



## North Carolina Laws & Penalties

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Offense	Penalty	Incarceration	Max. Fine
<b>Possession</b>			
<b>Personal Use</b>			
0.5 oz or less	Misdemeanor	N/A	\$ 200
0.5 - 1.5 oz	Misdemeanor	1 - 45 days	\$ 1,000
More than 1.5 oz - 10 lbs	Felony	3 - 8 months	\$ 1,000
<b>With intent to distribute</b>			
More than 10 - less than 50 lbs	Felony	25* - 39 months	\$ 5,000
50 - less than 2000 lbs	Felony	35* - 51 months	\$ 25,000
2000 - less than 10,000 lbs	Felony	70* - 93 months	\$ 50,000

10,000 lbs or more	Felony	175* - 222 months	\$ 200,000
* Mandatory minimum sentence			
<b>Sale or Delivery</b>			
10 lbs or less	Felony	4 - 8 months	\$ 1,000
More than 10 - less than 50 lbs	Felony	25* - 39 months	\$ 5,000
50 - less than 2000 lbs	Felony	35* - 51 months	\$ 25,000
2000 - less than 10,000 lbs	Felony	70* - 93 months	\$ 50,000
10,000 lbs or more	Felony	175* - 222 months	\$ 200,000
To a minor or pregnant women	Felony	3 - 8 years	\$ 0
Within 1000 feet of school, child care center, or park grounds	Felony	1 - 3 years	\$ 0
* Mandatory minimum sentence			
<b>Cultivation</b>			
Less than 10 lbs	Felony	3 - 8 months	\$ 1,000
10 - 50 lbs	Felony	2* - 2.5 years	\$ 5,000
50 - 2000 lbs	Felony	3* - 3.5 years	\$ 25,000
2000 - 10,000 lbs	Felony	6* - 7 years	\$ 50,000
10,000 lbs or more	Felony	14.5* - 18 years	\$ 200,000
* Mandatory minimum sentence			
<b>Hash &amp; Concentrates</b>			
Possession of less than .05 oz	Misdemeanor	1 - 10 days	\$ 200
Possession of .05 - .15 oz	Misdemeanor	1 - 45 days	\$ 200
Possession of more than .15 oz	Felony	4 - 6 months	\$ 200
<b>Paraphernalia</b>			
Use, possession, sale, delivery, or manufacture of paraphernalia	Misdemeanor	1 - 45 days	\$ 1,000
To a minor who is at least 3 years younger	Felony	3 - 8 months	\$ 0
<b>Civil Asset Forfeiture</b>			
Vehicles and other property may be seized.			
<b>Miscellaneous</b>			
Involving a minor	Felony	8 months - 7 years	\$ 0
Possession in a penal institution	Felony	4 - 8 months	\$ 0
A fine of \$0 is discretionary and is decided on a case-by-case basis by the sitting judge. See below for more details.			
If convicted of a felony offense and given probation results in driver's license forfeiture.			

## Penalty Details

Marijuana is a Schedule VI substance under the North Carolina Controlled Substances Act.

*See*

- North Carolina Gen Stat. § 90-94 [Web Search](#)

### **Possession for Personal Use**

Possession of 0.5 ounces or less of marijuana is a Class 3 misdemeanor and a maximum fine of \$200. Any sentence of imprisonment imposed for this offense must be suspended. Possession of more than 0.5 to 1.5 ounces is a Class 1 misdemeanor punishable by 1 to 45 days imprisonment and a discretionary fine for a first offense, and maximum fine of \$1000. Possession of over 1 and a half ounces but less than or equal to 10 pounds is a Class I felony punishable by 3 to 8 months imprisonment and a discretionary fine for a first offense.

*See*

- North Carolina Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. § 15A-1340.23 [Web Search](#)
- North Carolina Gen Stat. § 90-95(d)(4) [Web Search](#)

### **Possession with Intent to Distribute**

Possession with intent to distribute less than 10 pounds of marijuana is a class I felony punishable by 3 to 8 months imprisonment and a discretionary fine for a first offense.

*See*

- North Carolina Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. § 90-95(b)(2) [Web Search](#)

Possession of more than 10 pounds but less than 50 pounds is a Class H felony punishable by a minimum of 25 months and maximum of 39 months imprisonment and a fine of at least \$5,000. Possession of 50 pounds or more but less than 2,000 pounds is a Class G felony punishable by a minimum of 35 months and maximum of 51 months imprisonment and a fine of at least \$25,000. Possession of 2,000 pounds or more but less than 10,000 pounds is a Class F felony punishable by a minimum of 70 months and maximum of 93 months imprisonment and a fine of at least \$50,000. Possession of 10,000 pounds or more of marijuana is a Class D felony punishable by a minimum of 175 months and maximum of 222 months imprisonment and a fine of at least \$200,000.

*See*

- North Carolina Gen Stat. § 90-95(h) [Web Search](#)

### **Sale/Delivery**

Delivery of less than 5 grams of marijuana for no compensation is not considered sale or delivery, but may still be prosecuted as possession. Sale of less than 10 pounds of marijuana is a Class H felony punishable by 4 to 8 months imprisonment and a discretionary fine for the first offense. Delivery without compensation of less than 10 pounds is a Class I felony punishable by 3 to 8 months imprisonment and a discretionary fine for a first offense.

*See*

- North Carolina Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. § 90-95(a)(2) [Web Search](#)

Sale or delivery of 10 pounds or more but less than 50 pounds is a Class H felony punishable by a minimum of 25 months and maximum of 30 months imprisonment and a fine of at least \$5,000. Sale or delivery of 50 pounds or more but less than 2,000 pounds is a Class G felony punishable by a minimum of 35 months and maximum of 42 months imprisonment and a fine of at least \$25,000. Sale or delivery of 2,000 pounds or more but less than 10,000 pounds is a Class F felony punishable by a minimum of 70 months and maximum of 80 months imprisonment and a fine of at least \$50,000. Sale or delivery of 10,000 pounds or more of marijuana is a Class D felony punishable by a minimum of 175 months and maximum of 219 months imprisonment and a fine of at least \$200,000.

*See*

- North Carolina Gen Stat. § 90-95(h) [Web Search](#)

### **Cultivation**

Cultivation of less than 10 pounds of marijuana is a class I felony punishable by 3 to 8 months imprisonment and a discretionary fine for a first offense.

*See*

- North Carolina Gen Stat. § 90-95(a)(2) [Web Search](#)

Cultivation of 10 pounds or more but less than 50 pounds is a Class H felony punishable by a minimum of 25 months and maximum of 30 months imprisonment and a fine of at least \$5,000. Cultivation of 50 pounds or more but less than 2,000 pounds is a Class G felony punishable by a minimum of 35 months and maximum of 42 months imprisonment and a fine of at least \$25,000. Cultivation of 2,000 pounds or more but less than 10,000 pounds is a Class F felony punishable by a minimum of 70 months and maximum of 80 months imprisonment and a fine of at least \$50,000. Cultivation of 10,000 pounds or more of marijuana is a Class D felony punishable by a minimum of 175 months and maximum of 219 months imprisonment and a fine of at least \$200,000.

*See*

- North Carolina Gen Stat. § 90-95(h) [Web Search](#)

### **Hash & Concentrates**

Possession of an extract of marijuana resin, commonly referred to as hashish, is a crime in North Carolina.

Possession of .05 ounces or less (~1.4 grams) is a Class 3 misdemeanor, which is punishable by a \$200 fine and a 1-10 day sentence that must be suspended. Possession of more than .05 ounces (~1.4 grams) but less than .15 ounces (~4.25 grams) is a Class 1 misdemeanor, which is punishable by a fine determined at the discretion of the court and a 1-45 day sentence. Possession of an amount greater than .15 oz. (~4.25 grams) is a Class I felony which has a presumptive sentence of 4-6 months and a discretionary fine may also be assessed by the court.

*See*

- North Carolina Gen Stat. §90-95(d)(4) [Web Search](#)
- North Carolina Gen Stat. §15A-1340.17(b) [Web Search](#)

## **Paraphernalia**

Use, possession, sale, delivery, or manufacture of paraphernalia is a Class 1 misdemeanor punishable by 1 to 45 days imprisonment and a discretionary fine for a first offense. Delivery of paraphernalia by a person aged 18 years or older to a person under the age of 18 who is at least 3 years younger is a Class I felony punishable by 3 to 8 months imprisonment and a discretionary fine for a first offense.

*See*

- North Carolina Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. § 15A-1340.23 [Web Search](#)
- North Carolina Gen Stat. §§ 90-113.22 to 113.23 [Web Search](#)

## **Sentencing**

If a person has a previous controlled substance violation and commits a Class 1 misdemeanor, he will be punished as a Class I felon. If a person has a previous controlled substance violation and commits a Class 2 misdemeanor, he will be guilty of a Class 1 misdemeanor. If a person has a previous controlled substance violation and commits an offense that requires any sentence of imprisonment be suspended, he is guilty of Class 2 misdemeanor.

*See*

- North Carolina Gen Stat. §§ 90-95(e)(3)-(4), (7) [Web Search](#)  
First time misdemeanor marijuana proceedings may be suspended and the offender placed on probation. The probation must include drug education, unless certain circumstances apply. Upon successful completion of the terms of probation, the charges will be dismissed and the individual discharged.

*See*

- North Carolina Gen Stat. § 90-96 [Web Search](#)  
A person convicted of a marijuana possession, cultivation, or sale/delivery offense may be eligible for probation if they are not sentenced to the maximum term of imprisonment allowed for that offense. This may include a requirement to attend treatment. This probation cannot last longer than 5 years.

*See*

- North Carolina Gen Stat. § 90-95(f) [Web Search](#)

## **Forfeiture**

Vehicles and other property may be seized for controlled substance violations. Seized property is not subject to be returned to the owner unless he can prove in a forfeiture proceeding that he is the owner and was unaware that it was being used in the violation.

*See*

- North Carolina Gen Stat. §§ 90-122 to 112.1 [Web Search](#)

## **Miscellaneous**

### Sale or delivery to a minor or pregnant women

Sale or delivery by a person aged 18 years or older to a person between 14-15 years of age or to a pregnant woman of any age is a Class D felony punishable by 38 to 80 months imprisonment and a fine to be set by the discretion of the court for the first offense. Sale or delivery by a person aged 18 years or older to a person 13 years of age or younger is a Class C felony punishable by 44 to 92 months imprisonment and a fine to be set by the discretion of the court for the first offense.

*See*

- North Carolina Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. § 90-95(e)(5) [Web Search](#)

### Employing a minor in a drug offense

A person aged 18-20 years who uses a minor in the sale, delivery, or cultivation of marijuana is guilty of a Class G felony if the minor is 14-17 years old, punishable by 8 to 16 months imprisonment and a discretionary fine for the first offense, and a Class F felony if the minor is 13 years of age or younger, punishable by 10 to 20 months imprisonment and a discretionary fine for the first offense. A person aged 21 years or older who uses a minor in the sale, delivery, or cultivation of marijuana is guilty of a Class E felony if the minor is 14-17 years old, punishable by 15 to 31 months imprisonment and a fine to be set by the discretion of the court for the first offense, and a Class D felony if the minor is 13 years of age or younger, punishable by 38 to 80 months imprisonment and a fine to be set by the discretion of the court for the first offense. A person aged 21 years or older who uses a minor in a drug offense may be liable for civil damages for drug addiction.

*See*

- North Carolina Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. § 90-95.4 [Web Search](#)
- North Carolina Gen Stat. § 90-95.5 [Web Search](#)

### Promoting drug sales by a minor

Any person aged 21 years or older who entices, encourages, forces, or supports a minor in selling, delivering, or cultivating marijuana is guilty of a Class D felony punishable by 38 to 80 months imprisonment and a fine to be set by the discretion of the court for the first offense.

*See*

- North Carolina Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. § 90-95.6 [Web Search](#)

### Participating in a drug violation by a minor

Any person aged 21 years or older who purchases marijuana from a minor 13 years or younger is guilty of a Class G felony punishable by 8 to 16 months imprisonment and a discretionary fine for the first offense.

*See*

- N.C. Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. § 90-95.7 [Web Search](#)

#### Sale or delivery on school grounds

Sale or delivery in or within 1,000 feet of school, child care center, or park grounds is class E felony punishable by 15 to 31 months imprisonment and a fine to be set by the discretion of the court for the first offense. Delivery of less than 5 grams of marijuana for no compensation is not considered delivery, but still may be prosecuted for possession.

*See*

- North Carolina Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. §§ 90-95(e)(8), (10) [Web Search](#)

#### Possession in a penal institution

Possession of any amount of marijuana in a penal institution or local confinement facility is a Class H felony punishable by 4 to 8 months imprisonment and a discretionary fine for the first offense.

*See*

- North Carolina Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. § 90-95(e)(9) [Web Search](#)

#### Reimbursement for undercover marijuana purchases

When a person is convicted of a marijuana offense, the court may order him to reimburse the law enforcement agency for money spent in purchasing marijuana as part of an undercover operation.

*See*

- North Carolina Gen Stat. § 90-95.3 [Web Search](#)

#### Driver's license forfeiture

Any time an individual is convicted of a felony offense and is given probation, they are to have their license forfeited.

*See*

- North Carolina Gen Stat. § 15A-1331A [Web Search](#)

#### **CONDITIONAL RELEASE**

The state allows conditional release or alternative or diversion sentencing for people facing their first prosecutions. Usually, conditional release lets a person opt for probation rather than trial. After successfully completing probation, the individual's criminal record does not reflect the charge.

#### **DECRIMINALIZATION**

The state has decriminalized marijuana to some degree. Typically, decriminalization means no prison time or criminal record for first-time possession of a small amount for personal consumption. The conduct is treated like a minor traffic violation.

### **MANDATORY MINIMUM SENTENCE**

When someone is convicted of an offense punishable by a mandatory minimum sentence, the judge must sentence the defendant to the mandatory minimum sentence or to a higher sentence. The judge has no power to sentence the defendant to less time than the mandatory minimum. A prisoner serving an MMS for a federal offense and for most state offenses will not be eligible for parole. Even peaceful marijuana smokers sentenced to "life MMS" must serve a life sentence with no chance of parole.

### **MEDICAL CBD**

This state has passed a [medical CBD](#) law allowing for the use of cannabis extracts that are high in CBD and low in THC to treat severe, debilitating epileptic conditions.

### **TAX STAMPS**

This state has a marijuana [tax stamp](#) law enacted. This law mandates that those who possess marijuana are legally required to purchase and affix state-issued stamps onto his or her contraband. Failure to do so may result in a fine and/or criminal sanction. For more information, see NORML's report [Marijuana Tax Stamp Laws And Penalties](#).

# North Carolina CBD Specific Marijuana Law

Status

2014

## QUALIFYING CONDITIONS

- Intractable epilepsy

## PATIENT POSSESSION LIMITS

Cannabis extracts containing more than 10 percent CBD and no more than 0.3 percent THC

## HOME CULTIVATION

No

## STATE-LICENSED DISPENSARIES

No

## CAREGIVERS

No

## RECIPROCITY

No

## CONTACT INFORMATION

Department of Health