state jail felony <b>(d)(4)</b> Scheduled substance not listed in Penalty group: Class A misdemeanor
<b>481.1245 Possession or transport of anhydrous ammonia in improper container</b>	<b>(b)</b> degree felony
<b>481.136 Unlawful sale or receipt of chemical precursor w/o permit or in violation of requirements</b>	<b>(b)</b> state jail felony; offense: degree felony
<b>481.137 Transfer of precursor for unlawful manufacture</b>	<b>(b)</b> degree felony; offense: degree
<b>481.138 Unlawful transfer or receipt of chemical laboratory apparatus w/o permit or in violation of requirements</b>	<b>(b)</b> state jail felony; offense: degree
<b>481.139 Transfer of chemical laboratory apparatus w/ knowledge that recipient will use it to unlawfully manufacture a controlled substance/analogue</b>	<b>(b)</b> degree felony
<b>481.125(a) Possession of drug paraphernalia</b>	<b>(d)</b> Class C misdemeanor
<b>481.125(b) Delivery of drug paraphernalia</b>	<b>(e)</b> Class A misdemeanor; offense: additional 90days-1yr <b>(c) delivery to minor &gt;3yrs younger:</b> state jail felony
<b>481.126(a)(2)&amp;(4) Financial transactions derived from or intended to further drug offense</b>	<b>(b)</b> degree felony
<b>481.126(a)(1)&amp;(3): Financial transactions derived from or intended to further drug offense punishable by life imprisonment</b>	<b>(b)</b> degree felony
<b>Prescription Drug Offense</b>	
<b>481.127 Unauthorized disclosure of prescription information</b>	<b>(b)</b> state jail felony
<b>481.128 Offenses of Commercial registrant</b>	
<b>(1) distribution of controlled substances in</b>	<b>(c)</b> state jail felony

## Texas Drug Statutes

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

<p>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</p>	<p><b>(d) w/o culpable mental state:</b> &lt;\$1,000 additional penalty  <b>(b) intentional violation of (8)&amp;(9):</b> &lt;\$5,000 additional penalty</p>
<p><b>481.1285(b)(1) Conversion of controlled substance by registrant to their own use</b></p>	<p><b>(c)</b> state jail felony</p>
<p><b>481.1285(b)(2) Diversion of controlled substance to unlawful use of another</b></p>	<p><b>(c)</b> degree felony</p>
<p><b>481.129(a)(1) Distribution of Schedule I or II substance w/o required order form</b></p>	<p><b>(1)</b> Schedule I or II: degree felony  <b>(2)</b> Schedule III or IV: degree felony  <b>(3)</b> Schedule V: Class A misdemeanor</p>
<p><b>481.129(a)(2) Use of an invalid registration number in course of manufacture, prescription or distribution of a controlled substance</b></p>	
<p><b>481.129(a)(3) Issue of a forged prescription</b></p>	
<p><b>481.129(a)(4) Use of Schedule II prescription issued to another person</b></p>	
<p><b>481.129(a)(5) Obtaining/attempting to obtain controlled substance by misrepresentation, fraudulent prescription</b></p>	
<p><b>481.129(a)(6) Furnishing false information in required documentation</b></p>	<p><b>(1)</b> Schedule I or II: degree felony  <b>(2)</b> Schedule III or IV: degree felony  <b>(3)</b> Schedule V: Class A misdemeanor</p>
<p><b>481.129(a-1) Obtaining/attempting to obtain from a practitioner a controlled substance not medically necessary</b></p>	<p>Class A misdemeanor</p>
<p><b>481.129(b) making, distributing or possessing a thing designed to reproduced a counterfeit substance</b></p>	<p><b>(1)</b> delivery of prescription form or prescription for Schedule II substance: degree felony  <b>(2)</b> Schedule III, IV, or V: degree felony</p>
<p><b>481.129(c)(1) delivery of a prescription or prescription form for invalid purpose;</b></p>	<p><b>(1)</b> delivery of prescription form or prescription for Schedule II or III substance: state jail felony  <b>(2)</b> Schedule IV or V prescription: Class B misdemeanor</p>

# **Texas Drug Statutes**

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