



**Annual Notification 2024**

# **Drug-Free Schools and Campuses Act**

# Annual Notification of Drug and Alcohol Policies and Programs

As a requirement of the Drug-Free Schools and Campuses Act regulations (36 C.F.R. Part 86), St. Bonaventure University is required to disseminate drug and alcohol policies and information to all students and employees on an annual basis. The purpose of this notification is to provide the campus community with:

1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees
2. A list of applicable legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol
3. A description of the health risks associated with the abuse of alcohol or use of illicit drugs
4. A list of drug and alcohol programs (counseling, treatment, rehabilitation, and reentry) that are available to students and employees
5. A clear statement that St. Bonaventure University will impose disciplinary sanctions for violations of these standards of conduct and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution

Questions about this information can be directed to the Office of the Vice President for Student Affairs at 716-375-2011 or [kobrien@sbu.edu](mailto:kobrien@sbu.edu).

## Standards of Conduct and Sanctions

As members of the St. Bonaventure University community, the University expects students, staff and faculty to act in congruence with not only New York State and Federal Laws, but also their own personal values, and the values of our Franciscan tradition.

St. Bonaventure University makes every effort to provide a safe and healthy environment for all members of our community. Alcohol and drug abuse are a matter of concern for our entire community. The University implements and enforces policies and procedures in order to develop and sustain a healthy campus community with respect to alcohol and drug abuse, while providing resources for intervention and assistance, in accordance with federal, state and local laws and other mandates. Policies apply to all on/off-campus activities that are sponsored by the University. Standards of Conduct also apply to student-sponsored social activities or professional meetings attended by employees that the University authorities and/or use any University resources.

### Student Specific Policies and Sanctions

The purpose of the Student Code of Conduct is to provide guidelines to students so they can make informed decisions and understand what they should expect from themselves and each other. It is also designed to challenge students to further develop high personal standards and virtues while growing in our community. The judicial process is designed to educate students, and encourage them to reflect upon the decisions they make.

Sanctioning is intended to enhance student development. The complete Student Code of Conduct can be found [here](#).

### *Alcohol*

St. Bonaventure University does not condone the underage use of alcoholic beverages and promotes responsible behavior in those persons of legal drinking age that choose to consume. Therefore, underage possession and consumption of alcoholic beverages is not permitted on this campus. Persons twenty-one (21) years of age or older are permitted to possess and consume alcohol, provided they do so within the specified guidelines outlined below. In cases of substance abuse or misuse, individuals may be advised, and in some cases mandated, to attend University-sponsored educational programs and/or formal counseling programs. Within the definitions below, “residential facilities” applies to all singles, doubles, triples, suites, quads and apartments.

**Possession of Alcoholic Beverages** – Alcoholic beverages and beverage containers (glass or can, empty, full or partially full) are prohibited in residential facilities where any or all occupants of the room are under 21 years of age. Persons under 21 years of age are not permitted to be in the presence of alcoholic beverages, or beverage containers. When alcoholic beverages are permitted, the limit is not to exceed one unit per person of legal drinking age assigned to the room/apartment. One unit is defined as twelve 12-oz bottles/cans of beer or malted beverage (or equivalent), or two 750 ml bottles of wine, or one 750ml bottle of liquor.

**Consumption of Alcoholic Beverages** – Consumption of alcoholic beverages is strictly prohibited if a student is under the age of 21. Persons 21 years of age or older who choose to consume alcohol may do so only in the presence of other persons 21 years of age or older and must remain in control of their behavior. They will be responsible for their actions and must respect the rights of others.

**Displays** - Displaying any alcohol beverage containers, signs, lights, or other alcohol related materials in any window/common space is prohibited by students less than 21 years old. This includes displays in any residential spaces where 1 or more occupant is less than 21 years old.

**Drunk and Disorderly Conduct** – any disruptive behavior exhibited while under the influence of alcohol or other drugs is prohibited.

**Events with Alcohol** - Alcoholic beverages may not be served at any student event without specific approval of the Vice President for Student Affairs, Dean of Students or their designee, through the alcohol event form. The University food service vendor must provide the alcohol. All food and beverage requirements are outlined in the SBU Club and Organization Manual located on my.sbu.edu. No privately obtained alcoholic beverages may be brought into an organized event. Any organization or group that fails to comply with these regulations may lose its privilege of serving alcoholic beverages at events and/or the right to schedule facility use at St. Bonaventure University. No club or organization may sponsor events off campus where alcohol is served without authorization from the Vice President for Student Affairs, Dean of Students or their designee.

**Giving/Selling Alcohol to Persons Under the Age of 21** – Giving/Selling Alcohol to Persons Under the Age of 21, including but not limited to buying alcohol for, or otherwise supplying alcohol to, a person(s) under the age of 21, is prohibited.

**Open Container** – The unauthorized possession of an open container of alcohol in University public areas, including but not limited to hallways, lounges, bathrooms, and outdoor spaces, is prohibited. This applies to all students (including those who are 21 years of age or older), and is defined as any open bottle, can, mug, cup, etc., used to contain or transport alcohol.

**Operation of a Motor Vehicle** - The operation of a motor vehicle on campus while under the influence of alcohol or a controlled substance is prohibited.

**Participation in Drinking Games, etc.** – The University prohibits any game or contest used for the purpose of encouraging the rapid consumption of alcohol. In addition, no one shall be pressured or coerced to drink alcohol.

**Possession of a Device Used for Rapid Consumption of Alcohol** – The University prohibits funnels, and any other device that can be used for the rapid consumption of alcohol.

**Possession of a Keg/Beer Ball** – Kegs, beer balls, or other common source containers are not permitted in any residential facility.

**Public Intoxication** – Exhibiting characteristics of intoxication in public areas including but not limited to lounges, hallways, bathrooms, etc., is prohibited.

**Restriction from University Events** - The University reserves the right to prevent any visibly intoxicated person from entering any university sponsored on or off campus activity or event and to require persons who appear visibly intoxicated to leave the event/activity.

**Tailgating** - To ensure the University is able to provide a safe, healthy, and welcoming environment for all fans and athletes, alcoholic beverages are prohibited at all on campus athletic and club sports venues, parking lots, and the designated tailgate area without advanced approval from the Associate Dean for Campus Safety. **The complete University Food and Beverage Policy can be found on my.sbu.edu.** Following university approval, alcoholic beverages in outdoor or public areas must be provided by the university food service vendor.

**Unauthorized Presence/Participation of Anyone Under 21 at a University Function Where Alcohol is Being Served is prohibited.**

**False Identification, etc.** – The University prohibits the possession of altered or falsified forms of identification by students, as well as any other form of misrepresenting one's age for the purpose of buying or otherwise obtaining alcohol, cigarettes, etc. Fake ID's will be destroyed.

**Other Restrictions and Requirements –**

1. Public parties and formals are prohibited. No public advertising is permitted.
2. Charging money for alcohol is against New York State Law, and strictly prohibited.
3. Food and alternative, non-alcoholic beverages must be available wherever alcohol is being served.
4. Outdoor parties are prohibited, as alcohol is prohibited in outdoor areas. Beer distributors are not permitted on campus with the exception of those contracted through Aramark for events.

Neither the University nor the police are in a position to ensure that students will not be harmed through alcohol abuse by themselves or others. Those who use alcohol are fully and individually responsible for their own actions, including the personal and legal consequences associated with illegal use, possession, or distribution of alcohol. Being under the influence of alcohol will not be a defense in any campus disciplinary or administrative proceeding.

**Typical Sanctions for Violation of University Alcohol Policies**

Sanctions are **ALWAYS** the discretion of the judicial officer conducting the hearing, and several factors are taken into account. The following is a general guideline for what students could expect when found in violation of the University Alcohol Policy. However, this should not be considered policy, as each incident is handled on an individual basis. Sanctions could be less or more severe, depending on the situation and circumstances, and the full range of sanctions is available in any case. Additional sanctions may also apply based on accompanying violations of other University policies.

**1<sup>st</sup> Violation:**

- Up to \$50 disciplinary fine possible
- Educational program evaluating behaviors relating to alcohol (example: AlcoholEDU for Sanctions)

**2<sup>nd</sup> Violation:**

- \$100 fine or comparable community service, and
- Parental Notification, and
- Educational program evaluating behaviors relating to alcohol and/or meeting with counselor from the Center for Student Wellness

**3<sup>rd</sup> Violation:**

- \$200 fine or comparable community service, and
- Parental Notification, and
- Educational program evaluating behaviors relating to alcohol, and meeting with counselor from the Center for Student Wellness, and
- Participation in a University sponsored activity or reflection paper, and
- Residence Hall Probation and/or restriction from Apartment Selection or other aspects of the room selection process

**4<sup>th</sup> + Violations:**

These situations are very rare, and are handled more on a situation-to-situation basis. They typically result in student restriction from living on campus, significant fines (minimum \$400), other attendant restrictions, and/or suspension or expulsion from the University for repetitive violations.

***Drugs***

St. Bonaventure University recognizes substance abuse in the workplace as a danger to personal health and safety. In addition, the unlawful use of controlled substances by employees in the workplace is inconsistent with the University's educational mission. As such, it is the policy of the University that the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances in the workplace is prohibited. In an effort to promote a drug-free workplace and a drug-free campus community, the University urges its students/employees who experience drug-related problems to seek assistance through counseling given in drug and alcohol programs. These programs provide information about treatment and support group services for individuals who seek help. Students/employees who are experiencing performance problems in the workplace may be required to undergo treatment for substance abuse, or be subject to disciplinary action up to and including dismissal. Those individuals who do undergo treatment for substance abuse will be expected to follow the prescribed aftercare program. Those convicted of violating a criminal drug statute while in the workplace will face dismissal from University service.

**Policies Regarding Possession, Use, and Distribution of Controlled Substances**

St. Bonaventure University expects all students to abide by NYS and federal laws pertaining to possession, use and/or distribution of controlled and illicit substances. Although New York State has approved legislation to legalize marijuana, at the federal level marijuana is still classified as an illegal substance.

As St. Bonaventure University is a federal grant recipient and/or a federal contractor within the meaning of the Drug-Free Workplace Act, the University is required to take steps toward maintaining, and to certify to contracting and granting federal agencies that it maintains, a drug-free workplace. In addition, federal laws (including the Controlled Substances Act and the Drug Free Schools and Communities Act) prohibit marijuana at educational institutions and on the premises of other recipients of federal funds. In accordance with these laws, the University will not tolerate the unlawful possession and/or use of controlled substances on its premises. Students are prohibited from using, possessing, selling, purchasing, cultivating, processing, manufacturing or giving away marijuana/cannabis or its derivatives, in any form, on University owned or leased property. The possession and use of medical or recreational marijuana, even if lawful under New York State law, is also prohibited on University property.

For the definitions below, controlled or illicit substances include, but are not limited to, marijuana, mushrooms, edibles, dabs, cocaine, heroin, acid, etc. The following behaviors are strictly prohibited at St. Bonaventure University:

- **Possession of a Controlled Substance** – having on one's person or otherwise in their possession (including without limitation one's campus residence), or knowingly being in the presence of, any controlled or illicit substances. Additionally, no one shall possess any prescription medication that is not specifically prescribed to him/her.
- **Use of a Controlled Substance** – taking or consuming a controlled or illicit substance. Methods of use include, but are not limited to, smoking, injecting, snorting, inhaling, ingesting, vaping, etc.
- **Distribution of a Controlled Substance** – providing controlled or illicit substances to others. This includes selling and/or giving a substance to someone else. Giving or selling to someone else medication prescribed to you or anyone else other than the recipient is strictly prohibited. Additionally, aiding someone else in the distribution of controlled or illicit substances is strictly prohibited.
- **Possession of Drug Paraphernalia** – having on one's person and/or knowingly being in the presence of any device or materials utilized for the consumption and/or distribution of controlled or illicit substances. These include, but are not limited to, oil pens, grinders, bowls, bongs, hookahs, scales, needles, Dab Rigs, etc.

#### **Typical Sanctions for Violation of University Drug Policy**

Sanctions are **ALWAYS** the discretion of the judicial officer conducting the hearing, and several factors are taken into account. The following is a general guideline for what students could expect when found in violation of the University Drug Policy. However, this should not be considered policy, as each incident is handled on an individual basis. Sanctions could be less or more severe, depending on the situation and circumstances. Any instance where the University has reason to believe a student is distributing a controlled substance, sanctions would be far more severe, and likely to include suspension or expulsion.

##### **1<sup>st</sup> Violation:**

- \$100 fine
- Parental Notification
- Residence Hall Probation and/or restrictions for room selection
- Educational program evaluating behaviors relating to drugs

##### **2<sup>nd</sup> Violation:**

- Residence Hall Probation and/or restrictions for room selection process
- Community Service
- Mandatory Counseling
- \$200 Fine
- Deferred Loss of Campus Residency

##### **3<sup>rd</sup> Violation:**

- \$300 Fine
- Loss of Campus Residency
- Deferred University Suspension
- Prohibited in taking part in University events and activities

##### **4<sup>th</sup> Violation:**

- \$400 Fine
- University Suspension

### *Smoking Policy*

In compliance with New York State law, and faithful to the core values of St. Bonaventure University, the following smoke-free regulations have been adopted, and apply to all legal smokable products, including but not limited to cigarettes, e-cigarettes, and “vaping”:

1. **Smoke-free Workplace:** Smoking is prohibited in ALL indoor areas of the University, including University vehicles and all residence facilities, as well as ALL outdoor areas of the University main campus property.
2. **Tobacco Products:** Sale of tobacco products is prohibited on campus.
3. **Posting of Signs:** “Smoke-Free” signs will be prominently displayed on campus. Additionally, copies of this policy will be posted on the University’s intranet and will be available to all employees and prospective employees upon request.
4. **Enforcement:** Complaints may be directed to the Office of Safety and Security.
  - a) **Sanctions:** Sanctions for students will be imposed as a result of a University judicial hearing.

### **Smoking Cessation Resources**

- NYS Smokers Quit Line - <https://www.nysmokefree.com/>
- CDC Smoking & Tobacco Use (Quit Smoking) – [https://www.cdc.gov/tobacco/quit\\_smoking/index.htm?s\\_cid=osh-stu-home-nav-002](https://www.cdc.gov/tobacco/quit_smoking/index.htm?s_cid=osh-stu-home-nav-002)

### **Employee-Specific Policies and Sanctions**

Employee specific policies and sanctions can be found in the Staff Handbook and the Faculty Status and Welfare Handbook. St. Bonaventure University prohibits the unlawful manufacture, distribution, sale, purchase, possession or use of any drugs or controlled substances or drug paraphernalia along with the unlawful service, distribution, sale, possession, consumption or other unlawful use of alcoholic beverages by its employees on its owned, operated or controlled property. Employees who violate this policy will be subject to appropriate disciplinary action, which may include counseling, mandatory participation in an appropriate rehabilitation program, a warning, placement on strict probation, unpaid suspension from employment, termination of employment and/or referral to the proper law enforcement authorities for prosecution.

St. Bonaventure University is required by the Drug-Free Workplace Act of 1988 to take steps toward maintaining a drug-free workplace. Any employee engaged in the unlawful manufacture, distribution, dispensation, possession or use of controlled substances in the workplace will be subject to discipline, up to and including discharge. The University will weigh all relevant facts and circumstances in reaching a decision to discipline; the University retains the right to require that a covered employee who engages in prohibited conduct participate in, and successfully complete, a drug abuse assistance or rehabilitation program.

## **Health Risks**

There are serious health risks associated with the use of illicit drugs or the abuse of alcohol. Some of those health risks are summarized below. For more information about the health risks associated with drug or alcohol abuse, or for support or treatment, contact one or more of the available resources listed within this notification document.

## **Alcohol**

(<https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm> )

Short-term health effects include:

- Injuries, such as motor vehicle crashes, falls, drownings, and burns
- Violence, including homicide, suicide, sexual assault, and intimate partner violence
- Alcohol poisoning, a medical emergency that results from high blood alcohol levels.
- Risky sexual behaviors, including unprotected sex or sex with multiple partners. These behaviors can result in unintended pregnancy or sexually transmitted diseases, including HIV.
- Miscarriage and stillbirth or fetal alcohol spectrum disorders (FASDs) among pregnant women.

Long-term health effects include:

- High blood pressure, heart disease, stroke, liver disease, and digestive problems.
- Cancer of the breast, mouth, throat, esophagus, liver, and colon.
- Weakening of the immune system, increasing the chances of getting sick.
- Learning and memory problems, including dementia and poor school performance.
- Mental health problems, including depression and anxiety.
- Social problems, including lost productivity, family problems, and unemployment.
- Alcohol use disorders, or alcohol dependence.

By not drinking too much, you can reduce the risk of these short- and long-term health risks.

## **Controlled Substances**

The information about the health effects of controlled substances included below comes from the Federal Controlled Substances Act and the National Institute on Drug Abuse.

### *Marijuana*

(<https://www.drugabuse.gov/drugs-abuse/marijuana>)

Short-term health effects include:

- Feeling “high”
- Altered senses
- Changes in mood
- Impaired body movement
- Difficulty with thinking/problem solving
- Impaired memory

Long-term health effects include:

- Affected brain development
- Reduced thinking, memory and learning functions

### *Heroin*

(<https://www.drugabuse.gov/drugs-abuse/heroin>)

Short-term health effects:

- Euphoria
- Warm flushing of skin
- Dry mouth
- Heavy feeling in hands/feet
- Clouded thinking
- Itching, vomiting, nausea
- Slowed breathing/heart rate

Long-term health effects

- Collapsed veins
- Abscesses
- Infection of the lining of heart valves
- Constipation and stomach ramps



- Liver or kidney disease
- Issues with pregnancy and risk of HIV, hepatitis or other infectious diseases from shared needles

*Ecstasy (Molly, X, E)*

(<https://www.drugabuse.gov/drugs-abuse/mdma-ecstasy-molly>)

Short-term health effects:

- Lowered inhibition
- Confusion
- Depression, sleep problems, anxiety
- Increased heart rate and blood pressure, teeth clenching
- Nausea, faintness, chills or sweating
- Liver, kidney or heart failure leading to death

Long-term health effects:

- Long-lasting confusion, problems with attention, memory and sleep
- Anxiety, impulsiveness and aggression
- Loss of appetite
- Loss of interest in sex

There are many other abused drugs, and the University encourages any student, faculty or staff member that may have questions about the effects of these drugs to consult <https://www.drugabuse.gov/> or <https://www.dea.gov/factsheets>.

## Prevention and Education

St. Bonaventure University uses multiple strategies to provide comprehensive education regarding alcohol and other drugs. Programs, services and resources include the following:

### **On-Campus Substance Abuse Prevention Programming and Counseling Services**

#### *Vector Online Educational Platform*

St. Bonaventure University contracts with Vector Solutions, a higher education training platform that provides online prevention courses focused on health, wellness, culture change and other issues specific to colleges and universities. AlcoholEDU for College is a 2.5-hour curriculum designed for first year students. It's designed for non-drinkers, light to moderate drinkers, and frequent heavy drinkers and offers students a personalized experience based on their drinking choices and readiness to change. The University also utilized AlcoholEDU Ongoing, a program designed for returning students, and AlcoholEDU for Sanctions which is required when a student is found responsible for a violation of the alcohol policy.

#### *First Year Experience Mandatory Programming*

Each year, as part of Welcome Days programming, freshmen are required to attend a presentation that specifically addresses issues surrounding alcohol and other drug abuse among college-age students.

#### *Assessment and Substance Abuse Counseling*

Assessment and substance abuse counseling is primarily provided as an educational sanction for St. Bonaventure students who have violated the University's alcohol and/or drug policies. As part of the judicial process, students in repeat violation of institutional policies, or other students who may be considered at risk, are referred to counselors in the Center for Student Wellness for assessment by the Vice President for Student Affairs, the Dean of Students or their designee, or by Judicial Boards. Additionally, evaluation from a counselor in the Center for Student Wellness is generally required of any student needing medical attention as a result of over-consumption of alcohol or other drugs.

All students and employees of the University are welcome to voluntarily utilize these programs, or speak to a counselor about referring another person. Referrals to outside agencies and local substance abuse treatment centers are also available.

#### *Residence Life and C.A.R.L. Programming*

The Residence Life Office works to provide educational programming on a wide range of topics, including drug and alcohol awareness. Additionally, the Center for Activities, Recreation and Leadership consistently provides alcohol-free late-night programming. CARL programs and events seek to encourage student wellness, while engaging students in positive, safe and healthy behaviors.

#### *Student Wellness Programming*

The Center for Student Wellness provides campus educational seminars/talks on a variety of issues faced by students, particularly those coming to college for the first time.

#### *Guardian Employee Assistance Program (for employees only)*

Guardian's Employee Assistance Program gives employees and their family members access to confidential personal support. The services available include consultations with experienced professionals, as well as access to resources and discounts designed to help you in a variety of different ways.

### **Off-Campus Alcohol and Other Drug (AOD) Resources/Services**

#### *Local Substance Abuse Treatment Centers*

- Council on Addiction Recovery Services
  - Provides outpatient and residential counseling, prevention, employee living-skills and family intervention training.
  - Local Office - 716-373-4303
- Allegany Council on Alcoholism and Substance Abuse, Inc.  
<https://www.nyconnects.ny.gov/providers/allegany-county-council-on-alcoholism-and-substance-abuse-inc-11653>
  - Provides personal and group therapy, co-dependency treatment, relapse prevention programming and family counseling.
  - Wellsville Office - 585-593-6738
- Brylin Behavioral Health System – <https://www.brylin.com/>
  - Provides out-patient substance use disorder treatment and drug addiction care
  - Buffalo Office—Phone 716-886-8200

#### *Local Alcoholics Anonymous Meetings*

For information about open and closed Alcoholics Anonymous meetings in the area, please call Alcoholics Anonymous at 716-372-4800, 1-800-839-1686, or go to <https://alcoholicsanonymous.com/aa-meeting/n-y-penn-intergroup/>

#### *Telephone Hotlines*

Alcohol Hotline .....	1-800-234-0420
Cocaine Hotline .....	1-800-262-2463
Drug Abuse Hotline .....	1-800-522-5353
Drug Help Line .....	1-800-662-HELP
Drug Treatment Information.....	1-800-522-4369
AIDS Hotline .....	1-800-541-2437
HIV Testing .....	1-800-962-5064
Sexually Transmitted Diseases .....	1-800-227-8922

## *Prevention, Intervention, Recovery and Wellness Websites*

### **American Addition Centers**

<https://recovery.org/>

### **Phoenix House**

<https://www.phoenixhouse.org/>

### **National Institute on Alcohol Abuse and Alcoholism (NIAAA)**

<https://www.niaaa.nih.gov/>

### **National Institute on Drug Abuse (NIDA)**

<https://www.drugabuse.gov/>

### **US Department of Health and Human Services and SAMHSA's National Clearinghouse for Alcohol and Drug Information**

<http://www.samhsa.gov/>

### **NY Quits (Free smoking cessation resources)**

<https://www.nySmokefree.com/>

### **SMART Recovery**

<http://www.smartrecovery.org/>

## **Legal Sanctions**

In addition to the University standards and sanction on alcohol and other drug abuse included in this document, all members of the campus community are also required to abide by state and federal laws governing consumption, sale and possession of alcohol and other drugs. While not complete, a summary of offenses and penalties is provided below:

### **New York State Law**

The following is a list of several NYS laws regarding alcohol and other drugs, and possible consequences for violating such laws:

*The following can be found under the NYS Vehicle and Traffic Laws:*

**ARTICLE 31 § 1192** (<http://ypdcrime.com/vt/article31.htm> )

The following are classifications for operating a motor vehicle after consuming alcohol or other illicit drugs and, in some instances, the penalties they carry:

**Operating a motor vehicle after having consumed alcohol under the age of 21** – BAC .02-.07

**Driving While Intoxicated (DWI)** = BAC of .08 or above; misdemeanor punishable by fine of \$500-\$1000 and/or imprisonment up to 1 yr.

**Aggravated Driving While Intoxicated, a) per se.** = BAC of .18 or above; **b) with a child** = any of these violations occurring with a child 15 years or less as passenger; - misdemeanor punishable by fine of \$1000-\$2500 and/imprisonment up to 1 yr. or

**Driving While Ability Impaired (DWAI)** = traffic violation punishable by fine of \$300-\$500 and/or imprisonment up to 15 days.

**Driving While Ability Impaired by Drugs** = misdemeanor punishable by fine of \$500-\$1000 and/or imprisonment up to 1 yr.

**Driving While Ability Impaired by the Combined Influence of Drugs or of Alcohol and Any Drug or Drugs** = misdemeanor punishable by fine of \$500 - \$1000 and/or imprisonment up to 1 yr.

\*The above are for first offenses only. Subsequent offenses carry greater penalties, and are sometimes considered felonies.

\* In addition to fines and imprisonment, the court shall sentence such a person convicted of or adjudicated a youthful offender for a violation of the above to a term of probation or conditional discharge, as a condition of which it shall order such person to install and maintain an ignition interlock device on any vehicle owned or operated by such person during the term of such probation or conditional discharge.

*The following can be found under the NYS Consolidated Laws – Alcoholic Beverage Control Law*

**§ 65-b – Offense for anyone under the age of 21 years to purchase or attempt to purchase an alcoholic beverage through fraudulent means** = no person under the age of 21 years shall present or offer to anyone any written evidence of age which is false, fraudulent, or not actually his own for the purpose of purchasing or attempting to purchase any alcoholic beverage. This is considered a violation, punishable with a fine of \$100 and/or up to 30 hours of community service (for first time offense) and/or alcohol awareness program.

**§ 65-c – Unlawful possession of an alcoholic beverage with the intent to consume by persons under the age of 21** = \$50 fine and/or completion of alcohol awareness program (first time offense).

*The following can be found under the NYS Consolidated Laws – Public Health Law*

[http://ypdcrime.com/penal.law/public\\_health\\_article33.htm](http://ypdcrime.com/penal.law/public_health_article33.htm)

**Article 33 § 3304 – Prohibited Acts (Controlled Substances)** – It shall be unlawful for any person to manufacture, sell, prescribe, distribute, dispense, administer, possess, have under his control, abandon, or transport a controlled substance. Violations of these laws range in severity from misdemeanors to felonies, punishable by a wide range of fines and imprisonment periods.

### **New York State Sanctions for Possession and Sale of Controlled Substances**

“Controlled substance” means any substance listed in schedule I, II, III, IV or V of section thirty-three hundred six of the public health law other than marijuana, but including concentrated cannabis as defined in paragraph (a) of subdivision four of section 3302 of such law. This includes, but is not limited to: methamphetamine, heroin, cocaine, PCP, LSD, Fentanyl, and Fentanyl analogue. Sanctions for violations can include imprisonment, fines, assigned community service and loss of federal student financial aid eligibility.

NY Penal Law, Article 222 relates to Marijuana/Cannabis and can be found at: [NY Penal Law Article 222](#)

### **Federal Law**

Possession, use or distribution of controlled substances is prohibited by federal law. Federal penalties for possessing, using or distributing controlled substances often include fines and prison sentences. Section 484(r) of the Higher Education Act of 1998 (20 U.S.C. §1091) provides that a student’s eligibility for federal student aid be suspended upon conviction under federal or state law for any offense involving the possession or sale of a controlled substance (other than alcohol or tobacco) for as much as one year to an indefinite period of time. Eligibility may be regained upon completion of a drug rehabilitation program that meets statutory and regulatory requirements or if the conviction is overturned.

Other federal penalties are indicated below. Source: [https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20\\_0.pdf](https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20_0.pdf)

## FEDERAL TRAFFICKING PENALTIES\*\*

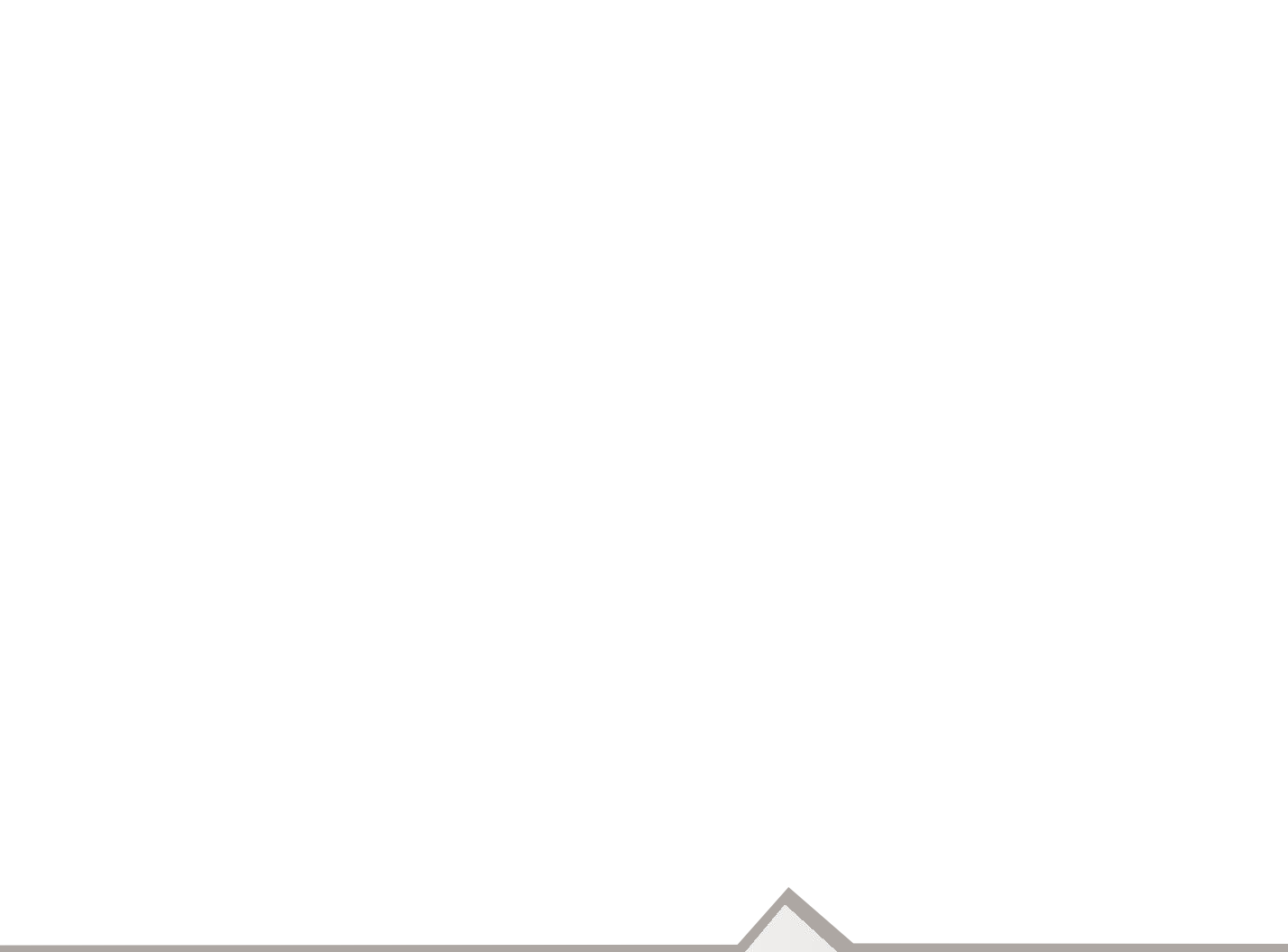
DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs., and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs., and not more than life. If death or serious injury, life imprisonment.  Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	<b>First Offense:</b> Not less than 10 yrs., and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 15 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.  <b>2 or More Prior Offenses:</b> Not less than 25 years. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or		50 grams or more pure or	
	50–499 grams mixture		500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		100 gm or more pure or 1 kg or more mixture	
DRUG/SCHEDULE	QUANTITY	PENALTIES		
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if not an individual.  <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	<b>First Offense:</b> Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.  <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
Flunitrazepam (Schedule IV)	Other than 1 gram or more			
All Schedule V drugs	Any amount	<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

## FEDERAL TRAFFICKING PENALTIES—MARIJUANA

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 15 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture  More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kg marijuana (except 50 or more marijuana plants regardless of weight);  1 to 49 marijuana plants;	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish Oil (Schedule I)	1 kg or less	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual

\*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is not less than 25 years imprisonment and a fine up to \$20 million if an individual and \$75 million if other than an individual.

\*\* **SOURCE:** DEA Resource Guide 2022 Edition



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