

Tennessee Penalties for Substance Abuse, Drug Trafficking, and Other Offenses

- **Felony Classes Imprisonment Terms: [T.C.A. §40-35-111](#)**
 - **Class A felony, not less than fifteen (15) nor more than sixty (60) years.** In addition, the jury may assess a fine not to exceed fifty thousand dollars (\$50,000), unless otherwise provided by statute.
 - **Class B felony, not less than eight (8) nor more than thirty (30) years.** In addition, the jury may assess a fine not to exceed twenty-five thousand dollars (\$25,000), unless otherwise provided by statute.
 - **Class C felony, not less than three (3) years nor more than fifteen (15) years.** In addition, the jury may assess a fine not to exceed ten thousand dollars (\$10,000), unless otherwise provided by statute.
 - **Class D felony, not less than two (2) years nor more than twelve (12) years.** In addition, the jury may assess a fine not to exceed five thousand dollars (\$5,000), unless otherwise provided by statute.
 - **Class E felony, not less than one (1) year nor more than six (6) years.** In addition, the jury may assess a fine not to exceed three thousand dollars (\$3,000), unless otherwise provided by statute.
- **To knowingly manufacture a controlled substance, deliver a controlled substance, sell a controlled substance, or possess a controlled substance with intent to manufacture, deliver or sell the controlled substance is a:**
- **Schedule I: (BZP, Heroin, LSD, Mescaline, Mushrooms, Peyote) [T.C.A. §39-17-417](#)**
 - **Class B Felony and, in addition, may be fined not more \$100,000**
 - Cocaine or methamphetamine is a **Class B felony** if the amount involved is point five (0.5) grams or more of any substance containing cocaine or methamphetamine and, in addition, **may be fined not more than one hundred thousand dollars (\$100,000)**
- **Schedule II: (Amphetamine, Cocaine, Codeine, Methadone, Methamphetamine, Morphine, Opium, Ritalin) [T.C.A §39-17-417](#)**
 - Any other Schedule II controlled substance, including cocaine or methamphetamine in an amount of less than point five (0.5) grams, is a **Class C felony** and, in addition, **may be fined not more than one hundred thousand dollars (\$100,000)**; provided, that if the offense involves less than point five (0.5) grams of a controlled substance containing cocaine or methamphetamine but the defendant carried or employed a deadly weapon as defined in [T.C.A. § 39-11-106](#), during commission of the offense or the offense resulted in death or bodily injury to another person, the offense is a **Class B felony**.
- **Schedule III: (Anabolic steroids, Hydrocodone, Ketamine) [T.C.A. §39-17-417](#)**
 - A violation of subsection (a) with respect to a Schedule III controlled substance is a **Class D felony** and, in addition, **may be fined not more than fifty thousand dollars (\$50,000)**

- **Anabolic Steroids:** [T.C.A. §39-17-417](#)
 - Notwithstanding any other law to the contrary, a person charged for the first time with delivering an anabolic steroid or possessing an anabolic steroid with the intent to manufacture, deliver or sell the steroid shall be eligible for pretrial diversion pursuant to title 40, chapter 15, and probation pursuant to title 40, chapter 28 and [T.C.A. §40-35-313](#).

- **Schedule IV:** (Fenfluramine, Flunitrazepam, Klonopin, Xanax (alprazolam), Valium (diazepam), Other benzodiazepines/ sedatives) [T.C.A. §39-17-417](#)
 - **Class D felony and, in addition, may be fined not more than fifty thousand dollars (\$50,000)**
 - ****Flunitrazepam:**
 - **Class C felony and, in addition, may be fined not more than one hundred thousand dollars (\$100,000)**

- **Schedule V:** (medicines with limited amounts of codeine and opium) [T.C.A. §39-17-417](#)
 - **Class E felony and, in addition, may be fined not more than five thousand dollars (\$5,000)**

- **Schedule VI:** (marijuana, THC, and their synthetic equivalents) [T.C.A. §39-17-417](#)
 - **Class E felony and, in addition, may be fined not more than one thousand dollars (\$1,000)**

- ****Marijuana:** [T.C.A. §39-17-417](#)
 - with respect to a Schedule VI controlled substance classified as **marijuana containing not less than one-half (1/2) ounce (14.175 grams) nor more than ten pounds (10 lbs.) (4535 grams)** of marijuana, or a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish), containing not more than two pounds (2 lbs.) (905 grams) of hashish is a **Class E felony and, in addition, may be fined not more than five thousand dollars (\$5,000)**
 - with respect to a Schedule VI controlled substance classified as **marijuana and containing not less than ten pounds (10 lbs.), one gram (4536 grams) of marijuana nor more than seventy pounds (70 lbs.) (31,696 grams) of marijuana**, or a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish) and containing not less than two pounds (2 lbs.), one gram (906 grams) nor more than four pounds (4 lbs.) (1810 grams) of hashish, or a Schedule VI controlled substance classified as marijuana consisting of not less than ten (10) marijuana plants nor more than nineteen (19) marijuana plants, regardless of weight, is a **Class D felony and, in addition, may be fined not more than fifty thousand dollars (\$50,000)**.
 - with respect to a Schedule VI controlled substance defined as a non-leafy, resinous material containing **tetrahydrocannabinol (hashish) and containing not less than four pounds (4 lbs.), one gram (1811 grams) nor more than eight pounds (8 lbs.) (3620 grams) of hashish**, or a Schedule VI controlled substance classified as marijuana consisting of not less than twenty (20) marijuana plants nor more than ninety-nine (99) marijuana plants, regardless of weight, is a **Class C felony and, in addition, may be fined not more than one hundred thousand dollars (\$100,000)**.

- **Schedule VII:** (butyl nitrite) [T.C.A. §39-17-417](#)
 - **Class E felony and, in addition, may be fined not more than one thousand dollars (\$1,000)**

- **Mandatory Minimum Fines: [T.C.A. § 39-17-428](#)**
 - In determining the minimum fine to impose upon any person convicted of violating any provision of this part, the court shall first determine whether the person was convicted of a misdemeanor or felony violation of this part and then shall determine if the person has any previous convictions for violations of this part. Having determined the category of offense and offender, the judge shall impose a minimum mandatory fine based upon the following
 - **First conviction** for a misdemeanor drug offense involving a **Schedule VI** controlled substance classified as **marijuana or hashish** - **\$250**
 - **Second** - **\$500**
 - **Third or subsequent conviction** for a misdemeanor drug offense involving a Schedule VI controlled substance classified as marijuana or hashish, enhanced as a felony under [T.C.A. § 39-17-418\(e\)](#) - **\$1,000**
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 - **First conviction** for a misdemeanor drug offense involving a scheduled controlled **substance other than Schedule VI** - **\$750**
 - **Second** - **\$850**
 - **Third or subsequent conviction** for a misdemeanor drug offense involving a scheduled controlled substance other than Schedule VI, enhanced as a felony under [T.C.A. § 39-17-418\(e\)](#)- **\$1,000**
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 - **First conviction** for possession of drug paraphernalia under [T.C.A. § 39-17-425\(a\)\(1\)](#) - **\$150**
 - **Second or subsequent conviction** for possession of drug paraphernalia under [T.C.A. § 39-17-425\(a\)\(1\)](#) and conviction for all other misdemeanor drug offenses - **\$250**
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 - **First conviction** for all felony drug offenses involving a scheduled controlled substance - **\$2,000**
 - **Second conviction** for all felony drug offenses involving a scheduled controlled substance - **\$3,000**
 - **Third or subsequent conviction** for all felony drug offenses involving a scheduled controlled substance - **\$5,000**
- **Heightened Offenses: [T.C.A. §39-17-417](#)**
 - Violations Dealing with Excess Amounts of the following result in a **Class B Felony** and in addition, may be fined not more than **\$200,000**
 - Fifteen (15) grams or more of any substance containing **heroin**
 - Fifteen (15) grams or more of any substance containing **morphine**
 - Five (5) grams or more of any substance containing **hydromorphone**
 - Five (5) grams or more of any substance containing lysergic acid diethylamide (**LSD**)
 - Twenty-six (26) grams or more of any substance containing **cocaine**
 - Five (5) grams or more of any substance containing a **combination of pentazocine and tripeleppamine** or **joint possession of pentazocine and tripeleppamine**
 - Thirty (30) grams or more of any substance containing **phencyclidine**

- One hundred (100) grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of **barbituric acid**
 - Fifty (50) grams or more of any substance containing **phenmetrazine**
 - Twenty-six (26) grams or more of any substance containing amphetamine or methamphetamine or any salt of an optical isomer of **amphetamine or methamphetamine**
 - One thousand (1,000) grams or more of any substance containing **peyote**
 - Two hundred (200) grams or more of any substance containing a controlled substance classified in Schedule I or II not listed above **OR**
 - Not less than seventy pounds (70 lbs.), (31,697 grams) nor more than three hundred pounds (300 lbs.) (136,050 grams) of any substance containing **marijuana**, or a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish) and containing not less than eight pounds (8 lbs.), one gram (3621 grams) nor more than fifteen pounds (15 lbs.) (6,792 grams) of any substance containing hashish, or not less than one hundred (100) marijuana plants nor more than four hundred ninety-nine (499) marijuana plants, regardless of weight
- Violations Dealing with Excess Amounts of the following result in a **Class A Felony** and in addition, may be fined not more than **\$500,000**
- One hundred fifty (150) grams or more of any substance containing **heroin**
 - One hundred fifty (150) grams or more of any substance containing **morphine**
 - Fifty (50) grams or more of any substance containing **hydromorphone**
 - Fifty (50) grams or more of any substance containing lysergic acid diethylamide (**LSD**)
 - Three hundred (300) grams or more of any substance containing **cocaine**
 - Fifty (50) grams or more of any substance containing a combination of pentazocine and tripeleminamine or joint possession of **pentazocine and tripeleminamine**
 - Three hundred (300) grams or more of any substance containing **phencyclidine**
 - One thousand (1,000) grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of **barbituric acid**
 - Five hundred (500) grams or more of any substance containing **phenmetrazine**
 - Three hundred (300) grams or more of any substance containing amphetamine or methamphetamine or any salt of an optical isomer of **amphetamine or methamphetamine**
 - Ten thousand (10,000) grams or more of any substance containing **peyote**
 - Two thousand (2,000) grams or more of any substance containing a controlled substance classified in Schedule I or II not listed above
 - **Three hundred pounds (300 lbs.) (136,050 grams)** or more of any substance containing marijuana, or a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish) and containing not less than fifteen pounds (15 lbs.), one gram (6,793 grams) of any substance containing hashish, or five hundred (500) or more marijuana plants, regardless of weight
- **** If the district attorney general believes that a defendant should be sentenced as a habitual drug offender, the district attorney general shall file notice of the defendant's record of prior convictions for violations specified above in conformity with the provisions of [T.C.A. §40-35-202](#)**

- ****** The offense outlined above “To knowingly manufacture a controlled substance, deliver a controlled substance, sell a controlled substance, or possess a controlled substance with intent to manufacture, deliver or sell the controlled substance” with respect to any substance defined in [T.C.A. §39-17-408\(d\)\(2\)](#) shall include the preparation or compounding of a controlled substance by an individual for the individual's own use.
- **Alcohol Related Offenses**
 - **Implied Consent – Refusal to Submit to Blood Alcohol (BAC) test:** [T.C.A. §55-10-406](#)
 - 1st Offense - Revocation of Drivers License for 1 year
 - 2nd Offense - Revocation of Drivers License for 2 years
 - Revocation of Drivers License for 2 years if crash resulted in bodily injury
 - Revocation of Drivers License for 5 years if crash resulted in a death
 - **1st Time DUI Offender - .08 (BAC):** [T.C.A. §55-10-401](#) & [T.C.A. §55-10-403](#)
 - .20 BAC or greater minimum jail time 7 consecutive days
 - License revocation for 1 year - Restricted License available
 - You will be ordered to participate in an alcohol and drug treatment program
 - Pay restitution to any person suffering physical injury or personal loss
 - Pay fines as outlined in [T.C.A. § 55-10-403](#)
 - First offense - \$350 - \$1,500
 - Second offense - \$600 - \$3,500
 - Third offense - \$1,100 - \$10,000
 - Fourth or Subsequent offense - \$3,000 - \$15,000
 - For any offense while accompanied by a child under 18 years of age – the person shall be fined \$1,000 in addition to the fine for the DUI offense.
 - Ignition Interlock Device installed at your expense. Minimum first year costs could exceed \$1,000.00
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 - **2nd Time DUI Offender:** [T.C.A. § 55-10-407](#)
 - 45 days to 11 months, 29 days in jail
 - \$600-\$3,500 mandatory fine
 - License revocation for 2 years/Restricted License available
 - Subject to vehicle seizure/forfeiture
 - You will be ordered to attend an alcohol and drug treatment program
 - Ignition Interlock Device installed at your expense
 - If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense
 - Pay restitution to any person suffering personal injury or loss
 - **3rd Time DUI Offender:** [T.C.A. § 55-10-411](#)
 - 120 days to 11 months, 29 days in jail

- \$1,100 to \$10,000 mandatory fines
 - License revocation for 6 years/Restricted license available
 - Subject to vehicle seizure/forfeiture
 - Alcohol and drug treatment program
 - Ignition Interlock Device installed at your expense
 - If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense
- **4th and Subsequent DUI Offender**
 - Class E Felony
 - 1 Year (365) days of jail time with a minimum of 150 consecutive days served
 - \$3,000 to \$15,000 mandatory fine
 - License revocation for 8 years/Restricted license available
 - Subject to vehicle seizure/forfeiture
 - Alcohol and drug treatment program
 - Ignition Interlock Device installed at your expense
 - If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense
- **Vehicular Assault: Serious injury to another person by a DUI driver**
 - Class D Felony [T.C.A. §39-13-106](#)
 - License revocation from 1 to 5 years according to number of prior offenses
 - Jail time 2 to 12 years
 - Fines and court costs
 - No restricted driver license is available
- **Child Endangerment: DUI with passenger under 18 years old**
 - Class D felony if child suffers serious injury [T.C.A. §55-10-403](#), [T.C.A. §40-35-112](#)
 - 2 to 12 years jail time
 - Class B Felony if child death involved
 - 8 to 30 years jail time
 - License revocation
 - ****NOTE: Sentence length depends on a number of factors, including the person's criminal history as outlined in [T.C.A. §40-35-112](#)**
- **Vehicular Homicide: Fatal crash caused by DUI with .08 BAC or more**
 - Class B Felony [T.C.A. §39-13-213](#), [T.C.A. §40-35-112](#)
 - License revocation for 3-10 years/NO restricted license available
 - No restricted driver license is available
- **Aggravated Vehicular Assault While Driving Intoxicated**
 - Class A Felony [T.C.A. §39-13-218](#), [T.C.A. §40-35-112](#)
 - A result of the following conditions: Two or more prior - DUI conviction, Vehicular assault convictions or, any combination
 - One prior Vehicular Homicide

- A BAC of .20 or greater at the time of the vehicular homicide has (1) one prior DUI or Vehicular Assault offense
- **Fees to Reinstate a Drivers License After Alcohol-Related Offenses**
 - **Implied Consent/Refusal to Submit to Blood Alcohol [T.C.A. §55-10-406](#)**
 - \$100 reinstatement fee
 - \$50 fee if filing of financial responsibility ([SR-22](#)) is required
 - \$75 fee for failure to surrender driver license may be required
 - Required to apply for valid license & pay appropriate driver license fee
 - **Drug Free Youth Act Offenses (Ages 13 – 17) [T.C.A. §55-10-701](#) & Underage Possession of Alcohol (Age 18 -21) [T.C.A. §57-5-301](#)**
 - \$20 reinstatement fee
 - \$75 fee for failure to surrender driver license may be required
 - Required to apply for valid license & pay appropriate driver license fee
 - **All other DUI Type Offenses**
 - \$100 reinstatement fee
 - \$3 certification fee if violation occurred in Tennessee
 - \$50 fee if filing of financial responsibility ([SR-22](#)) is required
 - \$75 fee for failure to surrender driver license may be required
 - Required to apply for valid license & pay appropriate driver license fee
- **Penalties for drug and alcohol-related offenses committed by minors**
 - **Drug Free Youth Act Offenses (Ages 13 – 17) [T.C.A. §55-10-701](#)**
 - License suspension for 1 year or until person reaches age 17, whichever longer for 1st offense & may apply to court for early withdrawal of suspension after serving 90 days
 - License suspension of 2 years or until person reaches age 18, whichever longer for 2nd offense & may apply to court for early withdrawal of suspension after serving 1 year
 - Restricted license can be issued on 1st offense at court discretion, however, on 2nd offense must serve one year of suspension before eligible for restricted
 - **Underage Possession of Alcohol (Age 18 -21) [T.C.A. §57-5-301](#)**
 - License suspension for 1 year or until person reaches age 17, whichever longer for 1st offense & may apply to court for early withdrawal of suspension after serving 90 days
 - License suspension of 2 years or until person reaches age 18, whichever longer for 2nd offense & may apply to court for early withdrawal of suspension after serving 1 year
 - Restricted license can be issued on 1st offense at court discretion, however, on 2nd offense must serve one year of suspension before eligible for restricted
 - **Driving While Impaired (Age 16 – 20) [T.C.A. §55-10-415](#)**
 - License revocation for 1 year/No provision for restricted license
 - \$250 fine
 - Court may impose public service work

