

South Carolina Penalties for Substance Abuse, Drug Trafficking, and Other Offenses

- **Schedule I: [S.C. Code. Ann. § 44-53-180](#)**
- Manufacturing, distribution, purchase or possess with intent to distribute
 - First Offense – Felony <15 years and/or \$25,000
 - Enhanced Offenses – 5-30 years and/or \$50,000
 - Subsequent Offense – 10 – 30 years and/or \$50,000
- **Opiates, Opium derivatives, Hallucinogenic substances, Depressants, Stimulants: [S.C. Code. Ann. § 44-53-190](#)**
- Manufacturing, distribution, purchase or possess with intent to distribute
 - Other Schedule I, II, or III, flunitrazepam or analogues - Felony: <5yrs and/or <\$5,000
 - 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 offense: <10 years and/or <\$10,000 or subsequent offense: 5 – 20 years and/or <\$20,000
 - **Reduced Sentence for Accommodation Offense: [S.C. Code. Ann. § 44-53-460](#)**
 - delivery/distribution was only for accommodation to another individual and not for profit or to induce addiction Misdemeanor: <6months and/or <\$1,000
- **Schedule II: [S.C. Code. Ann. § 44-53-200](#)**
- Possession:
 - Schedule I(b)&(c) narcotics, LSD, Schedule II narcotics Misdemeanor: <2yrs and/or <\$5,000
 - Court may require drug rehab offense: felony: <5yrs and/or <\$7,500 or
 - Subsequent offense: <10yrs and/or <\$12,500
- **Narcotics derived from vegetable origin or chemical synthesis: [S.C. Code. Ann. § 44-53-210](#)**
- Possession Marijuana (<28g/1oz) or hashish (<10g)
 - Misdemeanor: <30 days and/or \$100-\$200 or
 - Subsequent offense: misdemeanor: <1yr and/or \$200-\$1,000
 - Eligible for pretrial intervention, conditional discharge
- **Schedule III: [S.C. Code. Ann. § 44-53-220](#) & [S.C. Code. Ann. § 44-53-230](#)**
 - With other controlled substances or GHB Felony: <15 yrs and/or <\$25,000
 - Subsequent offense: 5 – 25 yrs and/or <\$40,000
- **Schedule IV: [S.C. Code. Ann. § 44-53-240](#) & [S.C. Code. Ann. § 44-53-250](#)**
- Manufacturing, distribution, purchase or possess with intent to distribute
 - Schedule IV (except for Flunitrazepam) Misdemeanor: <3yrs and/or <\$3,000 or
 - Subsequent Offense Felony: <5years and/or <\$6,000
- **Schedule V: [S.C. Code. Ann. § 44-53-260](#)**
- Manufacturing, distribution, purchase or possess with intent to distribute
 - Schedule V Misdemeanor: <1 year and/or <\$1,000
 - Subsequent offense: 2x the offense penalty
- **Narcotics containing nonnarcotic active medicinal ingredients: [S.C. Code. Ann. § 44-53-270](#)**

- Possession, manufacturing, sale, advertising, or purchase or possess with intent to distribute drug paraphernalia [S.C. Code. Ann. § 44-53-391](#)
 - Civil fine: <\$500; corporation: <\$50,000

Trafficking Offenses:
[S.C. Code. Ann. § 44-53-370 \(e\)](#)

- **Marijuana:**

- 10 – 100lbs
 - offense: 1-10yrs; \$1,000
 - offense: 5-20yrs; \$15,000
 - Or subsequent offense: 25yrs; \$25,000
- 100 – 2,000lbs/ 100 – 1,000j plants
 - 25 yrs; \$25,000
- 2,000 – 10,000lbs / 1,000 – 10,000 plants
 - 25 yrs; \$50,000
- > 10,000lbs/>10,000 plants
 - 25-30 years;\$200,000

- **Cocaine:**

- 10 – 28g
 - offense 3-10 years;\$25,000
 - offense: 5-30yrs; \$50,000
 - or subsequent offense: 25-30yrs; \$50,000
- 28-100g
 - offense: 7-25yrs; \$50,000
 - offense: 7-30yrs; \$50,000
 - or subsequent offense: 25-30yrs; \$50,000
- 100-200g
 - 25yrs; \$50,000;
- 200-400g
 - 25yrs; \$100,000;
- >400g
 - 25-30yrs; \$200,00

- **Morphine, Opium, Heroin**

- 4-14g
 - offense: 7-25yrs; \$50,000
 - or subsequent offense: 25yrs; \$100,000
- 14-28g
 - 25yrs; \$200,000
- >28g
 - 25-40yrs; \$200,000

- **Methaqualone (Quaalude)**
- 15-150g
 - offense: 1-10yrs; \$10,000
 - or subsequent offense: 25yrs; \$25,000
- 150-1500g
 - 25yrs; \$25,000;
- 1500g-15kg
 - 25yrs; \$50,000
- >15kg
 - 25-30yrs; \$200,000
- **LSD**
- 100-400 units
 - offense: 3-10yrs; \$20,000
 - offense: 5-30yrs; \$40,000
 - 3rd or subsequent offense: 25-30yrs; \$50,000
- 500-1,000
 - offense; 7-25yrs; \$50,000
 - offense; 7-30yrs; \$50,000
 - or subsequent offense: 25-30yrs; \$50,000
- >1,000
 - 25yrs; \$100,000
- **Flunitrazepam**
- 1-100g
 - offense: 1-10yrs; \$10,000
 - offense: 25yrs; \$25,000
- 100-1,000g
 - 25yrs; \$25,000
- 1,000g-5kg
 - 25yrs; \$50,000
- >5kg
 - 25-30yrs; \$200,000
- **GHA**
- 50ml/mg
 - offense: 1-10yrs; \$10,000
 - 2nd or subsequent offense: 25yrs; \$25,000
- **MDMA**
- 100-500u
 - offense: 3-10yrs; \$20,000
 - 2nd offense: 5-30yrs; \$40,000
 - Subsequent offense: 25-30yrs; \$50,000
- 500-1,000u
 - offense: 7-25yrs; \$50,000
 - offense: 7-30yrs; \$50,000 or subsequent offense: 25-30yrs; \$50,000
- >1,000u
 - 25yrs; \$100,000

- **“Methamphetamine and Cocaine Base” Specific Offenses: [S.C. Code. Ann. § 44-53-375](#)**
- 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
- Manufacture, distribution, or purchase or possess with intent to distribute of methamphetamine/cocaine base (Felony) *Possession of >1g is prima facie evidence of manufacture
 - offense: <15yrs and/or <\$25,000
 - offense: 5-30yrs and/or <\$50,000
 - or subsequent offense: 10-30yrs and/or <\$50,000
- **Trafficking in methamphetamine and cocaine base (felony)**
- 10-28g
 - offense: 3-10yrs; \$25,000
 - offense: 5-30yrs; \$50,000
 - subsequent offense: 25-30yrs; \$50,000
- 28-100g
 - offense: 7-25yrs; \$50,000
 - offense: 7-30yrs; \$50,000
 - or subsequent offense: 25-30yrs; \$50,000
- 100-200g
 - 25yrs; \$50,000
- 200-400g
 - 25yrs; \$100,000
- >400g
 - 25-30yrs; \$200,000
- **Trafficking in pseudoephedrine, ephedrine, or phenylpropanolamine**
- 9-28g
 - offense: <10yrs; \$25,000
 - 2nd offense: 5-30yrs; \$50,000
 - or subsequent offense: 25-30yrs; \$50,000
- 28-100g
 - offense: 7-25yrs; \$50,000
 - offense: 7-30yrs; \$50,000
 - or subsequent offense: 25-30yrs; \$50,000
- 100-200g
 - 25yrs; \$50,000
 - 25yrs; \$100,000
 - 25-30yrs; \$200,000

- **Retail Sale of products containing ephedrine or pseudoephedrine** [S.C. Code. Ann. § 44-53-398](#)
- Sale of nonprescription ephedrine, pseudoephedrine or phenylpropanolamine not behind a counter or other barrier
 - offense: <\$5,000
 - offense: <\$10,000
 - Misdemeanor
- sale to an individual in any single day of a nonprescription product containing <3.6g
 - offense: <\$5,000
 - offense: <\$10,000
 - Misdemeanor
- sale/possession of <9g in a 30 day period (Felony)
 - offense: <5yrs and/or <\$5,000
 - or subsequent offense: <10yrs and/or >\$10,000
- 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
- Violation of identification requirements (Misdemeanor)
 - offense: \$500-\$1,000
 - offense: \$1,000-\$5,000
 - or subsequent: \$5,000-\$10,000
- violation of log requirements in sale (Misdemeanor)
 - offense: \$500-\$1,000
 - offense: \$1,000-\$5,000
 - or subsequent: \$5,000-\$10,000
- 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
- misrepresentation in required log
 - offense: misdemeanor: <\$1,000'
 - or subsequent offense: felony: <\$5,000

- **Disposal of waste from methamphetamine production** [S.C. Code. Ann. § 44-53-376](#)
 - offense: <5yrs and/or <\$5,000
 - or subsequent offense: <10yrs and/or <\$10,000
- **Exposing child to methamphetamine** [S.C. Code. Ann. § 44-53-378](#)
 - offense: <5yrs and/or <\$5,000
 - or subsequent offense: <10yrs and/or <\$10,000
- **Prescription and Registration Violations** [S.C. Code. Ann. § 44-53-380](#)
- **** All of the below offenses have a civil fine of <\$1,000 However,**
- ****If Violation is committed Knowingly/Intentionally: It is a Felony: <5 Years or <\$10,000**
 - Distribution of controlled substances in violation of prescription and registration requirements
 - distribution or manufacture of controlled substance not authorized by registration
 - omit, remove, alter required symbol under Federal Controlled Substances Act

- refusal or failure to keep required records
 - refusing entry for authorized inspections
 - maintenance of place or vehicle which is resorted to by persons using controlled substances or storing and selling controlled substances
 - failure to register to manufacture, distribute controlled substances as required
- **Knowing or intentionally [S.C. Code. Ann. § 44-53-390](#)**
 - distributing a Schedule I or II substance w/o required order form
 - use of invalid registration number in manufacturing or distributing a controlled substance
 - acquiring a controlled substance by misrepresentation
 - furnishing false information or omitting information from required documentation
 - distribution or possession of thing designed to reproduce likeness of drug or container so as to render a counterfeit substance
 - distribute a noncontrolled substance or imitation controlled substance w/ expressed or implied representation that substance is a controlled substance
- **Practitioner issuing blank prescriptions; possession of blank prescription; w/holding information of other prescriptions from practitioner [S.C. Code. Ann. § 44-53-395](#)**
 - 1st offense: misdemeanor; <2yrs and/or <\$2,000
 - or subsequent offense: felony; <5yrs
- **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 [S.C. Code. Ann. § 44-53-1530\(1\)](#)**
 - offense: felony; <5yrs and/or <\$5,000
 - or subsequent offense: <10yrs and/or <\$10,000
- **Possession of anabolic steroids w/o a valid prescription [S.C. Code. Ann. § 44-53-1530\(1\)](#)**
 - <10units Misdemeanor
 - offense: <6months and/or <\$1,000
 - or subsequent offense: <1yr and/or <\$2,000
 - 10-100units Misdemeanor
 - offense: <1yrs and/or <\$2,000
 - or subsequent offense: <2yrs and/or <\$3,000
 - >100units Felony
 - offense: <5yrs and/or <\$5,000
 - or subsequent offense: <10yrs and/or \$10,000
- **Enhancements**
 - **Distribution to Minors [S.C. Code. Ann. § 44-53-440](#)**
 - Schedule I(b)&(c) narcotics or LSD, Schedule II narcotics, or crack cocaine: Felony; <\$10,000
 - **[S.C. Code. Ann. § 44-53-577](#) Use of a person under 17 to violate [S.C. Code. Ann. §44-53-370](#) or [S.C. Code. Ann. §44-53-375\(B\)](#); receipt of controlled substance from person under 17**
 - Felony: 5-15yrs
 - **[S.C. Code. Ann. § 44-53-445](#) Distribution or purchase w/in ½ mile of school, public park, public playground**

- felony; <10 years and/or <\$10,000
- when violation is purchase of controlled substance; misdemeanor; <1year and/or <\$1,000
- **S.C. Code. Ann §44-53-450 Conditional Discharge for time offenders guilty of possession of controlled substances**
 - Conditional probation including drug rehab requirement at court’s discretion
- **S.C. Code. Ann § 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 20years
 - Civil Penalty: value of property/funds involved; or \$10,000 (whichever is greater)
- **S.C Code. Ann §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 <20 years
 - Civil Penalty: value of property/funds involved; or \$10,000 (whichever is greater)
- **S.C Code. Ann §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 <20 years
 - Civil Penalty: value of property/funds involved; or \$10,000 (whichever is greater)
- **Alcohol Related Offenses**
- **S.C. Code. Ann. § 61-6-4010: Unlawful manufacture, possession, or sales.**
 - It is unlawful for a person to: manufacture, store, keep, receive, have in possession, transport, ship, buy, sell, barter, exchange, or deliver alcoholic liquors, except liquors acquired in a lawful manner and except in accordance with the provisions of this title **OR**
 - Accept, receive, or have in possession alcoholic liquors for unlawful use pursuant to the provisions of this title
 - A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:
 - **for a first offense**, by a fine of not less than **\$600** or imprisonment for six months
 - **for a second offense**, by a fine of **\$1,500** or imprisonment for one year
 - **for a third or subsequent offense**, by a fine of **\$3,000** or imprisonment for two years
- **S.C. Code. Ann. § 61-6-4020: Transportation in Motor Vehicle**
 - A person who is twenty-one years of age or older may transport lawfully acquired alcoholic liquors to and from a place where alcoholic liquors may be lawfully possessed or consumed. **If the cap or seal on the container has been opened or broken, it is unlawful to transport the liquors in a motor vehicle, except in a trunk, luggage compartment, or cargo area that is separate and distinct from the driver's and passengers' compartments.** For purposes of this exception, the luggage compartment or cargo area is not required to be a closed trunk that is accessible only from the exterior of the motor vehicle. **A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than \$100 or imprisoned for not more than thirty days.**
- **S.C. Code. Ann. § 61-6-4025: Possession of unlawfully acquired or manufactured alcoholic liquors in vehicle, vessel, or aircraft**

- It is unlawful for a person to keep, store, have in possession, carry, ship, or transport in a vehicle, vessel, aircraft or other chattel, any unlawfully acquired or manufactured alcoholic liquors.
 - A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:
 - **for a first offense**, by a fine of not less than **\$600** or imprisonment for six months
 - **for a second offense**, by a fine of **\$1,500** or imprisonment for one year **AND**
 - **for a third or subsequent offense**, by a fine of **\$3,000** or imprisonment for two years.
- **S.C. Code. Ann. § 61-6-4070: Transfer to person under the age of twenty-one years.**
 - It is unlawful for a person to transfer or give to a person under the age of twenty-one years for the purpose of consumption of alcoholic liquors in the State unless the person under the age of twenty-one is recruited and authorized by a law enforcement agency to test a person's compliance with laws relating to the unlawful transfer or sale of alcoholic liquors to a minor. A person who violates this section is guilty of a misdemeanor and, upon conviction
 - for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both
 - for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both
 - ** The provisions of this section do not apply to a:
 - spouse over the age of twenty-one giving alcoholic liquors to his spouse under the age of twenty-one in their home
 - parent or guardian over the age of twenty-one giving alcoholic liquors to his children or wards under the age of twenty-one in their home **OR**
 - person giving alcoholic liquors to another person under the age of twenty-one in conjunction with a religious ceremony or purpose if the alcoholic liquors were lawfully purchased.
- **S.C. Code. Ann. § 61-6-4075: Purchase of alcoholic beverage for minor; penalty.**
 - It is unlawful for a person who purchases alcoholic liquors while on licensed premises to give the alcoholic liquors to a person to whom it cannot lawfully be sold on the premises. A person who violates the provisions of this section, upon conviction
 - for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; **AND**
 - for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both
- **S.C. Code. Ann. § 61-6-4700: Consumption of alcoholic liquor on premises.**
 - It is unlawful for a person to drink alcoholic liquors on the premises of a retail, wholesale, or manufacturing alcoholic liquor business or business establishment. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows
 - **for a first offense**, by a fine of one hundred dollars or imprisonment for thirty days
 - **for a second offense**, by a fine of two hundred dollars or imprisonment for sixty days; and
 - **for a third or subsequent offense**, by a fine of three hundred dollars or imprisonment for ninety days.

