

South Carolina Drug Statutes

South Carolina Code of Laws: Title 44 Health Code

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

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<p>(2) chemical equivalents to those listed in (1) (3) Opium poppies and poppy straws (4) Cocaine (c) Other opiates: e.g., methadone, dihydrocodeine (d) Stimulants: Ritalin, amphetamine, methamphetamine (f) Depressants: e.g., amobarbital, PCP (g) Amphetamine precursors S.C. Code Ann. § 44-53-210</p>	<p>(d)(2) All other controlled substances Schedules I-V Misdemeanor: <6months and/or <\$1,000</p>	<p>offense: misdemeanor: <1yr and/or <\$2,000 eligible for s.s. and p.p.</p>
<p>SCHEDULE III: (a) It has a potential for abuse less than the substances listed in Schedules I and II; (b) It has a currently accepted medical use in treatment in the United States; and (c) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence. S.C. Code Ann. § 44-53-220</p>	<p>(g)(2) Other controlled substances or GHB Felony: <15yrs and/or <\$25,000</p>	<p>offense: <20yrs and/or <\$30,000 or subsequent offense: 5-25yrs and/or <\$40,000 offense eligible for p.p. or s.s., / offense not eligible</p>
<p>(b) Stimulants: e.g., appetite suppressants (c) Depressants: e.g., barbiturates, sedatives, anesthetics, lysergic acid, GHA (d) Nalorphine (e) Limited narcotic drugs: Compounds w/ limited percentages of codeine, hydrocodone, dihydrocodone, opium, morphine S.C. Code Ann. § 44-53-230</p>		
<p>SCHEDULE IV: (a) It has a low potential for abuse relative to the substances in Schedule III; (b) It has a currently accepted medical use in treatment in the</p>	<p>(b)(3) Manufacture, distribution, p.w.i. Schedule IV (except for flunitrazepam) Misdemeanor: <3yrs and/or <\$3,000</p>	<p>or subsequent offenses: felony: <5yrs and/or <\$6,000 Eligible for s.s. and p.p. if or offense, or offense (and priors were possession convictions)</p>

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<p>United States; and (c) Abuse of the substance may lead to limited physical or psychological dependence relative to substances in Schedule III. S.C. Code Ann. § 44-53-240</p>		
<p>(a) Depressants: e.g., alprazolam, clonazepam, (b) Stimulants: e.g., appetite suppressants (c) fenfluramine (e) Limited narcotic drugs: compounds w/ limited quantities of difenoxin & dextropropoxyphene (f) pentazocine hydrochloride (g) butorphanol S.C. Code Ann. § 44-53-250</p>		
<p>SCHEDULE V: (a) It has a low potential for abuse relative to the substances listed in Schedule IV; (b) It has a currently accepted medical use in treatment in the United States; and (c) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances listed in Schedule IV. S.C. Code Ann. § 44-53-260</p>	<p>(b)(4) Manufacture, distribution, p.w.i. Schedule V Misdemeanor: <1yr and/or <\$1,000</p>	<p>or subsequent offense: 2x the offense penalty Eligible for s.s. and p.p. if or offense, or offense (and priors were possession convictions)</p>
<p>(1) Narcotics containing nonnarcotic active medicinal ingredients: e.g., limited percentages of codeine, opium, etc. S.C. Code Ann. § 44-53-270</p>	<p>44-53-391 Possession, manufacture, sale, advertise or p.w.i. drug paraphernalia</p>	<p>Civil fine: <\$500; corporation: <\$50,000</p>
<p>Trafficking Offenses 44-53-370 (e)</p>		
<p>(1) Marijuana</p>		
<p>(a) 10-100lbs</p>	<p>offense: 1-10yrs; \$1,000 offense: 5-20yrs; \$15,000</p>	

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	or subsequent offense: 25yrs; \$25,000 No p.p. or s.s.
(b) 100-2,000lbs/100-1,000 plants	25yrs; \$25,000; No p.p. or s.s.
(c) 2,000-10,000lbs/1,000-10,000 plants	25yrs; \$50,000; No p.p. or s.s.
(d) >10,000lbs/>10,000 plants	25-30yrs; \$200,000; No p.p. or s.s.
(2) Cocaine	
(a) 10-28g	offense: 3-10yrs; \$25,000; No p.p. or s.s. offense: 5-30yrs; \$50,000; No p.p. or s.s. or subsequent offense: 25-30yrs; \$50,000; No p.p. or s.s.
(b) 28-100g	offense: 7-25yrs; \$50,000; No p.p. or s.s. offense: 7-30yrs; \$50,000; No p.p. or s.s. or subsequent offense: 25-30yrs; \$50,000; No p.p. or s.s.
(c) 100-200g	25yrs; \$50,000; No p.p. or s.s.
(d) 200-400g	25yrs; \$100,000; No p.p. or s.s.
(e) >400g	25-30yrs; \$200,00; No p.p. or s.s.
(3) morphine, opium, heroin	
(a) 4-14g	offense: 7-25yrs; \$50,000; No p.p. or s.s. or subsequent offense: 25yrs; \$100,000; No p.p. or s.s.
(b) 14-28g	25yrs; \$200,000 No p.p. or s.s.
(c) >28g	25-40yrs; \$200,000; No p.p. or s.s.
(4) Methaqualone (Qualuude)	
(a) 15-150g	offense: 1-10yrs; \$10,000; No p.p. or s.s. or subsequent offense: 25yrs; \$25,000; No p.p. or s.s.
(b) 150-1500g	25yrs; \$25,000; No p.p. or s.s.
(c) 1500g-15kg	25yrs; \$50,000; No p.p. or s.s.
(d) >15kg	25-30yrs; \$200,000; No p.p. or s.s.
(5) LSD	
(a) 100-400 units (u)	offense: 3-10yrs; \$20,000; No p.p. or s.s. offense: 5-30yrs; \$40,000; No p.p. or s.s. 3rd or subsequent offense: 25-30yrs; \$50,000 No p.p. or s.s.
(b) 500-1,000u	offense; 7-25yrs; \$50,000; No p.p. or s.s. offense; 7-30yrs; \$50,000; No p.p. or s.s. or subsequent offense: 25-30yrs; \$50,000; No p.p. or s.s.
(c) >1,000u	25yrs; \$100,000; No p.p. or s.s.
(6) Flunitrazepam	
(a) 1-100g	offense: 1-10yrs; \$10,000; No p.p. or s.s. offense: 25yrs; \$25,000; No p.p. or s.s.
(b) 100-1,000g	25yrs; \$25,000 No p.p. or s.s.
(c) 1,000g-5kg	25yrs; \$50,000; No p.p. or s.s.

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(d) >5kg	25-30yrs; \$200,000; No p.p. or s.s.
(7) GHA	
(a) 50ml/mg	offense: 1-10yrs; \$10,000; No p.p. or s.s. 2nd or subsequent offense: 25yrs; \$25,000; No p.p. or s.s.
(8) MDMA	
(a) 100-500u	offense: 3-10yrs; \$20,000; No p.p. or s.s. 2nd offense: 5-30yrs; \$40,000; No p.p. or s.s. offense: 25-30yrs; \$50,000; No p.p. or s.s.
(b) 500-1,000u	offense: 7-25yrs; \$50,000; No p.p. or s.s. offense: 7-30yrs; \$50,000; No p.p. or s.s. or subsequent offense: 25-30yrs; \$50,000; No p.p. or s.s.
(c) >1,000u	25yrs; \$100,000; No p.p. or s.s.
“Methamphetamine and Cocaine Base” Specific Offenses 44-53-375	
(A) Possession of <1g of methamphetamine/cocaine base	offense: Misdemeanor: <3yrs and/or <\$5,000; drug rehab may be required offense: felony: <5yrs and/or <\$7,500 offense: felony: <10yrs and/or <\$12,500 Eligible for p.p. and s.s.
(B) Manufacture, distribution, p.w.i. of methamphetamine/cocaine base (Felony) *Possession of >1g is prima facie evidence of manufacture *(D) Possession of equipment or paraphernalia used in manufacture is prima facie evidence of intent to manufacture	offense: <15yrs and/or <\$25,000 offense: 5-30yrs and/or <\$50,000 or subsequent offense: 10-30yrs and/or <\$50,000 Eligible for s.s. and p.p. if or offense (or offense and priors were possession convictions)
(C) Trafficking in methamphetamine and cocaine base (felony)	
(1) 10-28g	offense: 3-10yrs; \$25,000; No p.p. or s.s. offense: 5-30yrs; \$50,000; No p.p. or s.s. or subsequent offense: 25-30yrs; \$50,000; No p.p. or s.s.
(2) 28-100g	offense: 7-25yrs; \$50,000; No p.p. or s.s. offense: 7-30yrs; \$50,000; No p.p. or s.s. or subsequent offense: 25-30yrs; \$50,000; No p.p. or s.s.
(3) 100-200g	25yrs; \$50,000; No p.p. or s.s.
(4) 200-400g	25yrs; \$100,000; No p.p. or s.s.
(5) >400g	25-30yrs; \$200,000; No p.p. or s.s.
(E) Trafficking in pseudoephedrine, ephedrine, or phenylpropanolamine	
(a) 9-28g	offense: <10yrs; \$25,000; No p.p. or s.s. 2nd offense: 5-30yrs; \$50,000; No p.p. or s.s.

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	or subsequent offense: 25-30yrs; \$50,000; No p.p. or s.s.
(b) 28-100g	offense: 7-25yrs; \$50,000; No p.p. or s.s. offense: 7-30yrs; \$50,000; No p.p. or s.s. or subsequent offense: 25-30yrs; \$50,000 No p.p. or s.s.
(c) 100-200g	25yrs; \$50,000; No p.p. or s.s.
(d) 200-400g	25yrs; \$100,000; No p.p. or s.s.
(e) >400g	25-30yrs; \$200,000; No p.p. or s.s.
44-53-398 Retail Sale of products containing ephedrine or pseudoephedrine	
(A) sale of nonprescription ephedrine, pseudoephedrine or phenylpropanolamine not behind a counter or other barrier	offense: <\$5,000 offense: <\$10,000 Misdemeanor
(B)(1) sale to an individual in any single day of a nonprescription product containing <3.6g	offense: <\$5,000 offense: <\$10,000 Misdemeanor
(B)(2) sale/possession of <9g in a 30 day period Felony	offense: <5yrs and/or <\$5,000 or subsequent offense: <10yrs and/or >\$10,000
(C) unlawful purchase by retailer of product from any entity other than registered manufacturer/distributor	offense: <1yr and/or <\$1,000 offense: <3yrs and/or <\$5,000 Misdemeanor
(D)(1) Violation of identification requirements Misdemeanor	offense: \$500-\$1,000 offense: \$1,000-\$5,000 or subsequent: \$5,000-\$10,000
(D)(2) violation of log requirements in sale Misdemeanor	offense: \$500-\$1,000 offense: \$1,000-\$5,000 or subsequent: \$5,000-\$10,000
(E) possession, manufacture, delivery or p.w.i. of products altered from their original condition Felony	offense: <5yrs and/or <\$5,000 or subsequent offense: <10yrs and/or >\$10,000
(F) misrepresentation in required log	offense: misdemeanor: <\$1,000' or subsequent offense: felony: <\$5,000
44-53-376 Disposal of waste from methamphetamine production	offense: <5yrs and/or <\$5,000 or subsequent offense: <10yrs and/or <\$10,000
44-53-378 Exposing child to methamphetamine	offense: <5yrs and/or <\$5,000 or subsequent offense: <10yrs and/or <\$10,000
44-53-380 Prescription and Registration Violations	
(1) Distribution of controlled substances in violation of prescription and registration requirements	
(2) distribution or manufacture of controlled	

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substance not authorized by registration	Civil fine: <\$1,000 If violation committed knowingly/intentionally: felony: <5yrs or <\$10,000
(3) omit, remove, alter required symbol under Federal Controlled Substances Act	
(4) refusal or failure to keep required records	
(5) refusing entry for authorized inspections	
(6) maintenance of place or vehicle which is resorted to by persons using controlled substances or storing and selling controlled substances	
(7) failure to register to manufacture, distribute controlled substances as required	
44-53-390 Knowing or intentionally:	
(1) distributing a Schedule I or II substance w/o required order form	Felony: <5yrs and/or <\$10,000
(2) use of invalid registration number in manufacturing or distributing a controlled substance	
(3) acquiring a controlled substance by misrepresentation	
(4) furnishing false information or omitting information from required documentation	
(5) distribution or possession of thing designed to reproduce likeness of drug or container so as to render a counterfeit substance	
(6) distribute a noncontrolled substance or imitation controlled substance w/ expressed or implied representation that substance is a controlled substance	
44-53-395 Practitioner issuing blank prescriptions; possession of blank prescription; w/holding information of other prescriptions from practitioner	1st offense: misdemeanor; <2yrs and/or <\$2,000 or subsequent offense: felony; <5yrs
44-53-1530(1) Delivery, dispensation or prescription of anabolic steroids w/o medical purpose; sale or delivery of anabolic steroids w/o valid prescription; sale or delivery of anabolic steroids by person who is not a practitioner, pharmacist or veterinarian	offense: felony; <5yrs and/or <\$5,000 or subsequent offense: <10yrs and/or <\$10,000
44-53-1530 Possession of anabolic steroids w/o a valid prescription	
(2) <10units Misdemeanor	offense: <6months and/or <\$1,000 or subsequent offense: <1yr and/or <\$2,000
(3) 10-100units Misdemeanor	offense: <1yrs and/or <\$2,000 or subsequent offense: <2yrs and/or <\$3,000

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(4)>100units Felony	offense: <5yrs and/or <\$5,000 or subsequent offense: <10yrs and/or \$10,000
Enhancements	Penalties
44-53-440 Distribution to minors	Schedule I(b)&(c) narcotics or LSD, Schedule II narcotics, or crack cocaine: Felony; <20yrs and/or <\$30,000; no p.p. or s.s. Other controlled substances: Misdemeanor; <10yrs and/or <\$10,000
44-53-577 Use of a person under 17 to violate 44-53-370 or 44-53-375(B); receipt of controlled substance from person under 17	Felony: 5-15yrs
44-53-445 Distribution or purchase w/in ½ mile of school, public park, public playground	(D)(1) felony; <10yrs and/or <\$10,000 (D)(2) when violation is purchase of controlled substance: misdemeanor; <1yrs and/or <\$1,000
44-53-450 Conditional Discharge for time offenders guilty of possession of controlled substances	Conditional probation including drug rehab requirement at court's discretion
44-53-475(1) Conducting financial transaction involving proceeds derived from unlawful narcotic activity w/ intent to promote unlawful narcotic activity or w/ knowledge that transaction is designed to conceal unlawful origin of proceeds	Felony: <\$500,000 (or 2x value of property involved) and/or <20yrs Civil Penalty: value of property/funds involved; or \$10,000 (whichever is greater)
44-53-475(2) Transporting/transmitting funds from state outside of US w/ intent to promote unlawful narcotic activity or w/ knowledge that transaction is designed to conceal unlawful origin of proceeds	Felony: <\$500,000 (or 2x value of property involved) and/or <20yrs Civil Penalty: value of property/funds involved; or \$10,000 (whichever is greater)
44-53-475(3) Conducting financial transaction involving property represented by police to be proceeds derived from unlawful narcotic activity to promote unlawful narcotic activity	Felony: <\$500,000 (or 2x value of property involved) and/or <20yrs Civil Penalty: value of property/funds involved; or \$10,000 (whichever is greater)