



POLICY STATEMENT 75 ILLEGAL OR ABUSIVE USE OF ALCOHOL OR OTHER DRUGS BY STUDENTS

POLICY DIGEST

Monitoring Unit: Office of Student Life and Enrollment
Initially Issued: October 1, 1990
Last Revised: April 1, 2016

I. PURPOSE

Louisiana State University is committed to maintaining an environment which supports its educational mission. The illegal or abusive use of alcohol or other drugs by students interferes with the accomplishment of this mission. Louisiana State law prohibits the consumption, possession, distribution, possession with intent to distribute or manufacture of drugs described as controlled dangerous substances in the Louisiana Revised Statutes. Other Louisiana and East Baton Rouge Parish statutes define the illegal possession, consumption, and distribution of alcohol.

II. DEFINITIONS

Student: For the purpose of this Policy Statement, “student” is defined as any person taking one or more classes for any kind of academic credit except for continuing education units, regardless of the length of the student’s program of study.

III. POLICY AND PROCEDURES

A. Conduct Prohibited by the University

1. Students of Louisiana State University are responsible for knowing and abiding by the provisions of University policies, local ordinances, Louisiana law and federal law that make it a crime to possess, consume, possess with intent to distribute, dispense, or manufacture drugs including alcohol, except as provided for by law. These legal regulations are summarized in the Exhibits. Any student who violates local, state or federal laws, either on property owned or controlled by the University, or at such other locations in the community which substantially affect the University’s interest as an academic institution, will be subject to disciplinary action under the [LSU Code of Student Conduct](#).

B. Prevention and Intervention

1. Alcohol Policy Training: All recognized student organizations wishing to hold social events at which alcohol may be served must have at least three current executive officers and the University advisor of record attend an alcohol policy training workshop annually. Additionally, in any semester in which the organization wishes to hold a social event with alcohol, at least three current executive officers must have attended the alcohol policy training program. The workshop will cover compliance with laws/policies, responsible social event hosting, and means of responding to alcohol/drug problems and crises.

Workshops will be coordinated and implemented on behalf of the Division of Student Life and Academic Services through the Wellness Education Department of the Student Health Center. The Office of the Dean of Students shall maintain a current list of all student organizations that have met this requirement.

2. Parental Notification: While the University recognizes that students are adults who must make their own decisions and assume responsibility for their actions, it also promotes partnerships between parents/guardians and students to facilitate development, learning, and a more successful university life. Therefore, in addition to disciplinary sanctions, Louisiana State University may send written notification to parents/guardians of students under age 21 who have been found to violate the University's policies on alcohol and other drugs.
3. Education: The University, through the Wellness Education Department of the Student Health Center, provides educational programs about substance abuse and chemical dependency to students and other campus audiences. Sources of help at the University and in the community are offered to students when needed. Other educational opportunities are provided through various academic courses in the Colleges/Schools. The Exhibits describe the effects of alcohol and other drugs, also communicated through these educational opportunities.
4. Counseling and Support Services: The University, through the Mental Health Service of the Student Health Center, offers confidential assessment, referral, and treatment services to students exhibiting problems with alcohol or other drugs. In those cases where students may require inpatient or outpatient treatment, the University may refer students to agencies or programs outside the University.

C. Consequences of University Policy Violation

1. Code of Student Conduct: The adjudication of all student violations of any University alcohol and drug policy and the *LSU Code of Student Conduct* is administered by the Dean of Students Office or designee. Any student who is found to have violated the University alcohol and drug policies, or to possess, consume, distribute, or manufacture illegal drugs on or about the property of the University, or in other such circumstances as provided for by University policy, is subject to sanctions under the *LSU Code of Student Conduct*. Sanctions may include, but not be limited to, probation, suspension, expulsion, and mandated educational intervention. Sanctions for student organizations may include, but not be limited to, a loss of status as a student organization, a loss of privileges to use University facilities, a loss of social privileges, and/or mandated educational intervention. Copies of the [LSU Code of Student Conduct](#) are available on the LSU website.
2. Residential Housing Contracts: Students who are found to have violated alcohol and drug policies as specified in the *LSU Code of Student Conduct* and the Residential Housing Contract may be reassigned or removed from campus housing.
3. Mandated Educational Intervention Program: The University regards student violations of alcohol policy as a serious matter, but also as an opportunity for student development and learning. As such, in addition to disciplinary sanctions, students and student organizations found to have violated a University alcohol policy must participate in a mandated educational intervention program implemented by personnel of the Wellness Education Department of the Student Health Center.

D. Reporting

1. In compliance with the Drug-Free School and Campuses Act, Public Law 101- 226, at least once annually the University through the Vice President for Student Life & Enrollment will distribute in writing to each student as defined herein its policy regarding illegal acts involving alcohol or other controlled substances.
2. Every two years, the Executive Director/designee of the LSU Student Health Center will report to the President an assessment of the effectiveness of the institutional efforts at drug prevention, counseling, and treatment for students and will make recommendations for changes in those programs as needed. In addition, every two years the Dean of Students will report to the President all disciplinary actions taken under this policy to ensure consistent enforcement of sanctions.

IV. EXHIBITS

In Compliance with the Drug-Free School and Campuses Act, Public Law 101-226

A. Effects of Alcohol

1. Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including peer, spouse, and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.
2. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucination, and convulsions. Alcohol withdrawal can be life- threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.
3. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. Research also indicates that children of alcoholic parents are at greater risk than other children of becoming alcoholics. In addition to the primary effects of alcohol upon the individual consumer, other people and the community at large can suffer various secondary effects resulting from an individual's consumption of alcohol. These secondary harms include, among others, traffic crashes and fatalities, personal injury and death due to other alcohol-related causes, property damage and vandalism, legal costs, social and economic costs, and damage to the image of the community and institutions.

B. Effects of Other Drugs

Controlled Substances - Uses & Effects

| NARCOTICS | DRUGS CSA SCHEDULES | TRADE OR OTHER NAMES | MEDICAL USES | DEPENDENCE | | TOLERANCE | DURATION (Hours) | USUAL METHODS OF ADMINISTRATION | POSSIBLE EFFECTS | EFFECTS OF OVERDOSE | WITHDRAWAL SYNDROME | |
|-------------------------|------------------------|---|---|------------|---------------|-----------|---------------------|------------------------------------|--|--|---|---|
| | | | | Physical | Psychological | | | | | | | |
| NARCOTICS | Opium | II III IV | Analgic, antidiarrheal | High | High | Yes | 3 to 6 | Oral, smoked, injected, inhaled | Euphoria, drowsiness, depression, constricted pupils, nausea | Slow and shallow breathing, clammy skin, convulsions, coma, possible death | Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating | |
| | Morphine | II III | Analgic, antitussive | High | High | Yes | 3 to 6 | Oral, injected, inhaled | Euphoria, drowsiness, depression, constricted pupils, nausea | Slow and shallow breathing, clammy skin, convulsions, coma, possible death | Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating | |
| | Codeine | II III IV | Analgic, antitussive | Moderate | Moderate | Yes | 3 to 6 | Oral, injected, inhaled | Euphoria, drowsiness, depression, constricted pupils, nausea | Slow and shallow breathing, clammy skin, convulsions, coma, possible death | Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating | |
| | Heroin | I | None | High | High | Yes | 3 to 6 | Oral, injected, inhaled | Euphoria, drowsiness, depression, constricted pupils, nausea | Slow and shallow breathing, clammy skin, convulsions, coma, possible death | Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating | |
| | Hydromorphone | II | Analgic | High | High | Yes | 3 to 6 | Oral, injected | Euphoria, drowsiness, depression, constricted pupils, nausea | Slow and shallow breathing, clammy skin, convulsions, coma, possible death | Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating | |
| | Meperidine (Pethidine) | II | Analgic | High | High | Yes | 3 to 6 | Oral, injected | Euphoria, drowsiness, depression, constricted pupils, nausea | Slow and shallow breathing, clammy skin, convulsions, coma, possible death | Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating | |
| | Methadone | II | Analgic | High | High | Yes | 12 to 24 | Oral, injected | Euphoria, drowsiness, depression, constricted pupils, nausea | Slow and shallow breathing, clammy skin, convulsions, coma, possible death | Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating | |
| | Other Narcotics | I III IV V | Analgic, antidiarrheal, antitussive | High-Low | High-Low | Yes | Variable | Oral, injected | Euphoria, drowsiness, depression, constricted pupils, nausea | Slow and shallow breathing, clammy skin, convulsions, coma, possible death | Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating | |
| | DEPRESSANTS | | | | | | | | | | | |
| | Gamma Hydroxybutyrate* | I | None | None | Low | Low | Yes | 2 to 4 | Oral | Slurred speech, drowsiness, depression, without odor of alcohol | Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death | Anxiety, insomnia, tremors, delirium, convulsions, possible death |
| Ketamine Hydrochloride* | NA | Veterinary Anesthetic | Veterinary Anesthetic | Unknown | Unknown | Yes | 2 to 4 | Oral, injected, inhaled | Slurred speech, drowsiness, depression, without odor of alcohol | Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death | Anxiety, insomnia, tremors, delirium, convulsions, possible death | |
| Chloral Hydrate | IV | Hypnotic | Hypnotic | Moderate | Moderate | Yes | 5 to 8 | Oral | Slurred speech, drowsiness, depression, without odor of alcohol | Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death | Anxiety, insomnia, tremors, delirium, convulsions, possible death | |
| Barbiturates | II III IV | Anesthetic, anticonvulsant, sedative, hypnotic | Anesthetic, anticonvulsant, sedative, hypnotic | High-Mod | High-Mod | Yes | 1 to 16 | Oral | Slurred speech, drowsiness, depression, without odor of alcohol | Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death | Anxiety, insomnia, tremors, delirium, convulsions, possible death | |
| Benzodiazepines | IV | Anxiolytic, anticonvulsant, sedative, hypnotic | Anxiolytic, anticonvulsant, sedative, hypnotic | Low | Low | Yes | 4 to 8 | Oral | Slurred speech, drowsiness, depression, without odor of alcohol | Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death | Anxiety, insomnia, tremors, delirium, convulsions, possible death | |
| Methaqualone | I | Sedative, hypnotic | Sedative, hypnotic | High | High | Yes | 4 to 8 | Oral | Slurred speech, drowsiness, depression, without odor of alcohol | Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death | Anxiety, insomnia, tremors, delirium, convulsions, possible death | |
| Glutethimide | III | Sedative, hypnotic | Sedative, hypnotic | High | Moderate | Yes | 4 to 8 | Oral | Slurred speech, drowsiness, depression, without odor of alcohol | Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death | Anxiety, insomnia, tremors, delirium, convulsions, possible death | |
| Other Depressants | III IV | Anxiolytic, sedative, hypnotic | Anxiolytic, sedative, hypnotic | Moderate | Moderate | Yes | 4 to 8 | Oral | Slurred speech, drowsiness, depression, without odor of alcohol | Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death | Anxiety, insomnia, tremors, delirium, convulsions, possible death | |
| STIMULANTS | | | | | | | | | | | | |
| Cocaine** | II | Local anesthetic | Local anesthetic | Possible | High | Yes | 1 to 2 | Smoked, injected, inhaled | Increased alertness, excitation, euphoria, increased pulse rate & blood pressure, insomnia, loss of appetite | Agitation, increase in body temperature, hallucinations, convulsions, possible death | Apathy, long periods of sleep, irritability, depression, disorientation | |
| Amphetamines | II | Alertness deficit disorders, narcolepsy, weight control | Alertness deficit disorders, narcolepsy, weight control | Possible | High | Yes | 2 to 4 | Oral, injected | Increased alertness, excitation, euphoria, increased pulse rate & blood pressure, insomnia, loss of appetite | Agitation, increase in body temperature, hallucinations, convulsions, possible death | Apathy, long periods of sleep, irritability, depression, disorientation | |
| Phenmetrazine | II | Weight Control | Weight Control | Possible | High | Yes | 2 to 4 | Oral, injected | Increased alertness, excitation, euphoria, increased pulse rate & blood pressure, insomnia, loss of appetite | Agitation, increase in body temperature, hallucinations, convulsions, possible death | Apathy, long periods of sleep, irritability, depression, disorientation | |
| Methylphenidate | II | Alertness deficit disorders, narcolepsy | Alertness deficit disorders, narcolepsy | Possible | Moderate | Yes | 2 to 4 | Oral, injected | Increased alertness, excitation, euphoria, increased pulse rate & blood pressure, insomnia, loss of appetite | Agitation, increase in body temperature, hallucinations, convulsions, possible death | Apathy, long periods of sleep, irritability, depression, disorientation | |
| Other Stimulants | III IV | Weight Control | Weight Control | Possible | High | Yes | 2 to 4 | Oral, injected | Increased alertness, excitation, euphoria, increased pulse rate & blood pressure, insomnia, loss of appetite | Agitation, increase in body temperature, hallucinations, convulsions, possible death | Apathy, long periods of sleep, irritability, depression, disorientation | |
| HALLUCINOGENS | | | | | | | | | | | | |
| LSD | I | None | None | None | Unknown | Yes | 8 to 12 | Oral | Illusions and hallucinations, poor perception of time and distance | Longer, more intense trips, episodes, psychosis, possible death | Withdrawal syndrome not reported | |
| Mescaline and Peyote | I | None | None | None | Unknown | Yes | 8 to 12 | Oral | Illusions and hallucinations, poor perception of time and distance | Longer, more intense trips, episodes, psychosis, possible death | Withdrawal syndrome not reported | |
| Amphetamine Variants | I | None | None | Unknown | Unknown | Yes | Variable | Oral, injected | Illusions and hallucinations, poor perception of time and distance | Longer, more intense trips, episodes, psychosis, possible death | Withdrawal syndrome not reported | |
| Phencyclidine | II | None | None | Unknown | High | Yes | Days | Smoked, oral, injected | Illusions and hallucinations, poor perception of time and distance | Longer, more intense trips, episodes, psychosis, possible death | Withdrawal syndrome not reported | |
| Phencyclidine Analogues | I | None | None | Unknown | High | Yes | Days | Smoked, oral, injected | Illusions and hallucinations, poor perception of time and distance | Longer, more intense trips, episodes, psychosis, possible death | Withdrawal syndrome not reported | |
| Other Hallucinogens | I | None | None | None | Unknown | Possible | Variable | Smoked, oral, injected | Illusions and hallucinations, poor perception of time and distance | Longer, more intense trips, episodes, psychosis, possible death | Withdrawal syndrome not reported | |
| CANNABIS | | | | | | | | | | | | |
| Marijuana | I | None | None | Unknown | Moderate | Yes | 2 to 4 | Smoked, oral | Euphoria, relaxed inhibitions, increased appetite, disoriented behavior | Fatigue, paranoia, possible psychosis | Insomnia, hyperactivity, and decreased appetite occasionally reported | |
| Tetrahydrocannabinol | III | Cancer chemotherapy, antiemetic | Cancer chemotherapy, antiemetic | Unknown | Moderate | Yes | 2 to 4 | Smoked, oral | Euphoria, relaxed inhibitions, increased appetite, disoriented behavior | Fatigue, paranoia, possible psychosis | Insomnia, hyperactivity, and decreased appetite occasionally reported | |
| Hashish | I | None | None | Unknown | Moderate | Yes | 2 to 4 | Smoked, oral | Euphoria, relaxed inhibitions, increased appetite, disoriented behavior | Fatigue, paranoia, possible psychosis | Insomnia, hyperactivity, and decreased appetite occasionally reported | |
| Hashish Oil | I | None | None | Unknown | Moderate | Yes | 2 to 4 | Smoked, oral | Euphoria, relaxed inhibitions, increased appetite, disoriented behavior | Fatigue, paranoia, possible psychosis | Insomnia, hyperactivity, and decreased appetite occasionally reported | |

** - These are known as Designer Drugs ** - Designated a narcotic under the CSA *** - Not designated a narcotic under the CSA

V. LOUISIANA AND EAST BATON ROUGE PARISH CRIMINAL PENALTIES

A. Controlled Dangerous Substances

1. It is unlawful in Louisiana to produce, manufacture, distribute, dispense or possess with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance classified in Schedules I through V unless such substance was obtained directly or pursuant to a valid prescription or order from a licensed physician or veterinarian or as a provider in R.S. 40:978, while acting in the course of his or her professional practice, or except as otherwise authorized by law. Penalties for violation of laws regulating controlled dangerous substances follow:
 - a. Schedule I: Various opiates, hallucinogens, depressants, and stimulants (R.S. 40:966). The maximum penalty for production, manufacture, distribution, or possession with intent to produce, manufacture, distribute or dispense Schedule I narcotic drugs, is life imprisonment at hard labor without benefit of probation or suspension of sentence, and a fine of up to \$50,000. The maximum penalty for the possession of any Schedule I drug, excluding marijuana or its chemical derivatives, is imprisonment at hard labor for 4-20 years (depending on the substance) and a fine of not more than \$5,000. The maximum penalty for a first offense possession of marijuana or its chemical derivatives shall be a fine of not more the \$500, imprisonment for not more than 6 months, or both. For quantities of 60+ pounds of marijuana, the penalty shall be imprisonment for a minimum of 10 years up to 50 years without benefit of probation or parole, and a fine of \$50,000-\$1,000,000, depending on the quantity involved.
 - b. Schedule II: Other narcotics, opiates, stimulants, and depressants (R.S. 40:967): The maximum penalty for violating Louisiana law concerning the production, manufacture, distribution, or possession with intent to produce, manufacture, distribute, or dispense, of any substances under Schedule II which is a narcotic drug, except cocaine or cocaine base, or which is amphetamine or methamphetamine, shall be imprisonment at hard labor for not less than 5 years up to 99 years, and a fine up to \$500,000. For Pentazocaine, the maximum penalty shall be imprisonment at hard labor for not less than 7-10 years without benefit of parole, probation, or suspension of sentence, and a fine up to \$15,000. For production or manufacture of cocaine or cocaine base, the penalty shall be life imprisonment and a fine up to \$500,000. For any other Schedule II drug, the penalty shall be imprisonment at hard labor for not more than 10 years, and a fine of not more than \$15,000. For possession of a Schedule II drug, the penalty shall be imprisonment from 2-60 years and a fine of \$5,000 to \$600,000, depending on the drug and quantity involved.
 - c. Schedule III and IV: Stimulants, depressants, other narcotics, and anabolic steroids (R.S. 40:968 and R.S. 40:969): The maximum penalty for violating Louisiana law concerning the manufacture or distribution of controlled dangerous substances under Schedule III shall be a term of imprisonment at hard labor for not more than 10 years and a fine up to \$15,000. For possession of a Schedule III drug, the penalty shall be imprisonment up to 5 years and a fine up to \$5,000. For manufacture, distribution, or possession with intent to produce, manufacture, distribute or dispense of a Schedule IV drug, Flunitrazepam, shall be imprisonment at hard labor for not less than 5 to 30 years and a fine of not more than \$50,000. For any other Schedule IV drug, the penalty shall be imprisonment at hard labor for up to 10 years and a fine not more than

\$15,000. For possession of a Schedule IV drug, the penalty shall be imprisonment up to 10 years and a fine up to \$5,000.

- d. Schedule V Drugs (R.S. 40:970): For manufacture, distribution, or possession with intent to produce, manufacture, distribute or dispense a Schedule V drug, the penalty shall be imprisonment up to 5 years and a fine up to \$5,000. The maximum penalty for possession of a Schedule V Drug is up to 5 years imprisonment and a fine of up to \$5,000.

B. Alcoholic Beverages

1. Alcohol Possession or Consumption by Person Under Age 21 (RS 14:93): In Louisiana, it is illegal for persons under the age of 21 to purchase, possess, or consume an alcoholic beverage with some exceptions. In East Baton Rouge Parish (Title 13:91), it is illegal for persons under 21 years of age to consume any alcoholic beverage except for an established religious purpose; or with the knowledge, presence and consent of a parent, spouse (age 21 or older), or legal custodian; or for medical purposes. Whoever violates the city-parish ordinance shall be fined \$300 or be imprisoned for not more than 6 months, or both.
2. Misrepresentation of Age by a Minor (14:33): It is unlawful for any person under the age of 21 years to present or offer any evidence of age and identity which is false or fraudulent for the purpose of obtaining or purchasing alcoholic beverages. Whoever violates the provisions shall be punishable by one or more of the following: a fine of not more than \$200, community service not to exceed 30 hours, and/or suspension of the violator's true driver's license for 90 days.
3. Purchase of Alcohol for Persons Under Age 21 (RS 14.93): It is illegal for any person, other than a parent, spouse, or legal guardian, to purchase alcoholic beverages on behalf of a person under 21 years of age. Whoever violates this law shall be fined not more than \$500 or imprisoned for not more than 30 days, or both.
4. Public Drinking: In Louisiana (RS 14:93), it is unlawful for any person under age 21 to purchase or have public possession of any alcoholic beverage. Violators are fined \$100 or imprisoned for not more than 6 months. In East Baton Rouge Parish (Title 13:1018), it is illegal for any person to possess, imbibe or drink alcoholic beverages in or on any public street, alley, sidewalk, right-of-way, park, playground, square or unenclosed public place, including the parking lot or other property adjacent to any licensed premise – unless a special event permit has been issued. Also, it is unlawful to remove an open container containing alcoholic beverages from any establishment that is licensed to sell alcohol. Whoever is guilty of this violation shall be fined not more than \$500, or imprisoned for not more than 6 months, or both.
5. Drinking in a Motor Vehicle: In Louisiana (RS 32:300), it is illegal for the driver of a vehicle to possess an alcoholic beverage that is open to consumption including any bottle, can, cup, or other receptacle which has been opened or the contents have been partially removed, or has a straw protruding. Fines range from \$100-\$500. In East Baton Rouge Parish (Title 13:1018), it is unlawful for any person to drink, consume or be in possession of an alcoholic beverage while operating, or while riding as a passenger in, any private motor vehicle on a public road. In East Baton Rouge Parish, it also shall be unlawful to possess a container containing alcoholic beverage which has been opened (unless

placed in the trunk). On a first conviction, the offender shall be fined not less than \$125 and imprisoned for not less than 10 days nor more than 6 months.

6. Driving While Intoxicated (DWI) (RS 14:98, RS 32:661-669): It is illegal to operate any motor vehicle, aircraft, watercraft, vessel or other means of conveyance by the operator when they are 1) under the influence of alcohol beverages; 2) have a blood alcohol concentration of 0.08 or greater for persons over age 21, or 0.02 or greater for persons under age 21; 3) under the influence of narcotic drugs, central nervous system stimulants, hallucinogenic drugs or barbiturates to include prescription drugs. The maximum penalties upon arrest for a first DWI (Implied Consent Law) include loss of driver's license for 90 days up to 180 days. The maximum penalties for a first DWI conviction include a criminal record, 6 months in jail, \$1,000 fine plus court costs, and loss of a driver's license for 90 days. (Note: Third+ convictions are felonies.) For Underage Driving Under the Influence (DUI) the maximum penalties for persons under age 21 include a criminal record, a loss of driver's license for 6 months, a fine of \$100-\$250, and participation in substance abuse and driver improvement programs. Penalties increase with subsequent violations to include jail time and vehicle seizure.

VI. FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL TRAFFICKING AND POSSESSION OF A CONTROLLED SUBSTANCE

| Controlled Substances Act Schedule | First Offense | Second Offense | Quantity | Drug | Quantity | First Offense | Second Offense |
|------------------------------------|---|---|-------------------------------------|------------------------|---|---|--|
| I and II | Not less than 5 years. Not more than 40 years. *if death or serious injury, not less than 20 years or more than life *Fine of not more than \$2 million individual \$5 million other than individual | Not less than 10 years. Not more than life. *if death or serious injury, not less than life *Fine of not more than \$4 million individual \$10 million other than individual | 10-99 gm pure or 100-999 gm mixture | Methamphetamine | 100 gm or more pure of 1 kg or more mixture | Not less than 10 years. Not more than life. *if death or serious injury, not less than 20 years or more than life *Fine of not more than \$4 million individual \$10 million other than individual | Not less than 20 years. Not more than life. *if death or serious injury, not less than life. *Fine of not more than \$8 million individual \$20 million other than individual |

| Controlled Substances Act Schedule | First Offense | Second Offense | Quantity | Drug | Quantity | First Offense | Second Offense |
|------------------------------------|---|---|--------------------|---------------|----------------------|---|--|
| I and II | Not less than 5 years. Not more than 40 years. *if death or serious injury, not less than 20 years or more than life *Fine of not more than \$2 million individual \$5 million other than individual | Not less than 10 years. Not more than life. *if death or serious injury, not less than life *Fine of not more than \$4 million individual \$10 million other than individual | 100-999 gm mixture | Heroin | 1 kg or more mixture | Not less than 10 years. Not more than life. *if death or serious injury, not less than 20 years or more than life *Fine of not more than \$4 million individual \$10 million other than individual | Not less than 20 years. Not more than life. *if death or serious injury, not less than life. *Fine of not more than \$8 million individual \$20 million other than individual |

| Controlled Substances Act Schedule | First Offense | Second Offense | Quantity | Drug | Quantity | First Offense | Second Offense |
|------------------------------------|--|--|----------------------|----------------|----------------------|--|---|
| I and II | Not less than 5 years. Not more than 40 years. *if death or serious injury, not less than 20 years or more than life *Fine of not more than \$2 million individual \$5 million other than individual | Not less than 10 years. Not more than life. *if death or serious injury, not less than life *Fine of not more than \$4 million individual \$10 million other than individual | 500-4,999 gm mixture | Cocaine | 5 kg or more mixture | Not less than 10 years. Not more than life. *if death or serious injury, not less than 20 years or more than life *Fine of not more than \$4 million individual \$10 million other than individual | Not less than 20 years. Not more than life. *if death or serious injury, not less than life. *Fine of not more than \$8 million individual \$20 million other than individual |

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|------------------------------------|--|--|-----------------|---------------------|-----------------------|--|---|
| I and II | Not less than 5 years. Not more than 40 years. *if death or serious injury, not less than 20 years or more than life *Fine of not more than \$2 million individual \$5 million other than individual | Not less than 10 years. Not more than life. *if death or serious injury, not less than life *Fine of not more than \$4 million individual \$10 million other than individual | 5-49 gm mixture | Cocaine Base | 50 gm or more mixture | Not less than 10 years. Not more than life. *if death or serious injury, not less than 20 years or more than life *Fine of not more than \$4 million individual \$10 million other than individual | Not less than 20 years. Not more than life. *if death or serious injury, not less than life. *Fine of not more than \$8 million individual \$20 million other than individual |

| Controlled Substances Act Schedule | First Offense | Second Offense | Quantity | Drug | Quantity | First Offense | Second Offense |
|------------------------------------|--|--|-------------------------------------|------|---|--|---|
| I and II | Not less than 5 years. Not more than 40 years. *if death or serious injury, not less than 20 years or more than life *Fine of not more than \$2 million individual \$5 million other than individual | Not less than 10 years. Not more than life. *if death or serious injury, not less than life *Fine of not more than \$4 million individual \$10 million other than individual | 10-99 gm pure or 100-999 gm mixture | PCP | 100 gm or more pure or 1 kg or more mixture | Not less than 10 years. Not more than life. *if death or serious injury, not less than 20 years or more than life *Fine of not more than \$4 million individual \$10 million other than individual | Not less than 20 years. Not more than life. *if death or serious injury, not less than life. *Fine of not more than \$8 million individual \$20 million other than individual |

| Controlled Substances Act Schedule | First Offense | Second Offense | Quantity | Drug | Quantity | First Offense | Second Offense |
|------------------------------------|--|--|----------------|------|-----------------------|--|---|
| I and II | Not less than 5 years. Not more than 40 years. *if death or serious injury, not less than 20 years or more than life *Fine of not more than \$2 million individual \$5 million other than individual | Not less than 10 years. Not more than life. *if death or serious injury, not less than life *Fine of not more than \$4 million individual \$10 million other than individual | 1-9 gm mixture | LSD | 10 gm or more mixture | Not less than 10 years. Not more than life. *if death or serious injury, not less than 20 years or more than life *Fine of not more than \$4 million individual \$10 million other than individual | Not less than 20 years. Not more than life. *if death or serious injury, not less than life. *Fine of not more than \$8 million individual \$20 million other than individual |

| Controlled Substances Act Schedule | First Offense | Second Offense | Quantity | Drug | Quantity | First Offense | Second Offense |
|------------------------------------|--|--|-------------------|-----------------|------------------------|--|---|
| I and II | Not less than 5 years. Not more than 40 years. *if death or serious injury, not less than 20 years or more than life *Fine of not more than \$2 million individual \$5 million other than individual | Not less than 10 years. Not more than life. *if death or serious injury, not less than life *Fine of not more than \$4 million individual \$10 million other than individual | 40-399 gm mixture | Fentanyl | 400 gm or more mixture | Not less than 10 years. Not more than life. *if death or serious injury, not less than 20 years or more than life *Fine of not more than \$4 million individual \$10 million other than individual | Not less than 20 years. Not more than life. *if death or serious injury, not less than life. *Fine of not more than \$8 million individual \$20 million other than individual |

| Controlled Substances Act Schedule | First Offense | Second Offense | Quantity | Drug | Quantity | First Offense | Second Offense |
|------------------------------------|--|--|------------------|--------------------------|-----------------------|--|---|
| I and II | Not less than 5 years. Not more than 40 years. *if death or serious injury, not less than 20 years or more than life *Fine of not more than \$2 million individual \$5 million other than individual | Not less than 10 years. Not more than life. *if death or serious injury, not less than life *Fine of not more than \$4 million individual \$10 million other than individual | 10-99 gm mixture | Fentanyl Analogue | 10 gm or more mixture | Not less than 10 years. Not more than life. *if death or serious injury, not less than 20 years or more than life *Fine of not more than \$4 million individual \$10 million other than individual | Not less than 20 years. Not more than life. *if death or serious injury, not less than life. *Fine of not more than \$8 million individual \$20 million other than individual |

VII. FEDERAL TRAFFICKING PENALTIES (AS OF JANUARY 1, 1996)

| Controlled Substances Act Schedule | Drug | Quantity | 1st Offense | 2nd Offense |
|------------------------------------|--|----------|--|---|
| I and II | Other Substances Not Listed Above: (law does not include marijuana, hashish, or hash oil) | Any | *Not more than 20 years *If death or serious injury, not less than 20 years, not more than life *Fine \$1 million individual, \$5 million not individual | *Not more than 30 years *If death or serious injury, life *Fine \$2 million individual, \$10 million not individual |
| III | All (included in Schedule III are anabolic steroids, codeine and hydrocodone with aspirin or Tylenol®, and some barbiturates) | Any | *Not more than 5 years *Fine not more than \$250,000 individual, \$1 million not individual | *Not more than 10 years *Fine not more than \$500,000 individual, \$2 million not individual |
| IV | All (included in Schedule IV are Darvon®, Talwin®, Equanil®, Valium®, and Xanax®) | Any | *Not more than 3 years *Fine not more than \$250,000 individual, \$1 million not individual | *Not more than 6 years *Fine not more than \$500,000 individual, \$2 million not individual |
| V | All (over-the-counter cough medicines with codeine are classified in Schedule V) | Any | *Not more than 1 year *Fine not more than \$100,000 individual, \$250,000 not | *Not more than 2 years *Fine not more than \$200,000 individual, \$500,000 not |
| | | | individual | individual |

| Description | Quantity | First Offense | 2nd Offense |
|------------------|---|---|---|
| Marijuana | 1,000 kg or more mixture; or 1,000 or more plants | <p>*Not less than 10 years, not more than life</p> <p>*If death or serious injury, not less than 20 years, not more than life</p> <p>*Fine not more than \$4 million individual, \$10 million other than individual</p> | <p>*Not less than 20 years, not more than life</p> <p>*If death or serious injury, not more than life</p> <p>*Fine not more than \$8 million individual, \$20 million other than individual</p> |
| Marijuana | 100 kg to 999 kg mixture; or 100-999 plants | <p>*Not less than 5 years, not more than 40 years</p> <p>*If death or serious injury, not less than 20 years, not more than life</p> <p>*Fine not more than \$2 million individual, \$5 million other than individual</p> | <p>*Not less than 10 years, not more than life</p> <p>*If death or serious injury, not more than life</p> <p>*Fine not more than \$4 million individual, \$10 million other than individual</p> |
| Marijuana | 50 to 99 kg mixture; 50 to 99 plants | <p>*Not more than 20 years</p> <p>*If death or serious injury, not less than 20 years, not more than life</p> <p>*Fine \$1 million individual, \$5 million other than individual</p> | <p>*Not more than 30 years</p> <p>*If death or serious injury, not more than life</p> <p>*Fine \$2 million individual, \$10 million other than individual</p> |
| Marijuana | Less than 50 kg mixture | <p>*Not more than 5 years</p> <p>*Fine not more than \$250,000, \$1 million other than individual</p> | <p>*Not more than 10 years</p> <p>*Fine \$500,000 individual, \$2 million other than individual</p> |
| Hashish | 10 kg or more | <p>*Not more than 5 years</p> <p>*Fine not more than \$250,000, \$1 million other than individual</p> | <p>*Not more than 10 years</p> <p>*Fine \$500,000 individual, \$2 million other than individual</p> |

| | | | |
|-------------|--------------|---|---|
| Hashish Oil | 1 kg or more | <p>*Not more than 5 years</p> <p>*Fine not more than \$250,000, \$1 million other than individual</p> | <p>*Not more than 10 years</p> <p>*Fine \$500,000 individual, \$2 million other than individual</p> |
|-------------|--------------|---|---|

VIII. SOURCE

The Higher Education Center for Alcohol and Other Drug Prevention, 2001.

A. Federal Possession Penalties

1. 21 U.S.C. 844(a)

- a. 1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.
- b. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, or both.
- c. After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.
- d. Special sentencing provision for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both, if:
 - i. 1st conviction and the amount of crack possessed exceeds 5 grams.
 - ii. 2nd crack conviction and the amount of crack possessed exceeds 3 grams.
 - iii. 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

2. 21 U.S.C. 853(a)(2) and 881(a)(7)

- a. Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack)

3. 21 U.S.C. 881(a)(4)

- a. Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

4. 21 U.S.C. 844a

- a. Civil fine of up to \$10,000 (pending adoption of final regulations).

5. 21 U.S.C. 853a

- a. Denial of Federal benefits, such as student loans, grants, contracts, and professional

and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

6. 18 U.S.C. 922(g)

- a. Ineligible to receive or purchase a firearm.

7. Miscellaneous

- a. Revocation of certain Federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

- i. Note: The above section includes only Federal penalties and sanctions. See previous sections on State penalties and sanctions that may apply.