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Schedule II Narcotic Drug v. Non-Narcotic Drug

O.C.G.A. § 16-13-30(c) & (e)

Pursuant to O.C.G.A. § 16-13-30 the punishment for the purchase, possession, manufacture, distribution or sale of narcotic drugs listed in Schedule II is separate and distinct from the purchase, possession, manufacture, distribution or sale of non-narcotic drugs in Schedule II. O.C.G.A. § 16-13-30(c) & (e). Unfortunately, the statute does not clearly define which drugs listed in Schedule II are narcotic drugs and which are non-narcotic drugs.

The lack of a clear distinction between narcotic and non-narcotic drugs in Schedule II was discussed with the Chemistry Department of the Georgia Bureau of Investigation, Division of Forensic Sciences. The Department has advised:

“All substances, or salts thereof, except those narcotic drugs specifically exempted or listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis, listed in paragraphs (1) and (2) of Schedule II, are considered narcotic drugs pursuant to the Official Code of Georgia Annotated. The substances listed in paragraphs 3 and 4 of Schedule II are considered non-narcotic drugs.”

Be so advised when indicting pursuant to O.C.G.A. § 16-13-30(c) and (e).