Fall 2019

Dear Members of the University Community:

This statement is provided to students, faculty, and staff as part of Western New England University’s compliance with the Drug-Free Schools and Communities Act Amendments of 1989 which seek to eliminate the abuse of alcohol and drugs. Institutions of higher education who receive funding and other support such as grants, contracts, and certain financial assistance from the federal government will be subject to additional restrictions and conditions imposed upon them by the Drug-Free Workplace Act if efforts to maintain a drug and alcohol free workplace are not diligently enforced.

Violation of these federal regulations can result in loss of federal financial aid to students attending the University.

Western New England University seeks to provide a healthful living and learning environment. Please take the time to read these pages.

Sincerely,

Anthony S. Caprio
President
Policy

The general policies of Western New England University provide that the University campus and University activities are not a sanctuary from federal, state, and local laws. The policies of the University prohibit the unlawful use, possession, sale, distribution, or manufacture of controlled substances or alcohol on University property or as part of University activities.

Western New England University recognizes that alcoholism, drug addiction, and substance abuse may represent illnesses or conditions that require professional counseling, assistance, or treatment. Faculty, students, and staff with problems related to or stemming from alcohol or substance abuse or dependency are encouraged to utilize the services provided through the University or other sources of assistance. However, neither addiction nor abuse excuses any member of the campus community for violating the rights of others or for neglecting or performing inadequately academic or job-related responsibilities.

Resources available to members of the Western New England University community

**Faculty and Staff**
The Employee Assistance Program (EAP) is available to provide confidential counseling, assistance, and referral:

**Employee Assistance Program**
Longview Associates
504 Cottage Street
Springfield, MA 01104
413-785-4228 or 800-225-2527

**Students**
All Western New England University students may take advantage of the following resources:

**Counseling Services**
St. Germain Campus Center–Room 249
413-782-1221
Offers counseling for students. Also offers an extensive list of referral sources.

**Alcohol & Drug Education Services**
St. Germain Campus Center–Room 249B
413-782-1360
Offers education, assessment, counseling, and consultation. Also offers an extensive list of referral sources.

**All Members of the University Community**

**Alcoholics Anonymous 24-Hour Hotline**
413-332-2111

**Al-Anon & Alateen of Greater Springfield**
413-782-3406
Support group for anyone affected by a problem drinker.

**Drughelp**
1-800-662-HELP (4357)
A national toll-free “hotline” provides referral information for all areas of the country.

**Narcotics Anonymous (NA)**
413-747-0439, www.na.org (24 hour referral)

**Nar-Anon**
310-534-8188 or 800-477-6291
www.nar-anon.org
Support for people affected by a drug user.

**Spiritual Life Coordinator**
Sheila Hanifin
413-782-1628
Counseling, Treatment, and Rehabilitation Programs

Many well-qualified professionals and programs are available to provide assistance to individuals with substance abuse and dependency problems. Such services are generally available and the costs of participation may be covered in whole or in part by employee, family, or student health plans. No listing can cover all of the resources available in your community or close to your work location. Most hospitals and many health service providers in your community offer programs and services of counseling and treatment. Many churches and other religious and community organizations provide programs, counseling, and other services.

Standards of Conduct

The unlawful possession, use, or distribution of illicit drugs or alcohol by any student or employee on University property or as part of or in connection with any University activity is prohibited.

Student Code of Conduct, Section Two, Article III B Offenses of possession, such as (A) possession, use and/or distribution of any narcotic, drug, chemical compound, or other controlled substances, except as expressly permitted by law; (B) possession of drug paraphernalia (pipes, bongs, clips, hookahs, scales) whether used, unused or decorative. Such items are subject to confiscation.

Alcohol Policy of the Student Code of Conduct, Articles I - VII read as follows:

Article I: Statement of Expectations

“Western New England University supports social interaction based on sound decision making and, if that social interaction includes the use of alcoholic beverages, expects the use of alcoholic beverages to be made in a responsible and moderate manner and in accordance with the laws of the Commonwealth of Massachusetts.”

“Students under the age of 21 are prohibited from possessing, transporting, or consuming alcohol. The University also makes a distinction between underage and legal age residence areas on the campus. On this basis, students of any age (and their guests) may not possess, provide or consume alcohol in any underage residence facility. Students who are 21 or older and who live in Evergreen Village, Gateway Village and Southwood Hall may socialize with alcohol, so long as it is done in a manner consistent with the terms of this policy.”

Article II: Responsible Use “The University views responsible use as any activity or behavior that focuses on, and results in, the consumption of alcohol in moderation with an emphasis on the personal safety and welfare of others.”

“Because consumption of alcohol frequently involves socializing with others, it is expected that social events be approved by, and registered with, the University. A social event is defined as follows: (A) Any socializing with alcohol that is part of an event hosted by a recognized club or organization, regardless of the number persons involved or location. (B) Any socializing at a student’s place of residence that involves more than six guests when alcohol is being served.”

Article III: Alcoholic Beverages at University-Approved Social Events

“Requests for alcohol at University-approved events at any location other than the legal age residence areas must be received in the Student Activities and Leadership Development office at least four weeks in advance of the planned event. Any request for alcohol at a social event hosted by legal age residents at their place of residence must be made in advance; a minimum of one business week if requested through the office of Student Activities or a minimum of 48 hours if on the weekend and requested through the on-duty Residence Life supervisor.”

“All students serving alcohol in their on-campus residency are responsible for obeying the laws of the Commonwealth of Massachusetts as well as the regulations of the University. As host(s) of the social event, the resident(s) is/are also responsible as well as fiscally and judicially accountable for their guests and the behavior of their guests.”

Article IV: Other Building Prohibitions

“Consumption or possession of alcohol is not permitted in any faculty, staff, or administrative lounge or office, classroom or administrative work area at any time.”

Article V: Outdoor Prohibitions

“Consumption of alcohol is not permitted in any public or outdoor area of the campus unless specific written permission has been granted for the event.”

Article VI: Operating a Motor Vehicle

“Operating a vehicle while under the influence of alcohol is prohibited and subject to University, criminal, and civil action.”

Article VII: Proper Identification

“Misrepresentation of identification for the purpose of gaining access to an area (whether on or off campus) where alcohol is being sold or consumed is prohibited. Under Massachusetts law, persons who make, use, carry, sell, or distribute false identification cards are guilty of a felony.”

Student Disciplinary Sanctions

Student Code of Conduct, Section Two, Article IV

Summary Suspension: “The University reserves the right to take necessary and appropriate action to protect the educational environment and the safety and well-being of members of the University community. The Vice President for Student Affairs and Dean of Students or his/her designee has the authority to take steps to remove and to suspend temporarily (yet immediately) any student who allegedly violates this Code and whose continued presence on campus constitutes a credible danger to others, to property, or to himself or herself, or whose presence on campus might disrupt the operations of the University.”

Hold on University Documents: “The University reserves the right to place a hold on a diploma, degree certification, or transcript of any respondent, even if s/he has completed all academic requirements, until the process for reviewing conduct violation has been resolved and/or sanction completed.”

Student Code of Conduct, Section Three, Article VII - Range of Sanctions:

“The severity of the penalty imposed will be based on both the current case and the respondent’s previous record of misconduct as maintained in the office of the Vice President for Student Affairs and Dean of Students. Students found in violation of
the Student Code of Conduct are subject to one or more of the following range of sanctions:"

A. Dismissal from the University:
"Dismissal is permanent removal from University programs, facilities, and property without the privilege of readmission or access. This sanction shall be recorded in the student's file and on the student's transcript. Notations in the transcript shall be for a minimum length of time, to be designated by the hearing body at the time other sanctions are imposed. Once disciplinary action against a student has been initiated, including the appeal process, a hold will be placed on any request for transcripts. The range of time that notations shall remain on the transcript is as follows:

1. Offenses against another person: 1-6 years
2. Offenses against property: 1-3 years
3. Offenses of possession: 1-3 years
4. Offenses that threaten campus order: 1-3 years
5. Offenses of a criminal or immoral nature: 1-3 years

These time ranges may be assigned consecutively or concurrently. A dismissed student may petition to delete this notation on his/her transcript after that length of time has lapsed."

B. Suspension from the University:
"Suspension from the University is a sanction for a stated period of time or until specific conditions have been met. During the period of suspension, the student is not permitted access to University property, facilities, or programs. Suspension is noted in the student's file and on the student's transcript during the term of the suspension. If suspension occurs during a semester in progress, University practice mandates that all courses become administrative withdrawals."

C. Removal from University Housing:
"This sanction entails forfeiture of student housing privileges for a stated period of time, including visitation restrictions to any residence area owned or operated by the University. If loss of residency occurs during a semester, the balance of the room and board fee is nonrefundable and nontransferable."

D. Disciplinary Probation: "A serious sanction, disciplinary probation may be assigned for a stated period of time within which the student's rights to participate in cocurricular or University-sponsored activities, to use facilities, or to benefit from other University privileges may be limited or removed. During the probationary period, any violation by the student may be grounds for removal from university housing or suspension or dismissal from the University."

E. Censure: "Censure is a written statement to the student for misconduct warranting a stronger reprimand than a simple written warning. Further misconduct of a related or similar nature will warrant probationary status at a minimum. Censure may be taken into account in judging the seriousness or determining sanctions for future violations."

F. Warning: "This is an oral or (usually) written statement to the student that he/she has violated the Student Code of Conduct. A warning may be taken into account in judging the seriousness or determining sanctions for future violations."

G. Educational Sanctions: "Educational sanctions are intended to promote student learning as a result of misconduct and may include counseling referrals, community or campus service, a formal apology, assignment to educational programs, a research or self-reflection paper, or any other type of similar action. A failure to fulfill educational sanctions may be cause for further accountability of a more serious nature."

H. Fines or Restitution: "This sanction entails reimbursement to the University or to a third party for damage to person or property and/or accountability for specific acts of misconduct."

I. Removal from University Sponsored Travel or Travel Booked Through the University: "This sanction involves the forfeiture of traveling privileges for a stated period of time or for a specific trip sponsored by or booked through the University. Any deposit paid by a student for University sponsored travel will be nonrefundable should the student be removed from the trip due to academic, disciplinary, or other reasons prior to departure."

It should be noted that disciplinary sanctions are not limited to the above, and that the above shall serve as examples of internal sanctions commonly considered. The University also reserves the right to take civil or criminal action through the courts as necessary and desirable."

State and Federal Laws and Sanctions Concerning Drugs and Alcohol

In addition to disciplinary sanctions imposed by the University, all students, faculty, and staff should be aware that federal and state laws mandate that distribution or manufacture of drugs or alcohol are serious crimes. Conviction can lead to imprisonment, fines, and assigned community service. Courts do not lift prison sentences in order to allow convicted persons to attend college or continue their jobs. Felony and certain other convictions can prevent individuals from entering many fields of employment or professions and may have to be listed on applications for employment or admission to graduate or professional schools.

Many cities and towns in Massachusetts have local ordinances and regulations which prohibit public consumption of alcoholic beverages or consumption of alcoholic beverages on private property without the owner's consent. The Springfield Parks Commission prohibits public consumption of alcohol in its parks. Similar laws and regulations apply in most other states and in many localities.

Massachusetts law punishes sale or delivery of alcoholic beverages to persons under twenty-one with a fine of up to $2,000 and one year imprisonment. Misrepresenting one's age or falsifying an identification to obtain alcoholic beverages is punishable by a fine of $300 and loss of driver's license for 180 days. First conviction of driving under the influence of alcohol, marijuana, narcotics, stimulants, depressants, and glue vapors has a maximum penalty of a $5,000 fine, one-year revocation of driver's license, up to two and a half years in prison, and mandatory alcohol rehabilitation. The severity of the penalty imposed increases based on prior offenses.

Individuals stopped for operating under the influence who refuse to take a breathalyzer test; or if a breathalyzer test is taken and the blood alcohol percentage is .02 or above for persons under age 21, or .08 for persons age 21 or older, will have their driver's license immediately confiscated by the police officer and a temporary permit issued followed by the suspension of license within 15 days of notice. Massachusetts has criminal penalties
for use of controlled substances, or drugs, with penalties varying with the type of
drug. In general, use of narcotic and
addictive drugs, and drugs with high
potential for abuse have heavier penalties.

Possession of drugs is illegal without
valid authorization. While penalties for
possession are generally not as great as
for manufacture and distribution of drugs,
possession of a relatively large quantity
may be considered distribution. Under
both state and federal laws, penalties for
possession, manufacture, and distribution
are much greater for second and subsequent
convictions. Many laws dictate mandatory
prison terms and the full minimum term
must be served.

Massachusetts makes it illegal to be in a
place where heroin is kept and to be “in the
company” of a person known to possess
heroin. Anyone in the presence of heroin
at a private party or in a dormitory suite
risks a serious drug conviction. Sale and
possession of “drug paraphernalia” is illegal
in Massachusetts. Under federal laws and
some state laws, participation in drug-related
criminal activity can result in seizure or
forfeiture of personal property and other
assets utilized in conjunction with or
stemming from the proceeds of the illegal
activity. In addition, conviction of a
drug-related offense may entail civil fines
and denial or revocation of certain
licenses and benefits.

Persons convicted of drug possession under
state or federal law are ineligible for federal
student grants and loans or for participation
in federally sponsored research grants or
contracts for up to one year after the first
conviction, and up to five years after the
loss of benefits for five years after the first,
and up to three years plus 180 days.

A listing of some of the federal penalties
for certain drug-related offenses, as
summarized by the federal government,
is printed for your information at the
end of this statement.

* In accordance with the requirements of
the Drug Free Workplace Act of 1988, as a
condition of employment, any employee who
is engaged in the performance of work under
a federal grant or contract must notify the
University if he or she is convicted of a drug-
related offense not later than ten days after
conviction; students who receive Pell and
certain other federal grants are subject to
similar conditions and must report any
conviction of a drug-related offense to the
U.S. Department of Education within ten
days of the conviction if the offense occurred
during the period covered by the grant.

Cannabis is not allowed on the Western
New England University campus.

**Health Risks from the Use of Ilicit Drugs and Abuse of Alcohol**

The use of illicit drugs and the abuse of
legally obtained drugs and alcohol can
cause serious and permanent risk to life,
health, and functioning.

In addition to the risks to oneself, the
impairment of judgment, mental
functions, or coordination caused by use
or consumption of alcohol or narcotics
and other drugs may contribute to
accidents and serious injuries to others.

**Alcohol Effects:** Alcohol consumption
causes a number of marked changes in
behavior. Even low doses significantly
impair the judgment and coordination
required to drive a car 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
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. Repeated use of alcohol can
lead to dependence. Sudden cessation of
alcohol intake is likely to produce with-
drawal symptoms including severe anxiety,
tremors, hallucinations, 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 liver.

Mothers who drink alcohol during pregnancy
may give birth to infants with fetal alcohol
syndrome. These infants have irreversible
physical abnormalities and mental retardation.
In addition, research indicates that children
of alcoholic parents are at greater risk than
other youngsters of becoming alcoholics.

**Controlled Substances Effects:** There are
many serious and potentially irreversible or
life-threatening effects from the use of con-
trolled substances. A summary of some of
the effects of the use of controlled sub-
stances, as summarized by the federal gov-
ernment, is reprinted for your information
at the end of this statement.

**NEW LICENSE REVOCATION PROVISIONS**

**For Drivers 21 Years of Age and Above**

Automatic License Suspension: Drivers who
refuse to take a chemical or breath sobriety
test will have their license seized on the
spot. The license will be suspended for at
least 30 days.

Drivers who register a Blood Alcohol
Content (BAC) of .08 on the breath test will
have their license suspended for 30 days.

Drunk Driving Penalty: The penalty for
conviction of drunken driving, in addition
to the automatic loss of license before trial,
is a fine of from $500 to $5,000, loss of
license for one year, and mandatory
attendance in an alcohol program.

**For Drivers Under 21 Years of Age**

**Blood Alcohol Content:** A BAC of .02,
especially a zero tolerance level, is established
for underage drivers. The intent is that
underage drivers with any alcohol in their
blood will automatically lose their license.

**Breath Test:** Underage drivers who
refused to take a chemical or breath test
will automatically lose their license for
up to three years plus 180 days.
Using Fake Identification/Attempting to Purchase Alcohol/Transporting Alcohol

A person convicted in court of any of the previously mentioned offenses will automatically lose their driver’s license for 180 days. This is true even if the altered or fake identification is not their driver’s license. The license suspension is in addition to the court imposed penalty.

**Other Penalties:** Massachusetts law calls for the following penalties upon conviction of a first offense for the following:

- Providing alcohol to a minor: fine of not more than $2,000;
- Purchasing or attempting to purchase: fine of $300;
- Any person who transfers, alters, or defaces an identification card or license; makes, uses, carries, sells, or distributes false identification: fine of not more than $200 or imprisonment of not more than three months;
- Any minor found transporting alcohol: fine of $50.

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>LICENSE REVOCATION PERIOD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>OLD</td>
</tr>
<tr>
<td>Breath test refusal</td>
<td>120 days</td>
</tr>
<tr>
<td>Under 21 driver refusal or 2nd offense for adult</td>
<td>120 days</td>
</tr>
<tr>
<td>Third offense or more refusal of breath test</td>
<td>120 days</td>
</tr>
<tr>
<td>Registers .08 on breath test or .02 for under 21</td>
<td>90 days</td>
</tr>
<tr>
<td>First offense conviction</td>
<td>1 year</td>
</tr>
<tr>
<td>Second offense conviction</td>
<td>2 years</td>
</tr>
<tr>
<td>Third offense conviction</td>
<td>5 years</td>
</tr>
<tr>
<td>Fourth offense conviction</td>
<td>10 years</td>
</tr>
<tr>
<td>Fifth offense conviction</td>
<td>No provision</td>
</tr>
</tbody>
</table>

**FOR UNDER 21 DRIVERS**

<table>
<thead>
<tr>
<th>LICENSE SUSPENSION PERIOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registering .02 BAC</td>
</tr>
<tr>
<td>Refusal of breath test</td>
</tr>
<tr>
<td>Convicted of OUI at .08</td>
</tr>
<tr>
<td>Fake ID, transporting, or attempts to purchase alcohol</td>
</tr>
</tbody>
</table>

* In addition to these penalties, an under 21 driver refusing or failing the breath test must complete an alcohol program or face an additional 180 day license suspension.

**HOW THE PENALTIES HAVE CHANGED FOR DRUNK DRIVING IN MASSACHUSETTS**

<table>
<thead>
<tr>
<th>CONVICTION</th>
<th>OLD LAW</th>
<th>NEW LAW</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Offense</td>
<td>$100 - $1,000 maximum 2 years up to 1 year</td>
<td>$500 - $5,000 maximum 2.5 years up to 1 year</td>
</tr>
<tr>
<td>Fine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incarceration</td>
<td></td>
<td></td>
</tr>
<tr>
<td>License Suspension</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second Offense</td>
<td>$300 - $3,000 minimum 14 days; up to 2 years</td>
<td>$600 - $10,000 minimum 30 days, maximum 2.5 years* up to 2 years</td>
</tr>
<tr>
<td>Fine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incarceration</td>
<td></td>
<td></td>
</tr>
<tr>
<td>License Suspension</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Third Offense</td>
<td>$500 - $1,000 minimum 90 days 5 years</td>
<td>$1,000 - $15,000 minimum 150 days, maximum 5 years 8 years</td>
</tr>
<tr>
<td>Fine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incarceration</td>
<td></td>
<td></td>
</tr>
<tr>
<td>License Suspension</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fourth Offense (Felony)</td>
<td>$1,500 - $25,000 minimum 1 year, maximum 5 years 10 years</td>
<td></td>
</tr>
<tr>
<td>Fine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incarceration</td>
<td></td>
<td></td>
</tr>
<tr>
<td>License Suspension</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fifth Offense (Felony)</td>
<td>$2,000 - $50,000 minimum 2 years, maximum 5 years Lifetime</td>
<td></td>
</tr>
<tr>
<td>Fine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incarceration</td>
<td></td>
<td></td>
</tr>
<tr>
<td>License Suspension</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 New mandatory minimum sentences may be served in a special facility for rehabilitation of drunk drivers if state implements such facilities.
2 Law looks back 10 years for priors. 3 May now be tried as a felony.
4 For the second offense, there is actually a minimum of 60 days, however under circumstances, this will sometimes equal 30 days served.
### FEDERAL TRAFFICKING PENALTIES

<table>
<thead>
<tr>
<th>DRUGS/SCHEDULE</th>
<th>QUANTITY</th>
<th>PENALTIES</th>
<th>QUANTITY</th>
<th>PENALTIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cocaine (Schedule II)</td>
<td>500 - 4999 gms</td>
<td><strong>First Offense:</strong> Not less than 5 yrs, and</td>
<td>5 kgs or more</td>
<td><strong>First Offense:</strong> Not less than 10 yrs, and</td>
</tr>
<tr>
<td></td>
<td>mixture</td>
<td>not more than 40 yrs.</td>
<td>mixture</td>
<td>not more than life.</td>
</tr>
<tr>
<td>Cocaine Base (Schedule II)</td>
<td>28 - 279 gms</td>
<td><strong>Second Offense:</strong> Not less than 10 yrs, and</td>
<td>280 kgs or more</td>
<td>If death or serious injury, not less than 20</td>
</tr>
<tr>
<td></td>
<td>mixture</td>
<td>not more than life.</td>
<td>mixture</td>
<td>years or more than life.</td>
</tr>
<tr>
<td>Fentanyl (Schedule II)</td>
<td>40 - 399 gms</td>
<td><strong>Second Offense:</strong> Not less than 10 yrs, and</td>
<td>400 gms or more</td>
<td>If death or serious injury, not less than 20</td>
</tr>
<tr>
<td></td>
<td>mixture</td>
<td>not more than life.</td>
<td>mixture</td>
<td>years or more than life.</td>
</tr>
<tr>
<td>Fentanyl Analogue (Schedule I)</td>
<td>10 - 99 gms</td>
<td><strong>Second Offense:</strong> Not less than 10 yrs, and</td>
<td>100 gms or more</td>
<td>If death or serious injury, not less than 20</td>
</tr>
<tr>
<td></td>
<td>mixture</td>
<td>not more than life.</td>
<td>mixture</td>
<td>years or more than life.</td>
</tr>
<tr>
<td>Heroin (Schedule I)</td>
<td>100 - 999 gms</td>
<td></td>
<td>1 kg or more</td>
<td></td>
</tr>
<tr>
<td></td>
<td>mixture</td>
<td></td>
<td>mixture</td>
<td></td>
</tr>
<tr>
<td>LSD (Schedule I)</td>
<td>1 - 9 gms</td>
<td></td>
<td>10 gms or more</td>
<td></td>
</tr>
<tr>
<td></td>
<td>mixture</td>
<td></td>
<td>mixture</td>
<td></td>
</tr>
<tr>
<td>Methamphetamine (Schedule II)</td>
<td>5 - 49 gms pure or 50 - 499 gms mixture</td>
<td><strong>Second Offense:</strong> Not less than 10 yrs, and not more than life. Fine of not more than $8 million if an individual, $50 million if not an individual</td>
<td>50 gms or more pure or 500 gms or more mixture</td>
<td><strong>Second Offense:</strong> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than $20 million if an individual, $75 million if not an individual</td>
</tr>
<tr>
<td></td>
<td>mixture</td>
<td></td>
<td>100 gm or more pure or 1 kg or more mixture</td>
<td><strong>2 or More Prior Offenses:</strong> Life imprisonment. Fine of not more than $20 million if an individual, $75 million if not an individual.</td>
</tr>
</tbody>
</table>
### PENALTIES

<table>
<thead>
<tr>
<th>Category</th>
<th>Quantity</th>
<th>First Offense</th>
<th>Second Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Schedule I &amp; II drugs (and any drug product containing</td>
<td>Any amount</td>
<td><strong>First Offense:</strong> Not more than 20 yrs. If death or serious injury, not less</td>
<td><strong>Second Offense:</strong> Not more than 30 yrs. If death or serious injury, not less</td>
</tr>
<tr>
<td>Gamma Hydroxybutyric Acid)</td>
<td></td>
<td>than 20 yrs, or more than 10 yrs. Fine $1 million if an individual, $5 million if not an individual</td>
<td>than 30 yrs, or more than 10 yrs. Fine $2 million if an individual, $10 million if not an individual</td>
</tr>
<tr>
<td>Flunitrazepam (Schedule IV)</td>
<td>Less than 1 gm</td>
<td><strong>First Offense:</strong> Not more than 10 yrs. If death or serious injury, 15 yrs.</td>
<td><strong>Second Offense:</strong> Not more than 20 yrs. If death or serious injury, 30 yrs.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fine not more than $500,000 if an individual, $2.5 million if not an individual</td>
<td>Fine not more than $1 million if an individual, $5 million if not an individual</td>
</tr>
<tr>
<td>Other Schedule III drugs</td>
<td>Any amount</td>
<td><strong>First Offense:</strong> Not more than 5 yrs. Fine not more than $250,000 if an individual, $1 million if not an individual</td>
<td><strong>Second Offense:</strong> Not more than 10 yrs. Fine not more than $500,000 if an individual, $2 million if not an individual</td>
</tr>
<tr>
<td>Flunitrazepam IV</td>
<td>30 to 999 mgs</td>
<td><strong>First Offense:</strong> Not more than 5 yrs. Fine not more than $5 million if an individual, $25 million if not an individual</td>
<td><strong>Second Offense:</strong> Not more than 10 years. Fine not more than $100,000 if an individual, $250,000 if not an individual</td>
</tr>
<tr>
<td>All other Schedule IV drugs</td>
<td>Any amount</td>
<td><strong>First Offense:</strong> Not more than 1 yr. Fine not more than $100,000 if an individual, $250,000 if not an individual</td>
<td><strong>Second Offense:</strong> Not more than 4 yrs. Fine not more than $200,000 if an individual, $500,000 if not an individual</td>
</tr>
<tr>
<td>Flunitrazepam (Schedule IV)</td>
<td>Less than 30 mgs</td>
<td><strong>First Offense:</strong> Not more than 1 yr. Fine not more than $10 million if an individual, $50 million if not an individual</td>
<td><strong>Second Offense:</strong> Not more than 4 yrs. Fine not more than $200,000 if an individual, $500,000 if not an individual</td>
</tr>
<tr>
<td>All Schedule V drugs</td>
<td>Any amount</td>
<td><strong>First Offense:</strong> Not more than 1 yr. Fine not more than $10 million if an individual, $50 million if not an individual</td>
<td><strong>Second Offense:</strong> Not more than 4 yrs. Fine not more than $200,000 if an individual, $500,000 if not an individual</td>
</tr>
</tbody>
</table>

### FEDERAL TRAFFICKING PENALTIES - MARIJUANA

<table>
<thead>
<tr>
<th>DRUGS</th>
<th>QUANTITY</th>
<th>FIRST OFFENSE</th>
<th>SECOND OFFENSE</th>
</tr>
</thead>
</table>
| Marijuana       | 1,000 kg or more mixture; or 1,000 or more plants | Not less than 10 years, not more than life  
If death or serious injury, not less than 20 years, not more than life  
Fine not more than $10 million if an individual, $50 million if other than an individual | Not less than 20 years, not more than life  
If death or serious injury, mandatory life  
Fine not more than $20 million if an individual, $75 million if other than an individual |
| Marijuana       | 100 kg to 999 kg mixture; or 100 to 999 plants | Not less than 5 years, not more than 40 years  
If death or serious injury, not less than 20 years, not more than life  
Fine not more than $5 million if an individual, $25 million if other than an individual | Not less than 10 years, not more than life  
If death or serious injury, mandatory life  
Fine not more than $5 million if an individual, $50 million if other than an individual |
| Marijuana       | more than 10 kgs hashish; 50 to 99 kg mixture more than 1 kg of hashish oil; 50 to 99 plants | Not more than 20 years  
If death or serious injury, not less than 20 years, not more than life  
Fine $1 million if an individual, $5 million if other than an individual | Not more than 30 years  
If death or serious injury, mandatory life  
Fine $2 million if an individual, $10 million if other than individual |
| Marijuana       | 1 to 49 plants; less than 50 kg mixture | Not more than 5 years  
Fine not more than $250,000, $1 million if other than individual | Not more than 10 years  
Fine $500,000 if an individual, $2 million if other than individual |
| Hashish         | 10 kg or less                    | Fine not more than $250,000, $1 million if other than individual | Fine $500,000 if an individual, $2 million if other than individual |
| Hashish Oil     | 1 kg or less                     | Fine not more than $250,000, $1 million if other than individual | Fine $500,000 if an individual, $2 million if other than individual |
## STATE DRUG PENALTIES

### UNLAWFUL MANUFACTURE, DISTRIBUTION, POSSESSION OF DRUG WITH INTENT TO DISTRIBUTE OR MANUFACTURE

<table>
<thead>
<tr>
<th></th>
<th>FIRST OFFENSE</th>
<th>SUBSEQUENT OFFENSES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CLASS A</strong></td>
<td>State imprisonment for up to 10 years and a fine of not less than $1,000 nor more than $10,000</td>
<td>Mandatory minimum sentence of 3.5 years and a fine not less than $2,500 nor more than $25,000</td>
</tr>
<tr>
<td><strong>CLASS B</strong></td>
<td>State imprisonment for up to 10 years and a fine of not less than $1,000 nor more than $10,000</td>
<td>Mandatory minimum sentence of 2 years and a fine not less than $2,500 nor more than $25,000</td>
</tr>
<tr>
<td><strong>CLASS C</strong></td>
<td>State imprisonment for up to 5 years and a fine of not less than $500 nor more than $5,000</td>
<td>Mandatory minimum sentence of 2.5 years and a fine not less than $1,000 nor more than $10,000</td>
</tr>
<tr>
<td><strong>CLASS D</strong></td>
<td>State imprisonment for up to 2 years and a fine of not less than $500 nor more than $5,000</td>
<td>Mandatory minimum sentence of 1 year and a fine not less than $1,000 nor more than $10,000</td>
</tr>
<tr>
<td><strong>CLASS E</strong></td>
<td>Jail term for up to 9 months and a fine of not less than $250 nor more than $2,500</td>
<td>Jail term for up to 1.5 years and a fine not less than $500 nor more than $5,000</td>
</tr>
</tbody>
</table>

### DISTRIBUTION OF DRUGS TO MINORS

| **CLASS A**        | Mandatory minimum sentence of 5 years and a fine not less than $1,000 nor more than $25,000 |
| **CLASS B**        | Mandatory minimum sentence of 3 years and a fine not less than $1,000 nor more than $25,000 |
| **CLASS C**        | Mandatory minimum sentence of 2.5 years and a fine not less than $1,000 nor more than $25,000 |

### SALE, POSSESSION, OR MANUFACTURE OF DRUG PARAPHERNALIA WITH INTENT TO SELL

- **To Persons Over 18**: Mandatory minimum sentence of 1 year and a fine not less than $500 nor more than $5,000
- **To Persons Under 18**: Mandatory minimum sentence of 3 years and a fine not less than $1,000 nor more than $5,000

### POSSESSION

- **Heroin**: First offense—up to 2 years imprisonment and a fine up to $2,000
  - Subsequent offenses—mandatory minimum sentence of 2.5 years and a fine of up to $5,000
- **Marijuana or Class E**: First offense—up to 6 months imprisonment and a fine of up to $500
  - Civil offense (one ounce or less) no incarceration. Fine of $100
  - Subsequent offenses—up to 2 years imprisonment and a fine of up to $2,000
- **Cocaine Base**: First offense and quantity is 5 gm or more mixture
  - Not less that 5 years, but not more than 20 years; fine of at least $1,000
- **Second offense and quantity is 3 gm or more mixture**: Not less that 5 years, but not more than 20 years; fine of at least $1,000
- **Third offense and quantity is 1 gm or more mixture**: Not less that 5 years, but not more than 20 years; fine of at least $1,000
### DRUGS OF ABUSE/Uses and Effects

**U.S. Department of Justice/Drug Enforcement Administration**

<table>
<thead>
<tr>
<th>Drugs</th>
<th>CSA Schedules</th>
<th>Trade or Other Names</th>
<th>Medical Uses</th>
<th>Physical</th>
<th>Psychological</th>
<th>Tolerance</th>
<th>Duration (Hours)</th>
<th>Usual Method</th>
<th>Possible Effects</th>
<th>Effects of Overdose</th>
<th>Withdrawal Syndrome</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Narcotics</strong>&lt;br&gt;Heroin&lt;br&gt;Substance I</td>
<td></td>
<td>Diamorphine, Horse, Snark, Black tar, Chiva, Nega (black tar)</td>
<td>None in U.S., Analgesic, Antitussive</td>
<td>High</td>
<td>High</td>
<td>Yes</td>
<td>3-4</td>
<td>Injected, snorted, smoked</td>
<td>Euphoria, drowsiness, respiratory depression, constricted pupils, nausea</td>
<td>Slow and shallow breathing, clammy skin, convulsions, coma, possible death</td>
<td>Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating</td>
</tr>
<tr>
<td><strong>Dependence</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Morphone&lt;br&gt;Substance II</td>
<td>MS-Contin, Roxanol, Oramorph SR, MSIR</td>
<td></td>
<td></td>
<td>Analgesic</td>
<td>High</td>
<td>High</td>
<td>Yes</td>
<td>3-12</td>
<td>Oral, injected</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hydrocodeone&lt;br&gt;Substance II, Product III, V</td>
<td>Hydrocodeone w/ Acetaminophen, Vicodin, Vicoprofen, Tussionex, Lortab</td>
<td>Analgesic, Antitussive</td>
<td>High</td>
<td>High</td>
<td>Yes</td>
<td>3-6</td>
<td>Oral</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hydro-morphone&lt;br&gt;Substance II</td>
<td>Dilaudid</td>
<td>Analgesic</td>
<td>High</td>
<td>High</td>
<td>Yes</td>
<td>3-4</td>
<td>Oral, injected</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oxycodone&lt;br&gt;Substance II</td>
<td>Roxicod, Oxycodone w/ Acetaminophen, OxyContin, Endoet, Percocet, Percodan</td>
<td>Analgesic</td>
<td>High</td>
<td>High</td>
<td>Yes</td>
<td>3-12</td>
<td>Oral</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Codaine&lt;br&gt;Substance II, Products III, V</td>
<td>Acetaminophen, Guaiifenesin or Promethazine w/Codeine, Fiorinal, Fioricet or Tylenol w/Codeine</td>
<td>Analgesic, Antitussive</td>
<td>Moderate</td>
<td>Moderate</td>
<td>Yes</td>
<td>3-4</td>
<td>Oral, injected</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Narcotics&lt;br&gt;Substance II, III, IV</td>
<td>Fentanyl, Demerol, Methadone, Darvon, Stadol, Taiven, Paregoric, Buprenex</td>
<td>Analgesic, Antiarthral, Antitussive</td>
<td>High-Low</td>
<td>High-Low</td>
<td>Yes</td>
<td>Variable</td>
<td>Oral, injected, snorted.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Depressants</strong>&lt;br&gt;gamma Hydroxybutyric Acid&lt;br&gt;Substance I</td>
<td>GHB, Liquid Ecstasy, Liquid X, Sodium Oxylate, Xyrem</td>
<td>None in U.S., Anesthetic</td>
<td>Moderate</td>
<td>Moderate</td>
<td>Yes</td>
<td>3-6</td>
<td>Oral</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benzozeopine&lt;br&gt;Substance IV</td>
<td>Valium, Xanax, Halzoin, Ativan, Restoril, Rohypnol (Roofies, R-2, Klonopin)</td>
<td>Anxiolatia, Sedative, Anti-convulsant, Hypnotic, Muscle Relaxant</td>
<td>Moderate</td>
<td>Moderate</td>
<td>Yes</td>
<td>1-8</td>
<td>Oral, injected</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Depressants&lt;br&gt;Substance I, II, III, IV</td>
<td>Ambien, Sonata, Meprobamate, Choral Hyalite, Barbiturates, Methaqualone (Quaalude)</td>
<td>Anxiolatia, Sedative, Hypnotic</td>
<td>Moderate</td>
<td>Moderate</td>
<td>Yes</td>
<td>2-6</td>
<td>Oral</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Stimulants</strong>&lt;br&gt;Cocaine&lt;br&gt;Substance I</td>
<td>Coke, Coke, Snow, Crack, Boca, Blanca, Perico, Nieve, Soda</td>
<td>Local anesthetic</td>
<td>Possible</td>
<td>High</td>
<td>Yes</td>
<td>1-2</td>
<td>Snorted, smoked, injected</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amphetamine/ Methamphetamine&lt;br&gt;Substance II</td>
<td>Crank, Ice, Crystal, Krystal Meth, Speed, Adderal, Desoxine, Dexsyron</td>
<td>Attention deficit, hyperactivity disorder, narcolepsy, weight control</td>
<td>Possible</td>
<td>High</td>
<td>Yes</td>
<td>2-4</td>
<td>Smoked, Oral, injected, snorted.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Methylphenidate&lt;br&gt;Substance II</td>
<td>Ritalin (illy’s), Concerta, Focalin, Medatek</td>
<td>Attention deficit, hyperactivity disorder</td>
<td>Possible</td>
<td>High</td>
<td>Yes</td>
<td>2-4</td>
<td>Oral, injected, snorted, smoked</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Stimulants&lt;br&gt;Substance III, IV</td>
<td>Adage P, lonam, Prelu 2, Direx, Provigril</td>
<td>Vaso-constriction</td>
<td>Possible</td>
<td>Moderate</td>
<td>Yes</td>
<td>2-4</td>
<td>Oral</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Hallucinogens</strong>&lt;br&gt;MDMA and Analogs&lt;br&gt;Substance I</td>
<td>Ecstasy, XTC, Adam, MDA (Love Drug), MDEA (Eve), MDDB</td>
<td></td>
<td>None</td>
<td>None</td>
<td>Moderate</td>
<td>Yes</td>
<td>4-6</td>
<td>Oral, snorted, smoked</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LSD&lt;br&gt;Substance I</td>
<td>Acid, Microdot, Sunshine, Boomers</td>
<td></td>
<td>None</td>
<td>None</td>
<td>Unknown</td>
<td>Yes</td>
<td>8-12</td>
<td>Oral</td>
<td>Illusions and hallucinations, altered perception of time and distance</td>
<td>Apathy, long periods of sleep, irritability, depression, disinclination</td>
<td></td>
</tr>
<tr>
<td>Phenycyclidine and Analogs&lt;br&gt;Substance I, II, III</td>
<td>PCP, Angel Dust, Hg, Loveboat, Ketamine (Special K), PCE, PCP, TCP</td>
<td>Anesthetic (Ketamine)</td>
<td>Possible</td>
<td>High</td>
<td>Yes</td>
<td>1-12</td>
<td>Smoked, oral, injected, snorted</td>
<td>Unable to direct movement, feel pain, or remember</td>
<td>Drug seeking behavior *Not regulated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Hallucinogens&lt;br&gt;Substance I</td>
<td>Psilocybe mushrooms, Mescaline, Peyote Cactus, Ayahuasca, DMT, Dextro-methorphan* (DXM)</td>
<td></td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>Possible</td>
<td>4-8</td>
<td>Oral</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Cannabis</strong>&lt;br&gt;Marijuana&lt;br&gt;Substance I</td>
<td>Pot, Grass, Sinsemilla, Blunts, Mota, Yerba, Grifa</td>
<td></td>
<td></td>
<td>Unknown</td>
<td>Moderate</td>
<td>Yes</td>
<td>2-4</td>
<td>Smoked, oral</td>
<td>Euphoria, relaxed inhibitions, increased appetite, disinclination</td>
<td>Fatigue, paranoia, possible psychosis</td>
<td></td>
</tr>
<tr>
<td>Tetrahydro-cannabinol&lt;br&gt;Substance I, Product III</td>
<td>THC, Marinol</td>
<td>Antinauseant, Appetite stimulant</td>
<td>Yes</td>
<td>Moderate</td>
<td>Yes</td>
<td>2-4</td>
<td>Smoked, oral</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hashish and Hashish Oil&lt;br&gt;Substance I</td>
<td>Hash, Hash oil</td>
<td></td>
<td></td>
<td>Unknown</td>
<td>Moderate</td>
<td>Yes</td>
<td>2-4</td>
<td>Smoked, oral</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Anabolic Steroids</strong>&lt;br TESTOSTERONE&lt;br&gt;Substance III</td>
<td>Depo Testosterone, Sustanon, Sten, Cypt</td>
<td>Hypogonadism</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
<td>14-28 days</td>
<td>Injected</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Anabolic Steroids&lt;br&gt;Substance III</td>
<td>Parabolan, Winstrol, Equipoise, Anadrol, Sustanon, Primobolin-Dex, D-Ball</td>
<td>Anemia, Breast cancer</td>
<td>Unknown</td>
<td>Yes</td>
<td>Unknown</td>
<td>Variable</td>
<td>Oral, injected</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Inhalants</strong>&lt;br&gt;Amyl and Butyl Nitrite&lt;br&gt;Substance I</td>
<td>Pearls, Poppers, Rush, Locker Room</td>
<td>Angina (Amyl)</td>
<td>Unknown</td>
<td>Unknown</td>
<td>No</td>
<td>1</td>
<td>Inhaled</td>
<td>Flushing, hypotension, headache</td>
<td>Methemoglobinemia</td>
<td>Agitation</td>
<td></td>
</tr>
<tr>
<td>Nitrous Oxide&lt;br&gt;Substance I</td>
<td>Laughing gas, balloons, Whippets</td>
<td>Anesthetic</td>
<td>Unknown</td>
<td>Low</td>
<td>No</td>
<td>0.5</td>
<td>Inhaled</td>
<td>Impaired memory, slurred speech, drunken behavior, slow onset vitamin deficiency, organ damage</td>
<td>Vomiting, respiratory depression, loss of consciousness, possible death</td>
<td>Trembling, anxiety, insomnia, vitamin deficiency, confusion, hallucinations, convulsions</td>
<td></td>
</tr>
<tr>
<td>Alcohol&lt;br&gt;Substance I</td>
<td>Beer, wine, liquor</td>
<td></td>
<td>None</td>
<td>Unknown</td>
<td>High</td>
<td>Yes</td>
<td>1-3</td>
<td>Oral</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>