

Drug Free Schools and Communities Act Report

May 10, 2010

Policy Statement

In compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989, The Art Institute of Seattle has established the following rules:

The unlawful manufacture, distribution, dispensation, possession or use of controlled substances is prohibited at AiS or in any of its activities.

No employee shall report to work and no student shall come to class under the influence of a controlled substance used in an unlawful manner. It also is a violation of this policy for any employee to report for work under the influence of alcohol or to become under the influence of alcohol while at work, or for students to attend class under the influence of alcohol or to become under the influence of alcohol at any Institute activity. Any employee or student determined to have violated this drug and alcohol policy is subject to action by the college, including possible referral to a treatment program and/or disciplinary measures up to and including suspension and dismissal. Pursuant to federal law, all employees must notify the President or the Human Resources Director no later than five days after any criminal drug statute conviction for a violation occurring in the workplace. Within ten days of receiving actual notice of such a conviction, from the employee or otherwise, AiS will notify the appropriate federal agency that an employee engaged in the performance of a federal contract or grant has been convicted of a criminal drug statute violation. Within 30 days of receiving such notice, AiS will take appropriate disciplinary action, up to and including dismissal, or requiring the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program.

Students are reminded that as a pre-condition to accepting a Pell Grant they must sign a certificate stating they will not engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance during the period covered by a Pell Grant. Any recipient convicted of a criminal drug offense resulting from a violation occurring during the period of enrollment covered by the Pell Grant must report the conviction, in writing, within ten calendar days of the conviction.

The Art Institute of Seattle will make a good faith effort to maintain a drug-free school and workplace through the implementation of this policy, and will establish and maintain an alcohol and drug awareness program.

II. Sanctions

AiS, in all of its actions, seeks to uphold local, state and federal laws. Insofar as permitted by these laws, AiS will apply sanctions that could lead to a student performing community

service, being fined, suspended or expelled or an employee being disciplined, suspended or dismissed for violation of AiS's standards of conduct. Students and employees may also be referred for prosecution. Disciplinary sanctions may also include the completion of an appropriate rehabilitation program, at the student's or employee's expense, if necessary. All employees and students are expected to obey federal and state laws and regulations as outlined in Appendix A and B.

III. Abuse Counseling

Abuse of alcohol or drugs can lead to dependency and addiction, with serious consequences for personal health and overall quality of life. There are drug and alcohol counseling, treatment and rehabilitation facilities available where students and employees may seek advice and treatment.

School Resources

The Art Institute of Seattle employs a Student Support Services Coordinator who provides the AiS community with preventative wellness information and resources regarding substance abuse and substance abuse related issues. Additionally, AiS contracts with the Wellness Corporation to offer a counseling referral service for students and employees. The Student Assistance Program provides at no extra cost to students short-term treatment programs and assessments. Faculty and staff have access to a similar Employee Assistance Program through their employee benefits program. Both the student and employee assistant programs can also provide community referral information for longer-term treatment programs.

Area Resources

The following list outlines some of the numerous resources for chemical dependency treatment in our local area

Seattle

Recovery Center of King County-Outpatient Guardian Recovery Program-Outpatient

464 12th Ave. Suite 300 Low Income
Seattle, WA 98122 Sliding Scale
(206)322-2970

4812 Aurora Ave. N. Adult/Adolescent
Seattle, WA 98103
(206)522-5856

Seattle Indian Health Board Outpatient

611 12th Ave. S. Suite 200 Low Income
Seattle, WA 98114 Minority/Vet
(206)324-9360

Stonewall Recovery Outpatient

430 Broadway Ave. E
Seattle, WA 98102
(206)461-4546

North Seattle - North King County

Residence XII Inpatient

12029 113th Ave. NE
Kirkland, WA 98034
(425)823-8844

Lakeside/Milam Recovery Centers Outpatient

7935 Lake Ballinger Way
Edmonds, WA 98026
(206) 525-6105

National Resources

There are also organizations that may be contacted for help. The Alcoholism and Drug Abuse Hotline (1-800-252-6465) and Cocaine Anonymous (1-800-347-8998) are open 24 hours a day. The National Institute on Drug Abuse Hotline (1-800-662-4357) is available from 8 a.m. to 2 a.m., Monday through Friday and from 11 a.m. to 2 a.m. on weekends.

Following is a listing of classic danger signals that may indicate the presence of a drug or alcohol problem:

- abrupt changes in mood or attitude
- decreased efficiency at work or at school

- Frequent absences, tardiness and/or early departures
- Relationship problems with family, friends and co-workers
- Unusual outbursts of anger and hostility
- Social withdrawal

We recommend that students who observe the above changes in themselves, other students, staff, or faculty immediately notify the school counselor. Employees should contact the Director of Human Resources. Caution must be observed not to wrongly accuse a person suspected of taking drugs or using alcohol.

IV. Effects of Drugs and Alcohol

Although individuals often use drugs and alcohol to achieve a variety of effects on mind and body which are found to be temporarily useful or pleasurable, drugs can be highly addictive and injurious. A person can pay a price in terms of his or her physical, emotional and social health.

This price can be paid in a number of ways. The risk of contracting sexually transmitted diseases, including AIDS, is increased through unwanted or unprotected sex when one is under the influence of drugs or alcohol. Drugs can be the trigger for violent crime. Economic and legal problems usually follow directly when one tries to support a drug habit by resorting to crime. The dependence, illness, loss of job, family or friends that can result from drug or alcohol use and abuse can be tragic.

Health Risks Associated With The Use Of Alcohol

Short Term Risks

- ❑ Increased risks of accidents and injuries
- ❑ Alcohol related traffic accidents (the leading cause of death for teens)
- ❑ Alcohol slows reaction time, decreases muscle coordination and impairs vision
- ❑ Fatal overdose
- ❑ Blackouts/ Unconsciousness
- ❑ Death by aspiration of vomit
- ❑ Nausea / Vomiting
- ❑ Gastritis

Possible Long Term Effects of Excessive Drinking

- ❑ Increased blood pressure
- ❑ Increased risk of heart attack
- ❑ Brain damage resulting in permanent psychosis
- ❑ Cancer of the mouth, esophagus or stomach
- ❑ Liver damage
- ❑ Ulcers/Gastritis/ Pancreatitis
- ❑ Birth defects
- ❑ In males - testicular atrophy and breast enlargement
- ❑ In females - increased risk of breast cancer
- ❑ Prolonged, excessive drinking can shorten life span by 10 - 12 years.

Health Risks Associated With The Use Of Drugs

Marijuana and Hashish

- ❑ Chronic bronchitis
- ❑ Increased risk of lung cancer
- ❑ In men - lower levels of testosterone and increase in abnormal sperm count

Stimulants (Cocaine)

- ❑ Painful nosebleeds and nasal erosion
- ❑ Intense "downs" that result in physical and/or emotional discomfort
- ❑ Tolerance and physical dependence can develop

Amphetamines ("Speed", "Uppers")

- ❑ Malnutrition
- ❑ Hallucinations
- ❑ Tolerance, psychological and sometimes physical

Depressants (Barbiturates, Tranquilizers, Methaqualone)

- ❑ Confusion, depression, loss of coordination
- ❑ Tolerance, physical and psychological
- ❑ Coma, death (caused by overdose)
- ❑ Can be lethal when combined with alcohol

Hallucinogens (LSD, PCP, DMT, STP, Mescaline)

- ❑ Hallucinations, panic, irrational behaviors
- ❑ (which can lead to increased risk of accidents, injuries)
- ❑ Tolerance overdose leading to convulsions, coma, death
- ❑ Possible birth defects in children of LSD users

Narcotics (Heroin, Morphine, Codeine, Opium)

- ❑ Hepatitis
- ❑ Loss of judgment and self-control leading to increased risk of accidents, injuries
- ❑ Tolerance can develop
- ❑ Overdose leading to convulsions, coma, death

Deliriant (Aerosols, Lighter Fluid, Paint Thinner)

- ❑ Permanent damage to lungs, brain, liver, bone marrow
- ❑ Overdose causing convulsions, death

I-V Drug Use

- ❑ Places one at risk for HIV infection (the virus causing AIDS) when needles are shared

Appendix A
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THE FEDERAL CONTROLLED SUBSTANCES ACT

Scheduling

The regulatory scheme of the federal controlled substances act classifies substances into five categories, or schedules. The categories are based upon such characteristics of drugs as potential for abuse, accepted medical use, and propensity to create a psychological or physiological dependency for users. Classification of drugs and periodic updating and re-publication of lists of drugs included in each category are the responsibility of the DEA.

Drugs in the most strictly controlled category, listed in schedule I of the classification scheme, have a high potential for abuse, no officially accepted medical use in the United States, and no acceptable safe level of use under medical supervision. Many narcotics, such as heroin and other opiates and opium derivatives fall into this category. In addition, many hallucinogenic drugs that have no officially recognized medicinal value in this country are listed in schedule I; included are such substances as marijuana, mescaline, peyote, psilocybin, and lysergic acid diethylamide (LSD).

Schedule II drugs have a high potential for abuse, and their use may lead to severe psychological or physiological dependencies; however, they have some recognized medicinal value. Drugs in this category include cocaine, morphine, methamphetamine, and phencyclidine (PCP). Dronabinol, the synthetic equivalent of the principal active ingredient in marijuana, recently was moved from schedule I to schedule II in recognition of its growing medical uses in treating glaucoma and chemotherapy patients. Similarly, in response to petitions by advocates of similar medical uses of marijuana, a DEA administrative law judge ruled in 1988 that marijuana should itself be moved to schedule II. However, the DEA administrator, concluding that the evidence was insufficient to prove marijuana's medical value, subsequently overruled the judge's decision.

Schedule III controlled substances have less potential for abuse than schedule I or II drugs and may lead to moderate or low physical dependence or high psychological dependence, but they have some accepted medical use. Substances listed in schedule III include limited quantities of some narcotic drugs, amphetamines, and derivatives of barbituric acid.

Schedule IV controlled substances have a low potential for abuse compared to substances in schedule III and, although they may lead to limited physical or psychological dependence, they have a currently accepted medical use. Substances in schedule IV include Phenobarbital, chlordiazepoxide hydrochloride (Librium), diazepam (Valium), and propoxyphene hydrochloride (Darvon).

Schedule V controlled substances have a low potential for abuse compared to substances in schedule IV and a currently accepted medical use; use may lead to limited physical or psychological dependence relative to schedule IV substances. Substances in schedule V are narcotic compounds containing a limited quantity of narcotic drugs together with one or more non-narcotic active medicinal ingredients.

Penalty Provisions

The federal CSA separates violations of CSA provisions into two major categories of offenses: the possession of controlled substances and the manufacture, distribution, or dispensing of, or the possession with intent to manufacture, distribute, or dispense, controlled substances. (The second category is referred to collectively in this *Guide* as "manufacture/delivery/sale" of controlled substances.) There is a flat penalty for possession offenses, but a graduated penalty structure for manufacture/delivery/sale offenses based on the type, amount, and purity of the substance involved in an offense. Penalties also differ depending upon whether the offense is committed by an "individual" or entities "other than individuals". Offenders in the latter category face much harsher fines than individuals.

Every possession offense carries a penalty of up to one year's incarceration and/or a minimum five years' incarceration and/or a minimum fine of \$2,500. Third or subsequent offenses are punishable by three months' to three years' incarceration and or a minimum fine of \$5,000. There is an exception to the general scheme for possession or "crack"

cocaine; a first offense carries a penalty of mandatory minimum term incarceration of five years, with a maximum of 20 years, as well as a minimum fine of \$1,000.

The basic penalty for the manufacture, delivery or sale of any schedule I or schedule II drug, or between 50kg. and 100kg. of marijuana, is a sentence of up to 20 years' imprisonment and/or a fine of up to \$1 million for an individual; entities other than individuals could receive a fine of up to \$5 million. If death or serious bodily injury results from the use of the drugs, the possible term of imprisonment ranges from 20 years to life. Second or subsequent violations of manufacture/delivery/sale provisions are punishable by up to 30 years' imprisonment and/or up to \$2 million in fines for individuals; the maximum fine for other entities is \$10 million. If death or serious bodily injury results from a sale and the offender has a felony drug conviction, there is a mandatory sentence of life imprisonment (See Table 1).

| Table 1 | | |
|---|---------------------------|---------------------------|
| Penalties for Manufacture/Delivery/Sale | | |
| Schedules I and II | | |
| | First Offense | Subsequent Offenses |
| | <u>Incarceration/Fine</u> | <u>Incarceration/Fine</u> |
| Individuals | | |
| No death/bodily injury | 0-20; \$1 million | 0-30; \$2 million |
| Death/bodily injury | 20-life; \$1million | life; \$2 million |
| Others | \$5 million | \$10 million |

Offenses involving schedule III drugs or offenses involving less than 50 kg. of marijuana; 100 or more marijuana plants, regardless of weight; less than 10 kg. hashish; or less than one kg. of hash oil are punishable by up to five years' incarceration and/or a \$250,000 fine for individuals; the potential fine is \$1 million for others. Second or subsequent offenses under this section are punishable by up to 10 years' incarceration and/or a \$500,000 fine for individuals; the maximum fine for others is \$2 million (See Table 2).

Table 2

Penalties for Manufacture/Delivery/Sale

Schedule III

| | First Offense | Subsequent Offenses |
|-------------|---------------------------|---------------------------|
| | <u>Incarceration/Fine</u> | <u>Incarceration/Fine</u> |
| Individuals | 0-5; \$250,000 | 0-10; \$500,000 |
| Others | \$1million | \$2 million |

Manufacture/delivery/sale offenses for schedule IV substances are punishable by up to three years' incarceration and/or a \$250,000 fine for individuals, \$1 million for others. Second or subsequent offenses under this section are punishable by up to six years' incarceration and/or a \$500,000 fine for individuals, \$2 million for others (See Table 3).

Table 3

Penalties for Manufacture/Delivery/Sale

Schedule IV

| | First Offense | Subsequent Offenses |
|-------------|---------------------------|---------------------------|
| | <u>Incarceration/Fine</u> | <u>Incarceration/Fine</u> |
| Individuals | 0-3; \$250,000 | 0-6; 500,000 |
| Others | \$1million | \$2 million |

The manufacture/delivery/sale of a schedule V substance is punishable by up to one year's incarceration and/or a \$100,000 fine for individuals, \$250,000 for others. Second or subsequent offenses under this provision are punishable by up to two years' incarceration and/or a \$200,000 fine for individuals, \$500,000 for others (See Table 4).

Table 4

Penalties for Manufacture/Delivery/Sale

Schedule V

| | First Offense | Subsequent Offenses |
|-------------|---------------------------|---------------------------|
| | <u>Incarceration/Fine</u> | <u>Incarceration/Fine</u> |
| Individuals | 0-1; \$100,000 | 0-2; \$200,000 |
| Others | \$250,000 | \$500,000 |

Under a provision of the 1986 drug act, the CSA also includes a measure stipulating that an offense involving a controlled substances analog - non-controlled chemical substance substantially similar to a controlled substance in chemical structure and psychotropic effects - shall trigger penalties as if it were a controlled substance listed in schedule I. This section is designed to combat the proliferation of “designer drugs”. In addition, the Congress has delegated to the U. S. Attorney General, who in turn has delegated to the DEA administrator, emergency scheduling powers, under which a substance not listed in the CSA schedules nevertheless may be treated as “controlled” for enforcement purposes for a period of one year, during which time hearings are conducted to determine whether listing the substance in the federal schedules is appropriate. However, because emergency scheduling takes effect without the procedural safeguards of hearing and review that are part of the regular scheduling process, the U. S. Court of Appeals for the 10th Circuit ruled in 1990 that emergency scheduling is unconstitutional. As of January 1991, an appeal of the decision was pending before the U. S. Supreme Court.

Recent amendments to the federal CSA also have increased penalties for violations involving specific amounts or more of heroin, cocaine, PCP, LSD, marijuana, and methamphetamine. A mandatory sentence of 10 years' to life imprisonment and a fine of up to \$4 million for individuals, or up to \$10 million for entities other than individuals, applies in any case where the manufacture/delivery/sale offense involves at least the following quantities of drugs: one kg. of a mixture containing heroin, five kg. of a mixture containing cocaine, 50g. of a mixture containing cocaine base, one kg. of a mixture containing PCP, 100 g. of PCP, 10 g. of a mixture containing LSD, 1,000 kg. of a mixture containing marijuana, and 11 kg. of methamphetamine. Second and subsequent offenses under this section are punishable by sentences of 20 years to life in prison and fines of up to \$8 million for individuals, \$20 million for others. If death or serious bodily injury results from a first offense, there is a mandatory sentence of 20 years to life in

prison; if the offender has a previous felony drug conviction, the mandatory sentence is life imprisonment.

A second tier of enhanced penalties provides that offenders who manufacture/deliver/sell less than the quantities enumerated above, but more than the following amounts, receive sentences of five to 40 years' imprisonment and a fine of up to \$2 million for individuals, \$5 million for others: 100 g. of a mixture containing heroin, 500 g. of a mixture containing cocaine, five grams of a substance containing cocaine base, 10g. of a mixture containing PCP, one gram of a substance containing LSD, 100 kg. of marijuana, and 10 g. of a mixture containing methamphetamine. Second or subsequent violations are punishable by 10 years to life in prison and a \$4 million to \$10 million fine. If death or serious bodily injury results from a first offense, the mandatory sentence is 20 years to life imprisonment (See Table 5).

| Table 5 | | | |
|---|--|-------------------------------------|----------------------------|
| Penalties for Manufacture/Delivery/Sale Targeted Drugs | | | |
| | <u>First Offense</u> | <u>Second Offense</u> | <u>Subsequent Offenses</u> |
| Penalty Group One | Base Penalty | Base Penalty | |
| Heroin \geq 1 kg. | 10-life | 20-life | life |
| Cocaine \geq 5 kg. | \$4 million | \$8 million | \$8 million |
| "Crack" \geq 50 g. | (individual) | (individual) | (individual) |
| PCP \geq 100 g. | \$10 million (other) | \$20 million | \$20 million (other) |
| LSD \geq 10 g. | | (other) | |
| Marijuana \geq 1,000 kg. | Death/Serious Injury 20-life | Death/Serious Injury life | |
| Methamphetamine \geq 1 kg. | | | |
| Penalty Group Two | Base Penalty | Base Penalty | |
| Heroin \geq 100 g. | 5-40 | 10-life | life |
| Cocaine \geq 500 g. | \$2 million | \$4 million | \$8 million |
| "Crack" \geq 5 g. | (individual) | (individual) | (individual) |
| PCP \geq 10 g. | \$5 million (other) | \$10 million | \$20 million (other) |
| LSD \geq 1 g. | | (other) | |
| Marijuana \geq 100 kg. | Death/Serious Injury 20-life | Death/Serious Injury life | |
| Methamphetamine \geq 10 g. | | | |

In addition, the Crime Control Act of 1990 amends § 841 of the federal CSA to require the U. S. Sentencing Commission to revise current sentencing guidelines to enhance by two offense levels the penalties for offenses involving smokable crystal methamphetamine.

Forfeiture Provisions

In addition to progressively harsher sentences for initial and repeat drug laws offenses, the federal CSA provides for other sanctions against offenders who have profited from their illegal activity. Specifically, the statute permits the government to bring civil forfeiture actions against drug trafficking proceeds and other property used to facilitate CSA violations. Forfeiture deprives criminals of the proceeds of their illegal activities and generates revenues that can support drugs laws enforcement activity. Under § 881 of the CSA, the following items are forfeitable: all controlled substances manufactured, distributed, or possessed in violation of the CSA; raw materials or equipment used to manufacture, import, or export controlled substances; any property used as a container for controlled substances; all conveyances, including aircraft, vehicles, or vessels, used or intended for use to transport controlled substances; all books, records and researched used to violate the CSA; all moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished in exchanged for controlled substances, or all such property traceable to such an exchange; and all real property used to facilitate violations of the CSA. The Crime Control Act of 1990 amended § 881 to provide for the forfeiture of drug paraphernalia and any firearm used to facilitate a drug offense.

Federal agencies may forfeit through administrative processes monetary instruments and conveyances of any value, as well as any non-real property of up to \$500,000 in value. Any other property valued at more than \$500,000 and any real property must be forfeited through judicial processes.

Forfeited assets or proceeds from their sale are deposited into the U. S. Department of Justice's Assets Forfeiture Fund, administered by the U. S. Marshals Service, and may be used to buy equipment, refurbish seized conveyances for official use and to pay awards for information, among other purposes. Monies deposited into the fund also may be shared with foreign, state, and local law enforcement agencies that participate in cooperative investigations with federal agencies. (See, "U.S. Attorney General's Guidelines for Seized and Forfeited Property", Appendix C)

Recently Created Offenses

In response to drug dealers' increased use of minors to sell drugs to other minors, particularly in or around schools, or to deliver drugs to other distributors, the federal CSA also has been amended to provide for special penalties for offenses involving minors. First, any person 18 years of age or older who distributes a controlled substance to a person under 21 years old is subject to a sentence of up to twice the term and fine otherwise authorized. In addition, the statute provides that any person who distributes a controlled substance in, on, or within 1,000 feet of real property of a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university shall receive a sentence of one year or greater. The same enhanced

penalty is applicable to persons convicted of distributing controlled substances within 100 feet of a playground, public or private youth center, public swimming pool, or video arcade facility. Finally, any person at least 18 years of age who hires, employs coerces, or uses anyone under 18 years old to violate any part of the CSA or to assist in avoiding apprehension by law enforcement officials faces up to twice the term and fine otherwise authorized for the offense, with a minimum sentence of one year's incarceration. The amendments also provide for similar sanctions against any person who knowingly distributes controlled substances to a pregnant woman.

Other recently added CSA provisions are intended to address the distribution and use of drug paraphernalia. Provisions of the 1986 anti-drug abuse act make it unlawful to use the U. S. Postal Service or other interstate shippers to sell, offer for sale, import, or export drug paraphernalia. The 1990 crime control act bars any sale, offer for sale, import or export of paraphernalia. Violations of the provisions are punishable by up to three years' incarceration and/or a \$100,000 fine.

Another recent measure, a so-called "safehouse" provision, provides that anyone who maintains, rents, or leases any building, room, or other enclosure for the purpose of manufacturing, distributing, or using controlled substances faces up to 20 years' imprisonment and/or a \$500,000 fine.

Moreover, recent changes to the federal CSA reflect an effort to decrease the prevalence of controlled substances by regulating the manufacture and distribution of immediate precursors, the chemical compounds used in the manufacture of controlled substances. Targeted precursor chemicals are listed in the definitions section of the federal CSA. The basic penalty provision concerning precursor chemicals authorizes sentence of up to 10 years' incarceration and/or a fine of up to \$250,000 on a person who possesses a listed precursor chemical with the intent to manufacture a controlled substance or who possesses or distributes a listed chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to manufacture a controlled substance. In addition, precursors to PCP, amphetamines, and methamphetamines are enumerated specifically in schedule II, making them subject to regulation in the same manner as other schedule II substances.

Because of the dangerous side effects and addictive attributes of anabolic steroids, the use of these substances for enhancement of athletic performance or other non-medical purposes also has come under federal CSA regulation. Distribution of anabolic steroids for human use, other than pursuant to a physician's order for the treatment of disease, is punishable by a sentence of up to five years' incarceration and/or a fine of up to \$250,000.

Appendix B

Washington State Law - Alcohol

RCW 66.24.481 - Public place or club - No public place may keep liquor or permit its consumption unless authorized by a state banquet permit.

RCW 66.44.200 - Sales to persons apparently under the influence of liquor - Prohibits the sale of any alcohol to a person apparently under the influence of liquor.

RCW 66.44.270 - Furnishing liquor to minors - possession, use. - Prohibits the sale or supply of liquor to a minor, and prohibits anyone from permitting a minor to consume liquor on premises under that person's control. Prohibits minors from possessing, consuming, or otherwise acquiring any liquor.

Appendix C
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WASHINGTON

Wa. Rev. Code. Ann. §§ 69.50.101 to 69.50.608

Washington's CSA schedules generally conform to the federal schedules. The state CSA provides for automatic addition, deletion, or rescheduling of controlled substances to conform to changes in the federal schedules. Precursors to PCP and methamphetamine are schedule II substances. All penalties for possession of any controlled substance, except marijuana, are the same. The are listed under "flat penalty" in the chart.

MAJOR PROVISIONS OF CSA

PENALTY PROVISIONS

| | FIRST OFFENSE | SECOND OFFENSE | SUBSEQUENT OFFENSES |
|---|---|--|---------------------|
| Possession Offenses | | | |
| flat penalty | 0-5; \$10,000 | 0-10; \$20,000 | same |
| marijuana | <40 g.: 0-90 days; \$1,000 | 0-180 days; \$2,000 | same |
| | ≥ 40g.: 0-5; \$10,000 | 0-10; \$20,000 | same |
| Manufacturing, Delivery, Sale Offenses | | | |
| I/II narcotics | < 2 kg.; 0-10; 25,000 ≥ 2 kg.; 0-10; 100,000 + \$50/g. over 2 Kg | | |
| 1/II non-narcotics | 0-5; \$10,000 | For second and subsequent offenses, penalties are twice those otherwise authorized | |
| III | 0-5; \$10,000 | | |
| IV | 0-5; \$10,000 | | |
| V | 0-5; \$10,000 | | |

TARGETED SUBSTANCE PROVISIONS

- none higher base penalty; cocaine, heroin based on amount:
-

PARAPHERNALIA PROVISIONS

- not addressed specifically use delivery possession delivery to minors advertisement manufacture
-

IMITATION DRUG PROVISIONS

- not addressed specifically use delivery possession advertisement manufacture
-

FORFEITURE PROVISIONS

- civil criminal administrative all controlled substances raw materials, equipment, products books, data, research materials conveyances (cars, boats, airplanes used in violation of the law) drug paraphernalia money, securities, etc. containers real property imitation controlled substances

Method of distribution of proceeds after payment of seizure costs:

75 percent to the general fund of the local or state government of the seizing agency for use in drug laws enforcement activities and 25 percent to the state public safety and education account.

PROVISIONS FOR OFFENSES INVOLVING MINORS

- not addressed specifically over 18 to under 18: I/II narcotics over 18 to under 21 other age group narcotics non-narcotics marijuana others using minor to sell imitation drugs
-

“SCHOOLYARD” PROVISIONS

- | | | | | |
|---|---|--|---|---|
| <input type="checkbox"/> not addressed specifically | <input type="checkbox"/> preschool elementary secondary vocational colleges: universities | <input checked="" type="checkbox"/> radius of 1,000 feet | <input type="checkbox"/> inapplicable if school is not in session | penalty: sentence of up to twice that ordinarily authorized |
| <input type="checkbox"/> use | <input type="checkbox"/> not specified | <input type="checkbox"/> other radius | <input type="checkbox"/> over 18 to under 18 | |
| <input type="checkbox"/> possession | | <input type="checkbox"/> school grounds only | <input type="checkbox"/> other age group | |
| <input checked="" type="checkbox"/> distribution | | <input checked="" type="checkbox"/> buses | <input checked="" type="checkbox"/> not addressed | |
| | | | | |
-

SAFEHOUSE PROVISIONS

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> not addressed specifically | <input type="checkbox"/> use | <input type="checkbox"/> keep or maintain | penalty: knowing violations: 0-2; \$2,000; fortify: 0-5; \$10,000 |
| <input type="checkbox"/> public nuisance | <input type="checkbox"/> possession | <input checked="" type="checkbox"/> fortify | |
| | <input checked="" type="checkbox"/> distribution | <input checked="" type="checkbox"/> knowingly permit illegal use of premises | |
| | <input checked="" type="checkbox"/> storage | <input type="checkbox"/> visit | |
| | | | |
-

OFFENDER DRUG TESTING PROVISIONS

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> not addressed specifically | <input type="checkbox"/> adult probationers | <input type="checkbox"/> parolees | <input type="checkbox"/> by courts to determine pretrial release conditions |
| <input type="checkbox"/> prison inmates | <input type="checkbox"/> adult probationers w/ drug histories | <input type="checkbox"/> parolees w/ drug histories | <input type="checkbox"/> by courts to determine sentencing conditions |
| | <input type="checkbox"/> intensive probationers | <input type="checkbox"/> participants in drug rehabilitation programs | |
| | <input type="checkbox"/> juvenile probationers | | |
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NOTES

- . A person convicted of selling a schedule I substance for profit is subject to a fine calculated to eliminate any profits gained from the sale, up to \$500,000.
 - . A parent or legal guardian of a minor to whom a controlled substance has been sold may sue the seller for damages, including drug treatment expenses.
 - . Pursuant to provisions outside the CSA, persons who illegally possess steroids and practitioners who prescribe or administer steroids for non-medical use by humans may face up to one year's imprisonment and a maximum fine of \$5,000. Juveniles who violate steroid provisions are subject to driver's license revocation for 90 days for a first offense and one year for a second offense.
 - . The state's Drug Precursor Act requires reporting of transactions involving precursor chemicals. The act also provides penalties for knowingly selling precursors for use in production of illegal drugs and for purchasing precursors for use illegal drug production.
 - . 1990 legislation authorizes doubling of prison sentences and fines for manufacture/delivery/sale of drugs in public parks or in public transit systems.
 - . Conveyances are not subject to forfeiture in cases involving misdemeanor marijuana possession.
 - . It is an affirmative defense to an alleged schoolyard violation that the prohibited conduct occurred entirely within a private residence, that no person under the age of 18 was present, and that the offense was not committed for profit.
 - . A person who delivers an illegal substance the use of which results in death is guilty of controlled substance homicide and may face up to 10 years' imprisonment and a fine of up to \$20,000.
 - . A CSA provision separate from those authorizing standard fines for manufacture/delivery/sale offenses establishes an additional \$1,000 fine for first manufacturing /delivery sale offenses and a \$2,000 fine for second offenses.
 - . Addicts voluntarily participating in drug treatment programs prior to indictment for sale offenses are granted immunity from prosecution.
-