

Texas Drug Statutes

(listed in numerical order)

§ 12.21 Class A Misdemeanor

- An individual adjudged guilty of a Class A misdemeanor shall be punished by:
 - (1) a fine not to exceed \$ 4,000;
 - (2) confinement in jail for a term not to exceed one year; or
 - (3) both such fine and confinement.

§ 12.22. Class B Misdemeanor

- An individual adjudged guilty of a Class B misdemeanor shall be punished by:
 - (1) a fine not to exceed \$ 2,000;
 - (2) confinement in jail for a term not to exceed 180 days; or
 - (3) both such fine and confinement.

§ 12.23. Class C Misdemeanor

An individual adjudged guilty of a Class C misdemeanor shall be punished by a fine not to exceed \$ 500.

§ 12.31. Capital Felony

- (a) An individual adjudged guilty of a capital felony in a case in which the state seeks the death penalty shall be punished by imprisonment in the Texas Department of Criminal Justice for life without parole or by death. An individual adjudged guilty of a capital felony in a case in which the state does not seek the death penalty shall be punished by imprisonment in the Texas Department of Criminal Justice for:
 - (1) life, if the individual's case was transferred to the court under [54.02, Family Code](#); or
 - (2) life without parole.
- (b) In a capital felony trial in which the state seeks the death penalty, prospective jurors shall be informed that a sentence of life imprisonment without parole or death is mandatory on conviction of a capital felony. In a capital felony trial in which the state does not seek the death penalty, prospective jurors shall be informed that the state is not seeking the death penalty and that:
 - (1) a sentence of life imprisonment is mandatory on conviction of the capital felony, if the case was transferred to the court under [54.02, Family Code](#); or
 - (2) a sentence of life imprisonment without parole is mandatory on conviction of the capital felony.

§ 12.32. First Degree Felony Punishment

- (a) An individual adjudged guilty of a felony of the first degree shall be punished by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 5 years.
- (b) In addition to imprisonment, an individual adjudged guilty of a felony of the first degree may be punished by a fine not to exceed \$ 10,000.

§ 12.33. Second Degree Felony Punishment

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- (a) An individual adjudged guilty of a felony of the second degree shall be punished by imprisonment in the Texas Department of Criminal Justice for any term of not more than 20 years or less than 2 years.
- (b) In addition to imprisonment, an individual adjudged guilty of a felony of the second degree may be punished by a fine not to exceed \$ 10,000.

§ 12.34. Third Degree Felony Punishment

- (a) An individual adjudged guilty of a felony of the third degree shall be punished by imprisonment in the Texas Department of Criminal Justice for any term of not more than 10 years or less than 2 years.
- (b) In addition to imprisonment, an individual adjudged guilty of a felony of the third degree may be punished by a fine not to exceed \$ 10,000.

§ 12.35. State Jail Felony Punishment

- (a) Except as provided by Subsection (c), an individual adjudged guilty of a state jail felony shall be punished by confinement in a state jail for any term of not more than two years or less than 180 days.
- (b) In addition to confinement, an individual adjudged guilty of a state jail felony may be punished by a fine not to exceed \$ 10,000.
- (c) An individual adjudged guilty of a state jail felony shall be punished for a third degree felony if it is shown on the trial of the offense that:
 - (1) a deadly weapon as defined by Section 1.07 was used or exhibited during the commission of the offense or during immediate flight following the commission of the offense, and that the individual used or exhibited the deadly weapon or was a party to the offense and knew that a deadly weapon would be used or exhibited; or
 - (2) the individual has previously been finally convicted of any felony:
 - (A) under Section 20A.03 or 21.02 or listed in Section 3g(a)(1), Article 42.12, Code of Criminal Procedure; or
 - (B) for which the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure.

§ 481.102. Penalty Group 1

- Penalty Group 1 consists of:
 - (1) the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, if the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:
 - Alfentanil;
 - Allylprodine;
 - Alphacetylmethadol;
 - Benzethidine;
 - Betaprodine;
 - Clonitazene;
 - Diampromide;
 - Diethylthiambutene;
 - Difenoxin not listed in Penalty Group 3 or 4;
 - Dimenoxadol;

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- Dimethylthiambutene;
- Dioxaphetyl butyrate;
- Dipipanone;
- Ethylmethylthiambutene;
- Etonitazene;
- Etoxeridine;
- Furethidine;
- Hydroxypethidine;
- Ketobemidone;
- Levophenacymorphan;
- Meprodine;
- Methadol;
- Moramide;
- Morpheridine;
- Noracymethadol;
- Norlevorphanol;
- Normethadone;
- Norpipanone;
- Phenadoxone;
- Phenampramide;
- Phenomorphane;
- Phenoperidine;
- Piritramide;
- Proheptazine;
- Properidine;
- Propiram;
- Sufentanil;
- Tilidine; and
- Trimeperidine;
- o **(2)** the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, if the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:
 - Acetorphine;
 - Acetyldihydrocodeine;
 - Benzylmorphine;
 - Codeine methylbromide;
 - Codeine-N-Oxide;
 - Cyprenorphine;
 - Desomorphine;
 - Dihydromorphine;
 - Drotebanol;
 - Etorphine, except hydrochloride salt;
 - Heroin;
 - Hydromorphinol;
 - Methyldesorphine;
 - Methyldihydromorphine;
 - Monoacetylmorphine;
 - Morphine methylbromide;
 - Morphine methylsulfonate;
 - Morphine-N-Oxide;
 - Myrophine;
 - Nicocodeine;

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- Nicomorphine;
- Normorphine;
- Pholcodine; and
- Thebacon;
- **(3)** the following substances, however produced, except those narcotic drugs listed in another group:
 - **(A)** Opium and opiate not listed in Penalty Group 3 or 4, and a salt, compound, derivative, or preparation of opium or opiate, other than thebaine derived butorphanol, nalmefene and its salts, naloxone and its salts, and naltrexone and its salts, but including:
 - Codeine not listed in Penalty Group 3 or 4;
 - Dihydroetorphine;
 - Ethylmorphine not listed in Penalty Group 3 or 4;
 - Granulated opium;
 - Hydrocodone not listed in Penalty Group 3;
 - Hydromorphone;
 - Metopon;
 - Morphine not listed in Penalty Group 3;
 - Opium extracts;
 - Opium fluid extracts;
 - Oripavine;
 - Oxycodone;
 - Oxymorphone;
 - Powdered opium;
 - Raw opium;
 - Thebaine; and
 - Tincture of opium;
 - **(B)** a salt, compound, isomer, derivative, or preparation of a substance that is chemically equivalent or identical to a substance described by Paragraph (A), other than the isoquinoline alkaloids of opium;
 - **(C)** Opium poppy and poppy straw;
 - **(D)** Cocaine, including:
 - **(i)** its salts, its optical, position, and geometric isomers, and the salts of those isomers;
 - **(ii)** coca leaves and a salt, compound, derivative, or preparation of coca leaves;
 - **(iii)** a salt, compound, derivative, or preparation of a salt, compound, or derivative that is chemically equivalent or identical to a substance described by Subparagraph (i) or (ii), other than decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine; and
 - **(E)** concentrate of poppy straw, meaning the crude extract of poppy straw in liquid, solid, or powder form that contains the phenanthrine alkaloids of the opium poppy;
- **(4)** the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, if the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:
 - Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
 - Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl]-4-

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- piperidinyll]-N-phenylpropanamide);
 - Alphaprodine;
 - Anileridine;
 - Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyll]-N-phenylpropanamide);
 - Beta-hydroxy-3-methylfentanyl;
 - Bezitramide;
 - Carfentanil;
 - Dihydrocodeine not listed in Penalty Group 3 or 4;
 - Diphenoxylate not listed in Penalty Group 3 or 4;
 - Fentanyl or alpha-methylfentanyl, or any other derivative of Fentanyl;
 - Isomethadone;
 - Levomethorphan;
 - Levorphanol;
 - Metazocine;
 - Methadone;
 - Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
 - 3-methylfentanyl(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
 - 3-methylthiofentanyl(N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyll]-N-phenylpropanamide);
 - Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
 - Para-fluorofentanyl(N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinyllpropanamide);
 - PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
 - Pethidine (Meperidine);
 - Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
 - Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
 - Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
 - Phenazocine;
 - Piminodine;
 - Racemethorphan;
 - Racemorphan;
 - Remifentanil; and
 - Thiofentanyl(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyll]-propanamide);
- (5) Flunitrazepam (trade or other name: Rohypnol);
- (6) Methamphetamine, including its salts, optical isomers, and salts of optical isomers;
- (7) Phenylacetone and methylamine, if possessed together with intent to manufacture methamphetamine;
- (8) Phencyclidine, including its salts;
- (9) Gamma hydroxybutyric acid (some trade or other names: gamma hydroxybutyrate, GHB), including its salts; and
- (10) Ketamine.

§ 481.1021. Penalty Group 1-A

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Penalty Group 1-A consists of lysergic acid diethylamide (LSD), including its salts, isomers, and salts of isomers.

§ 481.103. Penalty Group 2

- (a) Penalty Group 2 consists of:
 - (1) any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, if the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

alpha-ethyltryptamine;

alpha-methyltryptamine;

4-bromo-2, 5-dimethoxyamphetamine (some trade or other names: 4-bromo-2, 5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2, 5-DMA);

4-bromo-2, 5-dimethoxyphenethylamine;

Bufotenine (some trade and other names: 3-(beta- Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)- 5- indolol; N, N-dimethylserotonin; 5-hydroxy-N, N- dimethyltryptamine; mappine);

Diethyltryptamine (some trade and other names: N, N-Diethyltryptamine, DET);

2, 5-dimethoxyamphetamine (some trade or other names: 2, 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA);

2, 5-dimethoxy-4-ethylamphetamine (trade or other name: DOET);

2, 5-dimethoxy-4-(n)-propylthiophenethylamine (trade or other name: 2C-T-7);

Dimethyltryptamine (trade or other name: DMT);

Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product (some trade or other names for Dronabinol: (a6aR-trans)-6a,7,8,10a-tetrahydro-6,6, 9- trimethyl-3-pentyl-6H- dibenzo [b,d]pyran-1-ol or (-)-delta-9-(trans)-tetrahydrocannabinol);

Ethylamine Analog of Phencyclidine (some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1- phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);

Ibogaine (some trade or other names: 7-Ethyl-6, 6, beta 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H- pyrido [1', 2':1, 2] azepino [5, 4-b] indole; tabernanthe iboga.);

Mescaline;

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5-methoxy-N, N-diisopropyltryptamine;

5-methoxy-3, 4-methylenedioxy amphetamine;

4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);

1-methyl- 4-phenyl-4-propionoxypiperidine (MPPP, PPMP);

4-methyl-2, 5-dimethoxyamphetamine (some trade and other names: 4-methyl-2, 5-dimethoxy-alpha- methylphenethylamine; "DOM"; "STP");

3,4-methylenedioxy methamphetamine (MDMA, MDM);

3,4-methylenedioxy amphetamine;

3,4-methylenedioxy N-ethylamphetamine (Also known as N-ethyl MDA);

Nabilone (Another name for nabilone: (+)-trans- 3-(1,1-dimethylheptyl)-6,6a, 7,8,10,10a-hexahydro-1-hydroxy- 6, 6-dimethyl-9H-dibenzo[b,d]pyran-9-one;

N-benzylpiperazine (some trade or other names: BZP; 1-benzylpiperazine);

N-ethyl-3-piperidyl benzilate;

N-hydroxy-3,4-methylenedioxyamphetamine (Also known as N-hydroxy MDA);

4-methylaminorex;

N-methyl-3-piperidyl benzilate;

Parahexyl (some trade or other names: 3-Hexyl-1- hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d] pyran; Synhexyl);

1-Phenylcyclohexylamine;

1-Piperidinocyclohexanecarbonitrile (PCC);

Psilocin;

Psilocybin;

Pyrrolidine Analog of Phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);

Tetrahydrocannabinols, other than marihuana, and synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as:

delta-1 cis or trans tetrahydrocannabinol, and their optical isomers;

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delta-6 cis or trans tetrahydrocannabinol, and their optical isomers;

delta-3, 4 cis or trans tetrahydrocannabinol, and its optical isomers;

compounds of these structures, regardless of numerical designation of atomic positions, since nomenclature of these substances is not internationally standardized;

Thiophene Analog of Phencyclidine (some trade or other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl Analog of Phencyclidine; TPCP, TCP);

1-pyrrolidine (some trade or other name: TCPy);

1-(3-trifluoromethylphenyl)piperazine (trade or other name: TFMPP); and

3,4,5-trimethoxy amphetamine;

- o **(2)** Phenylacetone (some trade or other names: Phenyl-2-propanone; P2P, Benzylmethyl ketone, methyl benzyl ketone);
- o **(3)** unless specifically excepted or unless listed in another Penalty Group, a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant or stimulant effect on the central nervous system:

Aminorex (some trade or other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5- phenyl-2-oxazolamine);

Amphetamine, its salts, optical isomers, and salts of optical isomers;

Cathinone (some trade or other names: 2-amino-1- phenyl-1-propanone, alpha-aminopropiophenone, 2- aminopropiophenone);

Etorphine Hydrochloride;

Fenethylamine and its salts;

Lisdexamfetamine, including its salts, isomers, and salts of isomers;

Mecloqualone and its salts;

Methaqualone and its salts;

Methcathinone (some trade or other names: 2- methylamino-propiofenone; alpha-(methylamino)propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N- methylaminopropiofenone; monomethylpropion; ephedrone, N- methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR 1431);

N-Ethylamphetamine, its salts, optical isomers, and salts of optical isomers; and

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N,N-dimethylamphetamine (some trade or other names: N,N,alpha-trimethylbenzeneethaneamine; N,N,alpha-trimethylphenethylamine), its salts, optical isomers, and salts of optical isomers; and

- **(4)** any compound structurally derived from 2-aminopropanal by substitution at the 1-position with any monocyclic or fused-polycyclic ring system, including:
 - **(A)** compounds further modified by:
 - **(i)** substitution in the ring system to any extent (including alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents), whether or not further substituted in the ring system by other substituents;
 - **(ii)** substitution at the 3-position with an alkyl substituent; or
 - **(iii)** substitution at the 2-amino nitrogen atom with alkyl or dialkyl groups, or inclusion of the 2-amino nitrogen atom in a cyclic structure; and
 - **(B)** by example, compounds such as:
 - 4-Methylmethcathinone (Also known as Mephedrone);
 - 3,4-Dimethylmethcathinone (Also known as 3,4-DMMC);
 - 3-Fluoromethcathinone (Also known as 3-FMC);
 - 4-Fluoromethcathinone (Also known as Flephedrone);
 - 3,4-Methylenedioxy-N-methylcathinone (Also known as Methydone);
 - 3,4-Methylenedioxypyrovalerone (Also known as MDPV);
 - alpha-Pyrrolidinopentiophenone (Also known as alpha-PVP);
 - Naphthylpyrovalerone (Also known as Naphyrone);
 - beta-Keto-N-methylbenzodioxolylpropylamine (Also known as Butylone);
 - beta-Keto-N-methylbenzodioxolylpentanamine (Also known as Pentylone);
 - beta-Keto-Ethylbenzodioxolylbutanamine (Also known as Eutylone); and
 - 3,4-methylenedioxy-N-ethylcathinone (Also known as Ethylone).
- **(b)** For the purposes of Subsection (a)(1) only, the term "isomer" includes an optical, position, or geometric isomer.
- **(c)** To the extent Subsection (a)(4) conflicts with this subtitle or another law, the subtitle or other law prevails.

§ 481.1031. Penalty Group 2-A

Penalty Group 2-A consists of any quantity of a synthetic chemical compound that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring cannabinoids, including:

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

AM-2201;
JWH-004;
JWH-007;
JWH-009;
JWH-015;
JWH-016;
JWH-018;
JWH-019;
JWH-020;
JWH-046;
JWH-047;
JWH-048;
JWH-049;
JWH-050;
JWH-073;
JWH-076;
JWH-079;
JWH-080;
JWH-081;
JWH-082;
JWH-083;
JWH-093;
JWH-094;
JWH-095;
JWH-096;
JWH-097;
JWH-098;
JWH-099;
JWH-100;
JWH-116;
JWH-122;
JWH-148;
JWH-149;
JWH-153;
JWH-159;
JWH-164;
JWH-165;
JWH-166;
JWH-180;
JWH-181;

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JWH-182;
JWH-189;
JWH-193;
JWH-198;
JWH-200;
JWH-210;
JWH-211;
JWH-212;
JWH-213;
JWH-234;
JWH-235;
JWH-239;
JWH-240;
JWH-241;
JWH-242;
JWH-258;
JWH-259;
JWH-260;
JWH-262;
JWH-267;
JWH-386;
JWH-387;
JWH-394;
JWH-395;
JWH-397;
JWH-398;
JWH-399;
JWH-400;
JWH-412;
JWH-413; and
JWH-414;

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

JWH-175;
JWH-184;
JWH-185;
JWH-192;
JWH-194;
JWH-195;
JWH-196;

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JWH-197; and
JWH-199;

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

JWH-030;
JWH-145;
JWH-146;
JWH-147;
JWH-150;
JWH-156;
JWH-243;
JWH-244;
JWH-245;
JWH-246;
JWH-292;
JWH-293;
JWH-307;
JWH-308;
JWH-309;
JWH-346;
JWH-347;
JWH-348;
JWH-363;
JWH-364;
JWH-365;
JWH-366;
JWH-367;
JWH-368;
JWH-369;
JWH-370;
JWH-371;
JWH-372;
JWH-373; and
JWH-392;

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

JWH-171;

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JWH-172;
JWH-173; and
JWH-176;

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

AM-694;
AM-1241;
JWH-167;
JWH-203;
JWH-204;
JWH-205;
JWH-206;
JWH-208;
JWH-237;
JWH-248;
JWH-249;
JWH-250;
JWH-251;
JWH-252;
JWH-253;
JWH-302;
JWH-303;
JWH-305;
JWH-306;
JWH-311;
JWH-312;
JWH-313;
JWH-314; and
JWH-315;

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

CP-55,940;
CP-47,497;
analogues of CP-47,497, including VII, V, VIII, I, II, III, IV, IX, X, XI, XII, XIII, XV, and XVI;
JWH-337;
JWH-344;

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JWH-345; and
JWH-405; and

cannabinol derivatives, except where contained in marihuana, including tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives, such as:

Nabilone;
HU-210;
HU-211; and
WIN-55,212-2.

§ 481.104. Penalty Group 3

- (a) Penalty Group 3 consists of:
 - (1) a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:
 - Methylphenidate and its salts; and
 - Phenmetrazine and its salts;
 - (2) a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:
 - a substance that contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid not otherwise described by this subsection;
 - a compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt of any of these, and one or more active medicinal ingredients that are not listed in any penalty group;
 - a suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs, and approved by the United States Food and Drug Administration for marketing only as a suppository;
 - Alprazolam;
 - Amobarbital;
 - Bromazepam;
 - Camazepam;
 - Chlordiazepoxide;
 - Chlorhexadol;
 - Clobazam;
 - Clonazepam;
 - Clorazepate;
 - Clotiazepam;
 - Cloxazolam;
 - Delorazepam;
 - Diazepam;
 - Estazolam;
 - Ethyl loflazepate;
 - Fludiazepam;
 - Flurazepam;
 - Glutethimide;
 - Halazepam;
 - Haloxzolam;

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Ketazolam;
Loprazolam;
Lorazepam;
Lormetazepam;
Lysergic acid, including its salts, isomers, and salts of isomers;
Lysergic acid amide, including its salts, isomers, and salts of isomers;
Mebutamate;
Medazepam;
Methypylon;
Midazolam;
Nimetazepam;
Nitrazepam;
Nordiazepam;
Oxazepam;
Oxazolam;
Pentazocine, its salts, derivatives, or compounds or mixtures thereof;
Pentobarbital;
Pinazepam;
Prazepam;
Quazepam;
Secobarbital;
Sulfondiethylmethane;
Sulfonethylmethane;
Sulfonmethane;
Temazepam;
Tetrazepam;

Tiletamine and zolazepam in combination, and its salts. (some trade or other names for a tiletamine-zolazepam combination product: Telazol, for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone, and for zolazepam: 4-(2-fluorophenyl)-6, 8-dihydro-1,3,8,-trimethylpyrazolo-[3,4--e](1,4)-diazepin-7(1H)-one, flupyrazapon);

Triazolam;
Zaleplon;
Zolpidem; and
Zopiclone;

- (3) Nalorphine;
- (4) a material, compound, mixture, or preparation containing limited quantities of the following narcotic drugs, or any of their salts:
 - not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
 - not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
 - not more than 300 milligrams of dihydrocodeinone (hydrocodone), or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;
 - not more than 300 milligrams of dihydrocodeinone (hydrocodone), or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
 - not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more

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- active, nonnarcotic ingredients in recognized therapeutic amounts;
 - not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
 - not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
 - not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; and
 - not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;
- **(5)** a material, compound, mixture, or preparation that contains any quantity of the following substances:
 - Barbital;
 - Chloral betaine;
 - Chloral hydrate;
 - Ethchlorvynol;
 - Ethinamate;
 - Meproamate;
 - Methohexital;
 - Methylphenobarbital (Mephobarbital);
 - Paraldehyde;
 - Petrichloral; and
 - Phenobarbital;
- **(6)** Peyote, unless unharvested and growing in its natural state, meaning all parts of the plant classified botanically as Lophophora, whether growing or not, the seeds of the plant, an extract from a part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts;
- **(7)** unless listed in another penalty group, a material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including the substance's salts, optical, position, or geometric isomers, and salts of the substance's isomers, if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:
 - Benzphetamine;
 - Cathine [(+)-norpseudoephedrine];
 - Chlorphentermine;
 - Clortermine;
 - Diethylpropion;
 - Fencamfamin;
 - Fenfluramine;
 - Fenproporex;
 - Mazindol;
 - Mefenorex;
 - Modafinil;
 - Pemoline (including organometallic complexes and their chelates);
 - Phendimetrazine;
 - Phentermine;
 - Pipradrol;
 - Sibutramine; and
 - SPA [(-)-1-dimethylamino-1,2-diphenylethane];

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- (8) unless specifically excepted or unless listed in another penalty group, a material, compound, mixture, or preparation that contains any quantity of the following substance, including its salts:
 - Dextropropoxyphene (Alpha-(+)-4-dimethylamino- 1,2-diphenyl-3-methyl-2-propionoxybutane); and
- (9) an anabolic steroid, including any drug or hormonal substance, or any substance that is chemically or pharmacologically related to testosterone, other than an estrogen, progestin, dehydroepiandrosterone, or corticosteroid, and promotes muscle growth, including the following drugs and substances and any salt, ester, or ether of the following drugs and substances:
 - Androstenediol;
 - Androstenedione;
 - Androstenediol;
 - Androstenedione;
 - Bolasterone;
 - Boldenone;
 - Calusterone;
 - Clostebol;
 - Dehydrochlormethyltestosterone;
 - Delta-1-dihydrotestosterone;
 - Dihydrotestosterone (4-dihydrotestosterone);
 - Drostanolone;
 - Ethylestrenol;
 - Fluoxymesterone;
 - Formebolone;
 - Furazabol;
 - 13beta-ethyl-17beta-hydroxygon-4-en-3-one;
 - 4-hydroxytestosterone;
 - 4-hydroxy-19-nortestosterone;
 - Mestanolone;
 - Mesterolone;
 - Methandienone;
 - Methandriol;
 - Methenolone;
 - 17alpha-methyl-3beta, 17 beta-dihydroxy-5alpha- androstane;
 - 17alpha-methyl-3alpha, 17 beta-dihydroxy-5alpha- androstane;
 - 17alpha-methyl-3beta, 17beta-dihydroxyandrost-4- ene;
 - 17alpha-methyl-4-hydroxynandrolone;
 - Methyldienolone;
 - Methyltestosterone;
 - Methyltrienolone;
 - 17alpha-methyl-delta-1-dihydrotestosterone;
 - Mibolerone;
 - Nandrolone;
 - Norandrostenediol;
 - Norandrostenedione;
 - Norbolethone;
 - Norclostebol;
 - Norethandrolone;
 - Normethandrolone;
 - Oxandrolone;
 - Oxymesterone;
 - Oxymetholone;

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Stanozolol;
Stenbolone;
Testolactone;
Testosterone;
Tetrahydrogestrinone; and
Trenbolone.

- **(b)** Penalty Group 3 does not include a compound, mixture, or preparation containing a stimulant substance listed in Subsection (a)(1) if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant effect on the central nervous system and if the admixtures are included in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances that have a stimulant effect on the central nervous system.
- **(c)** Penalty Group 3 does not include a compound, mixture, or preparation containing a depressant substance listed in Subsection (a)(2) or (a)(5) if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system and if the admixtures are included in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances that have a depressant effect on the central nervous system.

§ 481.105. Penalty Group 4

- Penalty Group 4 consists of:
 - **(1)** a compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs that includes one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer on the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:
 - not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;
 - not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;
 - not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;
 - not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;
 - not more than 15 milligrams of opium per 29.5729 milliliters or per 28.35 grams; and
 - not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;
 - **(2)** unless specifically excepted or unless listed in another penalty group, a material, compound, mixture, or preparation containing any quantity of the narcotic drug Buprenorphine or Butorphanol or a salt of either; and

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- (3) unless specifically exempted or excluded or unless listed in another penalty group, any material, compound, mixture, or preparation that contains any quantity of pyrovalerone, a substance having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers.

§ 481.106. Classification of Controlled Substance Analogue

- For the purposes of the prosecution of an offense under this subchapter involving the manufacture, delivery, or possession of a controlled substance, Penalty Groups 1, 1-A, and 2 include a controlled substance analogue that:
 - (1) has a chemical structure substantially similar to the chemical structure of a controlled substance listed in the applicable penalty group; or
 - (2) is specifically designed to produce an effect substantially similar to, or greater than, a controlled substance listed in the a

§ 481.112. Offense: Manufacture or Delivery of Substance in Penalty Group 1

- (a) Except as authorized by this chapter, a person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in Penalty Group 1.
- (b) An offense under Subsection (a) is a state jail felony if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, less than one gram.
- (c) An offense under Subsection (a) is a felony of the second degree if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, one gram or more but less than four grams.
- of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, four grams or more but less than 200 grams.
- (e) An offense under Subsection (a) is punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$ 100,000, if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, 200 grams or more but less than 400 grams.
- (f) An offense under Subsection (a) is punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$ 250,000, if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, 400 grams or more.

§ 481.1121. Offense: Manufacture or Delivery of Substance in Penalty Group 1-A

- (a) Except as provided by this chapter, a person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in Penalty Group 1-A.
- (b) An offense under this section is:
 - (1) a state jail felony if the number of abuse units of the controlled substance is fewer than 20;
 - (2) a felony of the second degree if the number of abuse units of the controlled substance is 20 or more but fewer than 80;

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- (3) a felony of the first degree if the number of abuse units of the controlled substance is 80 or more but fewer than 4,000; and
- (4) punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 15 years and a fine not to exceed \$ 250,000, if the number of abuse units of the controlled substance is 4,000 or more.

§ 481.1122. Manufacture of Substance in Penalty Group 1: Presence of Child

- If it is shown at the punishment phase of a trial for the manufacture of a controlled substance listed in Penalty Group 1 that when the offense was committed a child younger than 18 years of age was present on the premises where the offense was committed:
 - (1) the punishments specified by Sections 481.112(b) and (c) are increased by one degree;
 - (2) the minimum term of imprisonment specified by Section 481.112(e) is increased to 15 years and the maximum fine specified by that section is increased to \$ 150,000; and
 - (3) the minimum term of imprisonment specified by Section 481.112(f) is increased to 20 years and the maximum fine specified by that section is increased to \$ 300,000.

§ 481.113. Offense: Manufacture or Delivery of Substance in Penalty Group 2 or 2-A

- (a) Except as authorized by this chapter, a person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in Penalty Group 2 or 2-A.
- (b) An offense under Subsection (a) is a state jail felony if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, less than one gram.
- (c) An offense under Subsection (a) is a felony of the second degree if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, one gram or more but less than four grams.
- (d) An offense under Subsection (a) is a felony of the first degree if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, four grams or more but less than 400 grams.
- (e) An offense under Subsection (a) is punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$ 100,000, if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, 400 grams or more.

§ 481.114. Offense: Manufacture or Delivery of Substance in Penalty Group 3 or 4

- (a) Except as authorized by this chapter, a person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in Penalty Group 3 or 4.

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- **(b)** An offense under Subsection (a) is a state jail felony if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, less than 28 grams.
- **(c)** An offense under Subsection (a) is a felony of the second degree if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, 28 grams or more but less than 200 grams.
- **(d)** An offense under Subsection (a) is a felony of the first degree, if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, 200 grams or more but less than 400 grams.
- **(e)** An offense under Subsection (a) is punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$ 100,000, if the amount of the controlled substance to which the offense applies is, by aggregate weight, including any adulterants or dilutants, 400 grams or more.

§ 481.115. Offense: Possession of Substance in Penalty Group 1

- **(a)** Except as authorized by this chapter, a person commits an offense if the person knowingly or intentionally possesses a controlled substance listed in Penalty Group 1, unless the person obtained the substance directly from or under a valid prescription or order of a practitioner acting in the course of professional practice.
- **(b)** An offense under Subsection (a) is a state jail felony if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, less than one gram.
- **(c)** An offense under Subsection (a) is a felony of the third degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, one gram or more but less than four grams.
- **(d)** An offense under Subsection (a) is a felony of the second degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, four grams or more but less than 200 grams.
- **(e)** An offense under Subsection (a) is a felony of the first degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 200 grams or more but less than 400 grams.
- **(f)** An offense under Subsection (a) is punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$ 100,000, if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 400 grams or more.

§ 481.1151. Offense: Possession of Substance in Penalty Group 1-A

- **(a)** Except as provided by this chapter, a person commits an offense if the person knowingly possesses a controlled substance listed in Penalty Group 1-A.
- **(b)** An offense under this section is:
 - **(1)** a state jail felony if the number of abuse units of the controlled substance is fewer than 20;

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- (2) a felony of the third degree if the number of abuse units of the controlled substance is 20 or more but fewer than 80;
- (3) a felony of the second degree if the number of abuse units of the controlled substance is 80 or more but fewer than 4,000;
- (4) a felony of the first degree if the number of abuse units of the controlled substance is 4,000 or more but fewer than 8,000; and
- (5) punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 15 years and a fine not to exceed \$ 250,000, if the number of abuse units of the controlled substance is 8,000 or more.

§ 481.116. Offense: Possession of Substance in Penalty Group 2

- (a) Except as authorized by this chapter, a person commits an offense if the person knowingly or intentionally possesses a controlled substance listed in Penalty Group 2, unless the person obtained the substance directly from or under a valid prescription or order of a practitioner acting in the course of professional practice.
- (b) An offense under Subsection (a) is a state jail felony if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, less than one gram.
- (c) An offense under Subsection (a) is a felony of the third degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, one gram or more but less than four grams.
- (d) An offense under Subsection (a) is a felony of the second degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, four grams or more but less than 400 grams.
- (e) An offense under Subsection (a) is punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than five years, and a fine not to exceed \$ 50,000, if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 400 grams or more.

§ 481.1161. Offense: Possession of Substance in Penalty Group 2-A

- (a) Except as authorized by this chapter, a person commits an offense if the person knowingly possesses a controlled substance listed in Penalty Group 2-A, unless the person obtained the substance directly from or under a valid prescription or order of a practitioner acting in the course of professional practice.
- (b) An offense under this section is:
 - (1) a Class B misdemeanor if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, two ounces or less;
 - (2) a Class A misdemeanor if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, four ounces or less but more than two ounces;
 - (3) a state jail felony if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, five pounds or less but more than four ounces;
 - (4) a felony of the third degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 50 pounds or less but more than 5 pounds;

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- (5) a felony of the second degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 2,000 pounds or less but more than 50 pounds; and
- (6) punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 5 years, and a fine not to exceed \$ 50,000, if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, more than 2,000 pounds.

§ 481.117. Offense: Possession of Substance in Penalty Group 3

- (a) Except as authorized by this chapter, a person commits an offense if the person knowingly or intentionally possesses a controlled substance listed in Penalty Group 3, unless the person obtains the substance directly from or under a valid prescription or order of a practitioner acting in the course of professional practice.
- (b) An offense under Subsection (a) is a Class A misdemeanor if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, less than 28 grams.
- (c) An offense under Subsection (a) is a felony of the third degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 28 grams or more but less than 200 grams.
- (d) An offense under Subsection (a) is a felony of the second degree, if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 200 grams or more but less than 400 grams.
- (e) An offense under Subsection (a) is punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than five years, and a fine not to exceed \$ 50,000, if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 400 grams or more.

§ 481.118. Offense: Possession of Substance in Penalty Group 4

- (a) Except as authorized by this chapter, a person commits an offense if the person knowingly or intentionally possesses a controlled substance listed in Penalty Group 4, unless the person obtained the substance directly from or under a valid prescription or order of a practitioner acting in the course of practice.
- (b) An offense under Subsection (a) is a Class B misdemeanor if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, less than 28 grams.
- (c) An offense under Subsection (a) is a felony of the third degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 28 grams or more but less than 200 grams.
- (d) An offense under Subsection (a) is a felony of the second degree, if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 200 grams or more but less than 400 grams.
- (e) An offense under Subsection (a) is punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than five years, and a fine not to exceed \$ 50,000, if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, 400 grams or more.

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§ 481.119. Offense: Manufacture, Delivery, or Possession of Miscellaneous Substances

- (a) A person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in a schedule by an action of the commissioner under this chapter but not listed in a penalty group. An offense under this subsection is a Class A misdemeanor.
- (b) A person commits an offense if the person knowingly or intentionally possesses a controlled substance listed in a schedule by an action of the commissioner under this chapter but not listed in a penalty group. An offense under this subsection is a Class B misdemeanor.

§ 481.120. Offense: Delivery of Marihuana

- (a) Except as authorized by this chapter, a person commits an offense if the person knowingly or intentionally delivers marihuana.
- (b) An offense under Subsection (a) is:
 - (1) a Class B misdemeanor if the amount of marihuana delivered is one-fourth ounce or less and the person committing the offense does not receive remuneration for the marihuana;
 - (2) a Class A misdemeanor if the amount of marihuana delivered is one-fourth ounce or less and the person committing the offense receives remuneration for the marihuana;
 - (3) a state jail felony if the amount of marihuana delivered is five pounds or less but more than one-fourth ounce;
 - (4) a felony of the second degree if the amount of marihuana delivered is 50 pounds or less but more than five pounds;
 - (5) a felony of the first degree if the amount of marihuana delivered is 2,000 pounds or less but more than 50 pounds; and
 - (6) punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$ 100,000, if the amount of marihuana delivered is more than 2,000 pounds.

§ 481.121. Offense: Possession of Marihuana

- (a) Except as authorized by this chapter, a person commits an offense if the person knowingly or intentionally possesses a usable quantity of marihuana.
- (b) An offense under Subsection (a) is:
 - (1) a Class B misdemeanor if the amount of marihuana possessed is two ounces or less;
 - (2) a Class A misdemeanor if the amount of marihuana possessed is four ounces or less but more than two ounces;
 - (3) a state jail felony if the amount of marihuana possessed is five pounds or less but more than four ounces;
 - (4) a felony of the third degree if the amount of marihuana possessed is 50 pounds or less but more than 5 pounds;
 - (5) a felony of the second degree if the amount of marihuana possessed is 2,000 pounds or less but more than 50 pounds; and
 - (6) punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 5 years, and a fine not to exceed \$ 50,000, if the amount of marihuana possessed is more than 2,000 pounds.

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§ 481.122. Offense: Delivery of Controlled Substance or Marihuana to Child

- (a) A person commits an offense if the person knowingly delivers a controlled substance listed in Penalty Group 1, 1-A, 2, or 3 or knowingly delivers marihuana and the person delivers the controlled substance or marihuana to a person:
 - (1) who is a child;
 - (2) who is enrolled in a public or private primary or secondary school;or
 - (3) who the actor knows or believes intends to deliver the controlled substance or marihuana to a person described by Subdivision (1) or (2).
- (b) It is an affirmative defense to prosecution under this section that:
 - (1) the actor was a child when the offense was committed; or
 - (2) the actor:
 - (A) was younger than 21 years of age when the offense was committed;
 - (B) delivered only marihuana in an amount equal to or less than one-fourth ounce; and
 - (C) did not receive remuneration for the delivery.
- (c) An offense under this section is a felony of the second degree.
- (d) In this section, "child" means a person younger than 18 years of age.
- (e) If conduct that is an offense under this section is also an offense under another section of this chapter, the actor may be prosecuted under either section or both.

§ 481.123. Defense to Prosecution for Offense Involving Controlled Substance Analogue

- (a) It is an affirmative defense to the prosecution of an offense under this subchapter involving the manufacture, delivery, or possession of a controlled substance analogue that the analogue:
 - (1) was not in any part intended for human consumption;
 - (2) was a substance for which there is an approved new drug application under Section 505 of the Federal Food, Drug, and Cosmetic Act ([21 U.S.C. Section 355](#)); or
 - (3) was a substance for which an exemption for investigational use has been granted under Section 505 of the Federal Food, Drug, and Cosmetic Act ([21 U.S.C. Section 355](#)), if the actor's conduct with respect to the substance is in accord with the exemption.
- (b) For the purposes of this section, Section 505 of the Federal Food, Drug, and Cosmetic Act ([21 U.S.C. Section 355](#)) applies to the introduction or delivery for introduction of any new drug into intrastate, interstate, or foreign commerce.

§ 481.124. Offense: Possession or Transport of Certain Chemicals with Intent to Manufacture Controlled Substance

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- **(a)** A person commits an offense if, with intent to unlawfully manufacture a controlled substance, the person possesses or transports:
 - **(1)** anhydrous ammonia;
 - **(2)** an immediate precursor; or
 - **(3)** a chemical precursor or an additional chemical substance named as a precursor by the director under Section 481.077(b)(1).
- **(b)** For purposes of this section, an intent to unlawfully manufacture the controlled substance methamphetamine is presumed if the actor possesses or transports:
 - **(1)** anhydrous ammonia in a container or receptacle that is not designed and manufactured to lawfully hold or transport anhydrous ammonia;
 - **(2)** lithium metal removed from a battery and immersed in kerosene, mineral spirits, or similar liquid that prevents or retards hydration; or
 - **(3)** in one container, vehicle, or building, phenylacetic acid, or more than nine grams, three containers packaged for retail sale, or 300 tablets or capsules of a product containing ephedrine or pseudoephedrine, and:
 - **(A)** anhydrous ammonia;
 - **(B)** at least three of the following categories of substances commonly used in the manufacture of methamphetamine:
 - **(i)** lithium or sodium metal or red phosphorus, iodine, or iodine crystals;
 - **(ii)** lye, sulfuric acid, hydrochloric acid, or muriatic acid;
 - **(iii)** an organic solvent, including ethyl ether, alcohol, or acetone;
 - **(iv)** a petroleum distillate, including naphtha, paint thinner, or charcoal lighter fluid; or
 - **(v)** aquarium, rock, or table salt; or
 - **(C)** at least three of the following items:
 - **(i)** an item of equipment subject to regulation under Section 481.080, if the person is not registered under Section 481.063; or
 - **(ii)** glassware, a plastic or metal container, tubing, a hose, or other item specially designed, assembled, or adapted for use in the manufacture, processing, analyzing, storing, or concealing of methamphetamine.

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- (c) For purposes of this section, a substance is presumed to be anhydrous ammonia if the substance is in a container or receptacle that is:
 - (1) designed and manufactured to lawfully hold or transport anhydrous ammonia; or
 - (2) not designed and manufactured to lawfully hold or transport anhydrous ammonia, if:
 - (A) a properly administered field test of the substance using a testing device or instrument designed and manufactured for that purpose produces a positive result for anhydrous ammonia; or
 - (B) a laboratory test of a water solution of the substance produces a positive result for ammonia.
- (d) An offense under this section is:
 - (1) a felony of the second degree if the controlled substance is listed in Penalty Group 1 or 1-A;
 - (2) a felony of the third degree if the controlled substance is listed in Penalty Group 2;
 - (3) a state jail felony if the controlled substance is listed in Penalty Group 3 or 4; or
 - (4) a Class A misdemeanor if the controlled substance is listed in a schedule by an action of the commissioner under this chapter but not listed in a penalty group.
- (e) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.
- (f) This section does not apply to a chemical precursor exempted by the director under Section 481.077(b)(2) from the requirements of that section.

§ 481.1245. Offense: Possession or Transport of Anhydrous Ammonia; Use of or Tampering with Equipment

- (a) A person commits an offense if the person:
 - (1) possesses or transports anhydrous ammonia in a container or receptacle that is not designed or manufactured to hold or transport anhydrous ammonia;
 - (2) uses, transfers, or sells a container or receptacle that is designed or manufactured to hold anhydrous ammonia without the express consent of the owner of the container or receptacle; or
 - (3) tampers with equipment that is manufactured or used to hold, apply, or transport anhydrous ammonia without the express consent of the owner of the equipment.

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- **(b)** An offense under this section is a felony of the third degree.

§ 481.125. Offense: Possession or Delivery of Drug Paraphernalia

- **(a)** A person commits an offense if the person knowingly or intentionally uses or possesses with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this chapter or to inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter.
- **(b)** A person commits an offense if the person knowingly or intentionally delivers, possesses with intent to deliver, or manufactures with intent to deliver drug paraphernalia knowing that the person who receives or who is intended to receive the drug paraphernalia intends that it be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this chapter or to inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter.
- **(c)** A person commits an offense if the person commits an offense under Subsection (b), is 18 years of age or older, and the person who receives or who is intended to receive the drug paraphernalia is younger than 18 years of age and at least three years younger than the actor.
- **(d)** An offense under Subsection (a) is a Class C misdemeanor.
- **(e)** An offense under Subsection (b) is a Class A misdemeanor, unless it is shown on the trial of a defendant that the defendant has previously been convicted under Subsection (b) or (c), in which event the offense is punishable by confinement in jail for a term of not more than one year or less than 90 days.
- **(f)** An offense under Subsection (c) is a state jail felony.

§ 481.126. Offense: Illegal Barter, Expenditure, or Investment

- **(a)** A person commits an offense if the person:
 - **(1)** barter property or expends funds the person knows are derived from the commission of an offense under this chapter punishable by imprisonment in the Texas Department of Criminal Justice for life;
 - **(2)** barter property or expends funds the person knows are derived from the commission of an offense under Section 481.121(a) that is punishable under Section 481.121(b)(5);

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- (3) barter property or finances or invests funds the person knows or believes are intended to further the commission of an offense for which the punishment is described by Subdivision (1); or
- (4) barter property or finances or invests funds the person knows or believes are intended to further the commission of an offense under Section 481.121(a) that is punishable under Section 481.121(b)(5).
- (b) An offense under Subsection (a)(1) or (3) is a felony of the first degree. An offense under Subsection (a)(2) or (4) is a felony of the second degree.

§ 481.127. Offense: Unauthorized Disclosure of Information

- (a) A person commits an offense if the person knowingly gives, permits, or obtains unauthorized access to information submitted to the director under Section 481.075.
- (b) An offense under this section is a state jail felony.

§ 481.128. Offense and Civil Penalty: Commercial Matters

- (a) A registrant or dispenser commits an offense if the registrant or dispenser knowingly:
 - (1) distributes, delivers, administers, or dispenses a controlled substance in violation of Sections 481.070--481.075;
 - (2) manufactures a controlled substance not authorized by the person's registration or distributes or dispenses a controlled substance not authorized by the person's registration to another registrant or other person;
 - (3) refuses or fails to make, keep, or furnish a record, report, notification, order form, statement, invoice, or information required by this chapter;
 - (4) prints, manufactures, possesses, or produces an official prescription form without the approval of the director;
 - (5) delivers or possesses a counterfeit official prescription form;
 - (6) refuses an entry into a premise for an inspection authorized by this chapter;
 - (7) refuses or fails to return an official prescription form as required by Section 481.075(k);
 - (8) refuses or fails to make, keep, or furnish a record, report, notification, order form, statement, invoice, or information required by a rule adopted by the director; or
 - (9) refuses or fails to maintain security required by this chapter or a rule adopted under this chapter.

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- **(b)** If the registrant or dispenser knowingly refuses or fails to make, keep, or furnish a record, report, notification, order form, statement, invoice, or information or maintain security required by a rule adopted by the director, the registrant or dispenser is liable to the state for a civil penalty of not more than \$ 5,000 for each act.
- **(c)** An offense under Subsection (a) is a state jail felony.
- **(d)** If a person commits an act that would otherwise be an offense under Subsection (a) except that it was committed without the requisite culpable mental state, the person is liable to the state for a civil penalty of not more than \$ 1,000 for each act.
- **(e)** A district attorney of the county where the act occurred may file suit in district court in that county to collect a civil penalty under this section, or the district attorney of Travis County or the attorney general may file suit in district court in Travis County to collect the penalty.

§ 481.1285. Offense: Diversion of Controlled Substance by Registrants, Dispensers, and Certain Other Persons

- **(a)** This section applies only to a registrant, a dispenser, or a person who, pursuant to Section 481.062(a)(1) or (2), is not required to register under this subchapter.
- **(b)** A person commits an offense if the person knowingly:
 - **(1)** converts to the person's own use or benefit a controlled substance to which the person has access by virtue of the person's profession or employment; or
 - **(2)** diverts to the unlawful use or benefit of another person a controlled substance to which the person has access by virtue of the person's profession or employment.
- **(c)** An offense under Subsection (b)(1) is a state jail felony. An offense under Subsection (b)(2) is a felony of the third degree.
- **(d)** If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

§ 481.129. Offense: Fraud

- **(a)** A person commits an offense if the person knowingly:
 - **(1)** distributes as a registrant or dispenser a controlled substance listed in Schedule I or II, unless the person distributes the controlled substance under an order form as required by Section 481.069;

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- (2) uses in the course of manufacturing, prescribing, or distributing a controlled substance a registration number that is fictitious, revoked, suspended, or issued to another person;
- (3) issues a prescription bearing a forged or fictitious signature;
- (4) uses a prescription issued to another person to prescribe a Schedule II controlled substance;
- (5) possesses, obtains, or attempts to possess or obtain a controlled substance or an increased quantity of a controlled substance:
 - (A) by misrepresentation, fraud, forgery, deception, or subterfuge;
 - (B) through use of a fraudulent prescription form; or
 - (C) through use of a fraudulent oral or telephonically communicated prescription; or
- (6) furnishes false or fraudulent material information in or omits material information from an application, report, record, or other document required to be kept or filed under this chapter.
- (a-1) A person commits an offense if the person, with intent to obtain a controlled substance or combination of controlled substances that is not medically necessary for the person or an amount of a controlled substance or substances that is not medically necessary for the person, obtains or attempts to obtain from a practitioner a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact. For purposes of this subsection, a material fact includes whether the person has an existing prescription for a controlled substance issued for the same period of time by another practitioner.
- (b) A person commits an offense if the person knowingly or intentionally:
 - (1) makes, distributes, or possesses a punch, die, plate, stone, or other thing designed to print, imprint, or reproduce an actual or simulated trademark, trade name, or other identifying mark, imprint, or device of another on a controlled substance or the container or label of a container for a controlled substance, so as to make the controlled substance a counterfeit substance; or
 - (2) manufactures, delivers, or possesses with intent to deliver a counterfeit substance.
- (c) A person commits an offense if the person knowingly or intentionally:

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- (1) delivers a prescription or a prescription form for other than a valid medical purpose in the course of professional practice; or
- (2) possesses a prescription for a controlled substance or a prescription form unless the prescription or prescription form is possessed:
 - (A) during the manufacturing or distribution process;
 - (B) by a practitioner, practitioner's agent, or an institutional practitioner for a valid medical purpose during the course of professional practice;
 - (C) by a pharmacist or agent of a pharmacy during the professional practice of pharmacy;
 - (D) under a practitioner's order made by the practitioner for a valid medical purpose in the course of professional practice; or
 - (E) by an officer or investigator authorized to enforce this chapter within the scope of the officer's or investigator's official duties.
- (d) An offense under Subsection (a) is:
 - (1) a felony of the second degree if the controlled substance that is the subject of the offense is listed in Schedule I or II;
 - (2) a felony of the third degree if the controlled substance that is the subject of the offense is listed in Schedule III or IV; and
 - (3) a Class A misdemeanor if the controlled substance that is the subject of the offense is listed in Schedule V.
- (d-1) An offense under Subsection (a-1) is:
 - (1) a felony of the second degree if any controlled substance that is the subject of the offense is listed in Schedule I or II;
 - (2) a felony of the third degree if any controlled substance that is the subject of the offense is listed in Schedule III or IV; and
 - (3) a Class A misdemeanor if any controlled substance that is the subject of the offense is listed in Schedule V.
- (e) An offense under Subsection (b) is a Class A misdemeanor.
- (f) An offense under Subsection (c)(1) is:
 - (1) a felony of the second degree if the defendant delivers:
 - (A) a prescription form; or
 - (B) a prescription for a controlled substance listed in Schedule II; and

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- (2) a felony of the third degree if the defendant delivers a prescription for a controlled substance listed in Schedule III, IV, or V.
- (g) An offense under Subsection (c)(2) is:
 - (1) a state jail felony if the defendant possesses:
 - (A) a prescription form; or
 - (B) a prescription for a controlled substance listed in Schedule II or III; and
 - (2) a Class B misdemeanor if the defendant possesses a prescription for a controlled substance listed in Schedule IV or V.

§ 481.134. Drug-Free Zones

- (a) In this section:
 - (1) "Minor" means a person who is younger than 18 years of age.
 - (2) "Institution of higher education" means any public or private technical institute, junior college, senior college or university, medical or dental unit, or other agency of higher education as defined by [61.003, Education](#) .
 - (3) "Playground" means any outdoor facility that is not on the premises of a school and that:
 - (A) is intended for recreation;
 - (B) is open to the public; and
 - (C) contains three or more play stations intended for the recreation of children, such as slides, swing sets, and teeterboards.
 - (4) "Premises" means real property and all buildings and appurtenances pertaining to the real property.
 - (5) "School" means a private or public elementary or secondary school or a day-care center, as defined by [42.002, Human Resources](#) .
 - (6) "Video arcade facility" means any facility that:
 - (A) is open to the public, including persons who are 17 years of age or younger;
 - (B) is intended primarily for the use of pinball or video machines; and
 - (C) contains at least three pinball or video machines.
 - (7) "Youth center" means any recreational facility or gymnasium that:

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- **(A)** is intended primarily for use by persons who are 17 years of age or younger; and
- **(B)** regularly provides athletic, civic, or cultural activities.
- **(b)** An offense otherwise punishable as a state jail felony under Section 481.112, 481.113, 481.114, or 481.120 is punishable as a felony of the third degree, and an offense otherwise punishable as a felony of the second degree under any of those sections is punishable as a felony of the first degree, if it is shown at the punishment phase of the trial of the offense that the offense was committed:
 - **(1)** in, on, or within 1,000 feet of premises owned, rented, or leased by an institution of higher learning, the premises of a public or private youth center, or a playground; or
 - **(2)** in, on, or within 300 feet of the premises of a public swimming pool or video arcade facility.
- **(c)** The minimum term of confinement or imprisonment for an offense otherwise punishable under Section 481.112(c), (d), (e), or (f), 481.113(c), (d), or (e), 481.114(c), (d), or (e), 481.115(c)--(f), 481.116(c), (d), or (e), 481.1161(b)(4), (5), or (6), 481.117(c), (d), or (e), 481.118(c), (d), or (e), 481.120(b)(4), (5), or (6), or 481.121(b)(4), (5), or (6) is increased by five years and the maximum fine for the offense is doubled if it is shown on the trial of the offense that the offense was committed:
 - **(1)** in, on, or within 1,000 feet of the premises of a school, the premises of a public or private youth center, or a playground; or
 - **(2)** on a school bus.
- **(d)** An offense otherwise punishable under Section 481.112(b), 481.113(b), 481.114(b), 481.115(b), 481.116(b), 481.1161(b)(3), 481.120(b)(3), or 481.121(b)(3) is a felony of the third degree if it is shown on the trial of the offense that the offense was committed:
 - **(1)** in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, or a playground; or
 - **(2)** on a school bus.
- **(e)** An offense otherwise punishable under Section 481.117(b), 481.119(a), 481.120(b)(2), or 481.121(b)(2) is a state jail felony if it is shown on the trial of the offense that the offense was committed:
 - **(1)** in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, or a playground; or
 - **(2)** on a school bus.

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- **(f)** An offense otherwise punishable under Section 481.118(b), 481.119(b), 481.120(b)(1), or 481.121(b)(1) is a Class A misdemeanor if it is shown on the trial of the offense that the offense was committed:
 - **(1)** in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, or a playground; or
 - **(2)** on a school bus.
- **(g)** Subsection (f) does not apply to an offense if:
 - **(1)** the offense was committed inside a private residence; and
 - **(2)** no minor was present in the private residence at the time the offense was committed.
- **(h)** Punishment that is increased for a conviction for an offense listed under this section may not run concurrently with punishment for a conviction under any other criminal statute.

§ 481.136. Offense: Unlawful Transfer or Receipt of Chemical Precursor

- **(a)** A person commits an offense if the person sells, transfers, furnishes, or receives a chemical precursor subject to Section 481.077(a) and the person:
 - **(1)** does not hold a chemical precursor transfer permit as required by Section 481.078 at the time of the transaction;
 - **(2)** does not comply with Section 481.077 or 481.0771;
 - **(3)** knowingly makes a false statement in a report or record required by Section 481.077, 481.0771, or 481.078; or
 - **(4)** knowingly violates a rule adopted under Section 481.077, 481.0771, or 481.078.
- **(b)** An offense under this section is a state jail felony, unless it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section or Section 481.137, in which event the offense is a felony of the third degree.

§ 481.137. Offense: Transfer of Precursor Substance for Unlawful Manufacture

- **(a)** A person commits an offense if the person sells, transfers, or otherwise furnishes a chemical precursor subject to Section 481.077(a) with the knowledge or intent that the recipient will use the chemical precursor to unlawfully manufacture a controlled substance or controlled substance analogue.
- **(b)** An offense under this section is a felony of the third degree.

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§ 481.138. Offense: Unlawful Transfer or Receipt of Chemical Laboratory Apparatus

- (a) A person commits an offense if the person sells, transfers, furnishes, or receives a chemical laboratory apparatus subject to Section 481.080(a) and the person:
 - (1) does not have a chemical laboratory apparatus transfer permit as required by Section 481.081 at the time of the transaction;
 - (2) does not comply with Section 481.080;
 - (3) knowingly makes a false statement in a report or record required by Section 481.080 or 481.081; or
 - (4) knowingly violates a rule adopted under Section 481.080 or 481.081.
- (b) An offense under this section is a state jail felony, unless it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section, in which event the offense is a felony of the third degree.

§ 481.139. Offense: Transfer of Chemical Laboratory Apparatus for Unlawful Manufacture

- (a) A person commits an offense if the person sells, transfers, or otherwise furnishes a chemical laboratory apparatus with the knowledge or intent that the recipient will use the apparatus to unlawfully manufacture a controlled substance or controlled substance analogue.
- (b) An offense under Subsection (a) is a felony of the third degree.

§ 481.140. Use of Child in Commission of Offense

- (a) If it is shown at the punishment phase of the trial of an offense otherwise punishable as a state jail felony, felony of the third degree, or felony of the second degree under Section 481.112, 481.1121, 481.113, 481.114, 481.120, or 481.122 that the defendant used or attempted to use a child younger than 18 years of age to commit or assist in the commission of the offense, the punishment is increased by one degree, unless the defendant used or threatened to use force against the child or another to gain the child's assistance, in which event the punishment for the offense is a felony of the first degree.
- (b) Notwithstanding Article 42.08, Code of Criminal Procedure, if punishment for a defendant is increased under this section, the court may not order the sentence for the offense to run

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concurrently with any other sentence the court imposes on the defendant.

§ 481.141. Manufacture or Delivery of Controlled Substance Causing Death or Serious Bodily Injury

- **(a)** If at the guilt or innocence phase of the trial of an offense described by Subsection (b), the judge or jury, whichever is the trier of fact, determines beyond a reasonable doubt that a person died or suffered serious bodily injury as a result of injecting, ingesting, inhaling, or introducing into the person's body any amount of the controlled substance manufactured or delivered by the defendant, regardless of whether the controlled substance was used by itself or with another substance, including a drug, adulterant, or dilutant, the punishment for the offense is increased by one degree.
- **(b)** This section applies to an offense otherwise punishable as a state jail felony, felony of the third degree, or felony of the second degree under Section 481.112, 481.1121, 481.113, 481.114, or 481.122.
- **(c)** Notwithstanding Article 42.08, Code of Criminal Procedure, if punishment for a defendant is increased under this section, the court may not order the sentence for the offense to run concurrently with any other sentence the court imposes on the defendant.

§ 482.002. Unlawful Delivery or Manufacture with Intent to Deliver; Criminal Penalty

- **(a)** A person commits an offense if the person knowingly or intentionally manufactures with the intent to deliver or delivers a simulated controlled substance and the person:
 - **(1)** expressly represents the substance to be a controlled substance;
 - **(2)** represents the substance to be a controlled substance in a manner that would lead a reasonable person to believe that the substance is a controlled substance; or
 - **(3)** states to the person receiving or intended to receive the simulated controlled substance that the person may successfully represent the substance to be a controlled substance to a third party.
- **(b)** It is a defense to prosecution under this section that the person manufacturing with the intent to deliver or delivering the simulated controlled substance was:

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- **(1)** acting in the discharge of the person's official duties as a peace officer;
- **(2)** manufacturing the substance for or delivering the substance to a licensed medical practitioner for use as a placebo in the course of the practitioner's research or practice; or
- **(3)** a licensed medical practitioner, pharmacist, or other person authorized to dispense or administer a controlled substance, and the person was acting in the legitimate performance of the person's professional duties.
- **(c)** It is not a defense to prosecution under this section that the person manufacturing with the intent to deliver or delivering the simulated controlled substance believed the substance to be a controlled substance.
- **(d)** An offense under this section is a state jail felony.