

# Idaho State Criminal and Civil Penalties for Offense of a Controlled Substance

	Drug	Definition	Offense	1 <sup>st</sup> Conviction
<b>Schedule I</b>	<p>The drugs in this schedule are those that have no accepted medical use in the United States and have a high abuse potential. Some examples are heroin, marijuana, LSD, peyote, mescaline, psilocybin, tetrahydrocannabinols, ketobemidone, levoramide, racemoramide, benzylmorphine, dihyaromorpine, nicocodeine, nicomorphine, methaqualone and others.</p>	<p>Upon conviction of a felony or misdemeanor violation the court may order restitution for costs incurred by law enforcement agencies in investigating the violation. 37-2732 (k)</p> <p><b>MANUFACTURE, DELIVER, POSSESS CONTROLLED SUBSTANCE:</b> It is unlawful for any person to manufacture or deliver, or possess with intent to manufacture or deliver, a controlled substance. 37-2732</p>	<p>A controlled substance classified in schedule I which is a narcotic drug or a controlled substance classified in schedule II, except as provided for in section 37-2732B(a)(3), Idaho Code. 37-2732 (1a)</p> <p>Any other controlled substance which is a nonnarcotic drug classified in schedule I. 37-2732 (1b)</p>	<p>Guilty of a felony and upon conviction may be imprisoned for a term of years not to exceed life imprisonment, or fined not more than twenty-five thousand dollars (\$25,000), or both. 37-2732 (1a)</p> <p>Guilty of a felony and upon conviction may be imprisoned for not more than five (5) years, fined not more than fifteen thousand dollars (\$15,000), or both. 37-2732 (1b)</p>
<b>Schedule II</b>	<p>The drugs in this schedule have a high abuse potential with severe psychic or physical dependence liability. Schedule II controlled substances consist of certain narcotic, stimulant and depressant drugs. Some examples of Schedule II narcotic controlled substances are opium, morphine, codeine, hydromorphine (Dialudid), methadone (Dolophine), pantopon, meperidine (Demerol), cocaine, oxycodone (Percodan), anileridine (Leritine) and oxymorphone (Numorphan). Some examples of Schedule II non-narcotic are amphetamine (Benezdrine, Dexedrine), and Methamphetamine (Desoxyn), phenmetrazine (preludin), methylphenidate (Ritalin), amobarbital, pentobarbital, secobarbital, etorphine, hydrochloride, diphenoxylate and phencyclidine.</p>	<p><b>CREATE, DELIVER, POSSESS COUNTERFEIT SUBSTANCE:</b> It is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance. 37-2732 (b)</p> <p><b>POSSESS UNLESS PRESCRIPTION:</b> It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice. 37-2732 (c)</p>	<p>A counterfeit substance classified in schedule I which is a narcotic drug, or a counterfeit substance classified in schedule II. 37-2732 (b)(1a)</p> <p>Any other counterfeit substance classified in schedule I which is a nonnarcotic drug contained in schedule I. 37-2732 (b)(1b)</p> <p>Any person who violates this and has in his possession a controlled substance classified in schedule I which is a narcotic drug or a controlled substance classified in schedule II. 37-2732 (c)(1)</p> <p>Any person who violates this and has in his possession lysergic acid diethylamide (LSD). 37-2732 (c)(2)</p> <p>Any person who violates this and has in his possession a controlled substance which is a nonnarcotic drug classified in schedule I, except lysergic acid diethylamide (LSD). 37-2732 (c)(3)</p>	<p>Guilty of a felony and upon conviction may be imprisoned for not more than fifteen (15) years, fined not more than twenty-five thousand dollars (\$25,000), or both. 37-2732 (b)(1a)</p> <p>Guilty of a felony and upon conviction may be imprisoned for not more than five (5) years, fined not more than fifteen thousand dollars (\$15,000), or both. 37-2732 (b)(1b)</p> <p>Guilty of a felony and upon conviction may be imprisoned for not more than seven (7) years, or fined not more than fifteen thousand dollars (\$15,000), or both. 37-2732 (c)(1)</p> <p>Guilty of a felony and upon conviction may be imprisoned for not more than three (3) years, or fined not more than five thousand dollars (\$5,000), or both. 37-2732 (c)(2)</p> <p>Guilty of a misdemeanor and upon conviction thereof may be imprisoned for not more than one (1) year, or fined not more than one thousand dollars (\$1,000), or both. 37-2732 (c)(3)</p>
<b>Schedule III</b>	<p>These drugs have an abuse potential less than those in Schedules I and II, and include compounds containing limited quantities of certain narcotic drugs and non-narcotic drugs such as derivatives of barbituric acid except those that are listed in another schedule, glutethimide (Doriden), methypylon (Noludar), chlorhexadol, sulfondiethymethane, sulfonmethane, nalorphine, benzphetamine, sulfondiethymethan, sulfonmethan, nalorphone, clor-terminine, mazindol, paregoric, flunitrazepam, and Gama Hydroxy butyrate.</p>	<p><b>MANUFACTURE, DELIVER, POSSESS CONTROLLED SUBSTANCE:</b> Any other controlled substance classified in schedule III. 37-2732 (1b)</p> <p><b>CREATE, DELIVER, POSSESS COUNTERFEIT SUBSTANCE:</b> Any other counterfeit substance classified in schedule III. 37-2732 (b)(1b)</p> <p><b>POSSESS UNLESS PRESCRIPTION:</b> Any person who violates this and has in his possession a controlled substance which is a controlled substance classified in schedule III. 37-2732 (c)(3)</p>	<p>Guilty of a felony and upon conviction may be imprisoned for not more than five (5) years, fined not more than fifteen thousand dollars (\$15,000), or both. C (1b)</p> <p>Guilty of a felony and upon conviction may be imprisoned for not more than five (5) years, fined not more than fifteen thousand dollars (\$15,000), or both. 37-2732 (b)(1b)</p> <p>Guilty of a misdemeanor and upon conviction thereof may be imprisoned for not more than one (1) year, or fined not more than one thousand dollars (\$1,000), or both. 37-2732 (c)(3)</p>	

Schedule IV	<p>The drugs in this schedule have an abuse potential less than those listed in Schedule III and include such drugs as methylphenobarbital, chloral betaine (Beta Chlor), chloral hydrate, triazolam, any substance which contains any quantity of a benzodiazepene, or salt of benzodiazepene, except those substances which are specifically listed in other schedules, buprenorphine, cathine, fencamfamine, fenproporex, mefenorex, pyrovalerone, propoxyphene, pentazocine, mazindol, mephobarbital, premoline, petrichloral, zolpidem, butorphanol, and detropoxyphene (Darvon).</p>	<p><b>MANUFACTURE, DELIVER, POSSESS CONTROLLED SUBSTANCE:</b> A substance classified in schedule IV. 37-2732 (1c)</p> <p><b>CREATE, DELIVER, POSSESS COUNTERFEIT SUBSTANCE:</b> A counterfeit substance classified in schedule IV. 37-2732 (b)(1c)</p> <p><b>POSSESS UNLESS PRESCRIPTION:</b> Any person who violates this and has in his possession a controlled substance which is a controlled substance classified in schedule IV. 37-2732 (c)(3)</p>	<p>Guilty of a felony and upon conviction may be imprisoned for not more than three (3) years, fined not more than ten thousand dollars (\$10,000), or both. 37-2732 (1c)</p> <p>Guilty of a felony and upon conviction may be imprisoned for not more than three (3) years, fined not more than ten thousand dollars (\$10,000), or both. 37-2732 (b)(1c)</p> <p>Guilty of a misdemeanor and upon conviction thereof may be imprisoned for not more than one (1) year, or fined not more than one thousand dollars (\$1,000), or both. 37-2732 (c)(3)</p>
Schedule V & VI	<p>The drugs in this schedule have an abuse potential less than those listed in Schedule IV and consist of preparations containing limited quantities of certain narcotic drugs generally for antitussive and antidiarrheal purposes.</p>	<p><b>MANUFACTURE, DELIVER, POSSESS CONTROLLED SUBSTANCE:</b> A substance classified in schedules V and VI. 37-2732 (1d)</p> <p><b>CREATE, DELIVER, POSSESS COUNTERFEIT SUBSTANCE:</b> A counterfeit substance classified in schedules V and VI or a noncontrolled counterfeit substance. 37-2732 (b)(1d)</p> <p><b>POSSESS UNLESS PRESCRIPTION:</b> Any person who violates this and has in his possession a controlled substance which is a controlled substance classified in schedules V and VI. 37-2732 (c)(3)</p>	<p>Guilty of a misdemeanor and upon conviction may be imprisoned for not more than one (1) year, fined not more than five thousand dollars (\$5,000), or both. 37-2732 (1d)</p> <p>Guilty of a misdemeanor and upon conviction may be imprisoned for not more than one (1) year, fined not more than five thousand dollars (\$5,000), or both. 37-2732 (b)(1d)</p> <p>Guilty of a misdemeanor and upon conviction thereof may be imprisoned for not more than one (1) year, or fined not more than one thousand dollars (\$1,000), or both. 37-2732 (c)(3)</p>
<p>It shall be unlawful for any person to be present at or on premises of any place where he knows illegal controlled substances are being manufactured or cultivated, or are being held for distribution, transportation, delivery, administration, use, or to be given away. 37-2732 (d)</p> <p>If any person is found to possess marijuana, including the extract or any preparation of cannabis which contains tetrahydrocannabinol, in an amount greater than three (3) ounces net weight. 37-2732 (e)</p>		<p>A violation shall deem those persons guilty of a misdemeanor. Punished by a fine of not more than three hundred dollars (\$300) and not more than ninety (90) days in the county jail, or both. 37-2732 (d)</p> <p>It shall be a felony and upon conviction may be imprisoned for not more than five (5) years, or fined not more than ten thousand dollars (\$10,000), or both. 37-2732 (e)</p>	
<p>For more information <a href="https://www.legislature.idaho.gov/idstat/Title37/T37CH27SECT37-2732.htm">https://www.legislature.idaho.gov/idstat/Title37/T37CH27SECT37-2732.htm</a></p>			