

PHILOSOPHY

The Wingate University community exists for the primary reason of education including curricular and co-curricular development. Philosophically the university believes that the introduction of alcohol (and illegal substances) into the educational community has the potential to distract from and minimize the effectiveness of educational pursuits. For this reason, alcohol and illicit drugs are not permitted within the campus community.

SUPPORT PROGRAMS

Wingate University encourages students, faculty, and staff to be educated regarding these substances. Counseling services and Health Services are available to dialogue regarding the use of these substances and their physical and social impacts. In addition, various wellness programs exist to further the awareness of health related risk of substance abuse.

Counseling Center	8246
Student Health Services	8102

STANDARDS OF CONDUCT (University Perspective)

Wingate University Substance Abuse Information and Policy

Student Handbook Information regarding Alcohol and Illegal substances

Possession, Consumption/Use, and Trafficking of Alcohol or Illegal Drugs

- The possession or consumption of alcoholic beverages on campus is prohibited.
- Drunkenness or related intoxication-induced misbehavior on campus is prohibited.
- The unlawful use, possession, distribution, sale, manufacture or transfer of illegal drugs or narcotics is prohibited. Illegal drugs are those defined as illegal under local, state, or federal laws; illegal drugs include, but are not limited to, marijuana, heroin, hashish, cocaine, hallucinogens, and depressants and stimulants other than those prescribed for current personal treatment by a licensed physician.
- Possession or use of prescription drugs that are not prescribed to the holder is prohibited.
- The unlawful possession of paraphernalia associated with the use, possession or manufacture of alcoholic beverages, prescription drugs, or any controlled substance for any purpose, including decoration, is prohibited.

General Statutes - Laws of the Wider Society (including Student Behavior at Off-Campus Sites)

All students are required to abide by federal, state and local laws on or off university premises. Any behavior or activity that violates general statute or reflects poorly on the institution can be held accountable through the Code of Community Standards.

POSSIBLE UNIVERSITY SANCTIONS

Sanctions for Violations of the Code of Community Standards

Sanctions imposed for non-academic infractions of this code are those that, in the judgment of the Assistant Dean of Student Affairs for Residence Life (or designated representative) when imposing the penalty, most appropriately correspond to the nature and severity of the violation. The penalty may be one or some combination of the following. The university also reserves the right to impose other reasonable sanctions that are, in the judgment of the university, directly related to and proportionate to the nature and severity of the offense.

- **Warning:** Oral or written notice that continuation or repetition of specified conduct may be cause for more severe sanctions.
- **Censure:** Written reprimand with warning of more severe penalty in the event of a subsequent violation.
- **Probation:** An official reprimand, permitting a student to remain a part of the university community only with specified restrictions, which may include other sanctions as described here and providing further that any subsequent violation of this code may result in separation from the university, either by suspension or by expulsion.
- **Apology:** Requirement that the student who has violated this code make a written and/or oral apology to the person or persons upon whose rights and privileges the accused has infringed. A conference under administrative supervision may also be required.

- **Abeysance:** Indefinite suspension of a sanction. An additional violation may result in the imposition of the suspended sanction.
- **Educational Assignment:** Participation and/or completion of a workshop, seminar, written essay, or programming of an educational nature.
- **Referral:** Requirement that the student who has violated this code receive counseling from a mental health professional. The university may recommend agencies or the student may seek a professional on his or her own. This will be conducted at the student's own expense.
- **Substance Abuse Counseling / Assessment:** Requirement that a student participates in and completes a substance abuse program at the student's own expense, should any fees be required. The student will be required to provide documentation of attendance and progress from the session(s) to the university from the provider.
- **Administrative Assessment:** A maximum administrative assessment of \$500 may be imposed. Acceptable payment may be in the form of dollars, checks, money orders, or applied directly to the student's university account.
- **Work Service:** Up to 100 hours of work may be required.
- **Suspension of Visitation Privileges:** No visitation allowed in specified areas.
- **Restitution:** Reimbursement for any damage to or misappropriation of property, whether that of the university or of any member of the university community or of any guest on campus.
- **Removal from University Housing:** Separation and removal from University housing for a specified period of time. No refund of housing cost will be issued.
- **Interim Suspension:** A suspension from university housing or from the university prior to the conflict resolution meetings before an Honor Council. Interim suspension may be imposed only to ensure the safety and well-being of members of the university community or preservation of university property, to ensure the student's own physical or emotional safety or well-being, or if the student poses a threat of disruption of or interference with the normal operations of the university. During interim suspension the suspended student shall be denied access to university housing and/or to the campus (including classes) and/or other university activities or privileges for which the student might otherwise be eligible, as the Assistant Dean of Student Affairs for Residence Life or Dean of Student Affairs may determine to be appropriate.
- **Disciplinary Withdrawal:** Voluntary separation of a student from the university for a specified period of time. A disciplinary withdrawal is permitted by the Assistant Dean of Student Affairs for Residence Life or Dean of Student Affairs at his or her discretion in place of a suspension. The disciplinary nature of this withdrawal is not noted on a student's permanent record.
- **Suspension:** Involuntary separation of a student from the university for a specified period of time. A suspension is noted on a student's permanent record.
- **Expulsion:** Involuntary permanent separation of a student from the university. An expulsion is noted on a student's permanent record.

FEDERAL AND STATE LAW (Legal Perspective)

Selected North Carolina and Federal Alcohol/Drug Laws

Source: General Statutes of North Carolina

Federal Register/Vol.55, No. 159/Aug., 1990 United States Code

Article 3.

SALE, POSSESSION, AND CONSUMPTION

§18B-300. PURCHASE, POSSESSION AND CONSUMPTION OF MALT BEVERAGES/UNFORTIFIED WINE

(a) Generally-Except as otherwise provided in this Chapter the purchase, consumption, and possession of malt beverages and unfortified wine by individuals 21 years old and older for their own use is permitted without restriction.

(b) Consumption at Off - Premises Establishment-It shall be unlawful to consume, or for a permittee to allow the consumption of, malt beverages or unfortified wine on any premises having only an off-premises permit for the kind of alcoholic beverage being consumed.

(c) Local ordinance - A city or county may by ordinance regulate the consumption of malt beverages and unfortified wine on property owned or occupied by that city or county. (1939,c. 158,s. 603; 1971,c. 872,s. 1; 1973,c. 1452,ss. 1-3; 1977,c. 176,ss. 2,3;c. 693; 1979,c. 19,s. 2;c. 445,s. 4;c. 893,s. 11; 1981,c. 412,s. 2; 1983,c. 435,s. 32; 1985,c. 141,s. 1.)

G.S.18B-301 (f) POSSESSION AND CONSUMPTION OF FORTIFIED WINE AND SPIRITUOUS LIQUOR

1. Elements: It is unlawful for

- (1) Any person to consume fortified wine, spirituous liquor or mixed beverage or to offer such beverages to another person: (a) On the premises of an ABC store, or (b) Upon any property used or occupied by a local board, or (c) On any public road, street, highway, or sidewalk.
 - (2) Any person to display publicly at an athletic contest fortified wine, spirituous liquor, or mixed beverages;
 - (3) Any person to permit any fortified wine, spirituous liquor, or mixed beverages to be possessed or consumed upon any premises not authorized by this Chapter;
 - (4) Any person to possess or consume any fortified wine, spirituous liquor, or mixed beverages upon any premises where such possession or consumption is not authorized by law, or where the person has been forbidden to possess or consume that beverage by the owner or other person in charge of the premises;
 - (5) Any person to possess on any of the premises described in subsections (a) through (c) (i.e., at home, at another's residence or upon private property or when there is a brown bagging permit or otherwise licensed premises) a greater amount of fortified wine or spirituous liquor than authorized by Chapter 18B;
 - (6) Any permittee, other than a mixed beverage or ordinary permittee, to possess spirituous liquor or mix beverages on his licensed premises.
 - (7) Any person to possess on his person or consume malt beverages or unfortified wine upon any property owned or leased by a local board of education and used by the local board of education for school purposes, unless specifically authorized by resolution of the local board of education.
2. Punishment: Class 1 misdemeanor (see Chart I for specific penalty). G.S.18B-102(b). In addition the court may impose the provisions of G.S.18B-202 (discharge from government employment upon conviction), and of G.S.18B-503 (seizure of alcoholic beverages), 18B-504 (forfeiture of property used in conjunction with violation), and 18B-505 (restitution to law-enforcement agency for purchases made in investigation).
 3. Fortified wine is any wine made by fermentation from grapes, fruits, berries, rice, or honey to which nothing has been added other than pure brandy made from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine and which has an alcoholic content of not more than twenty-four percent (24%) alcohol by volume.
 4. Local board means a city or county ABC board created pursuant to the provisions of G.S.18B-703. G.S.18B-101 (8).
 5. Spirituous liquor or liquor is distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin and all other distilled spirits and mixtures of cordials, liquor, and cocktails, in closed containers for beverage use regardless for their dilution. G.S.18B-101 (14).

§18B-302. SALES TO OR PURCHASE BY UNDERAGE PERSONS

- (a) Sale. - It shall be unlawful for any person to:
 - (1) Sell or give malt beverages or unfortified wine to anyone less than 21 years old; or
 - (2) Sell or give fortified wine, spirituous liquor, or mixed beverages to anyone less than 21 years old.
- (b) Purchase or Possession. - It shall be unlawful for:
 - (1) A person less than 21 years old to purchase, to attempt to purchase, or to possess malt beverages or unfortified wine; or
 - (2) A person less than 21 years old to purchase, to attempt to purchase, or to possess fortifies wine, spirituous liquor, or mixed beverages,
- (c) Aider and Abettor,
 - (1) By Underage Person.-Any person who is under the lawful age to purchase and who aids or abets another in violation of subsection (a) or (b) of this section shall be guilty of a Class 2 misdemeanor (see Chart I for specific penalty).
 - (2) By Person over Lawful Age.-Any person who is over the lawful age to purchase and who aids or abets another in violation of subsection (a) or (b) of this section shall be guilty of a Class 1 misdemeanor (see Chart I for specific penalty).
- (d) Defense. -It shall be a defense to a violation of subsection (a) of this section if the seller:
 - (1) Shows that the purchaser produced a driver's license, a special identification card issued under G.S.20-37.7, a military identification card, or a passport, showing his age to be at least the required age for purchase and bearing a physical description of the person named on the card.

§18B-302 ART.3. SALE, POSSESSION, AND CONSUMPTION

- (e) Fraudulent Use of Identification, - It shall be unlawful for any person to obtain or attempt to obtain alcoholic beverages in violation of subsection (b) of this section by using or attempting to use:
 - (1) A fraudulent or altered driver's license; or
 - (2) A fraudulent or altered identification document other than a driver's license; or
 - (3) A driver's license issued to another person; or
 - (4) An identification document other than a driver's license issued to another person.

- (f) **Allowing Use of Identification.** - It shall be unlawful for any person to permit the use of his/her driver's license or any other identification document of any kind by a person who violates or attempt to violate subsection (b) of this section.
- (g) **Conviction Report Sent to Division of Motor Vehicles.** - The court shall file a conviction report with the Division of Motor Vehicles indicating the name of the person convicted and any other information requested by the Division if the person is convicted.
 - (1) A violation of subsection (e) or (f) of this section; or
 - (2) A violation of subdivision (c) (1) of this section; or
 - (3) A violation of subsection (b) of this section, if the violation occurred while the person was purchasing or attempting purchase an alcoholic beverage.

Upon receipt of a conviction report, the Division shall revoke the person's license as required by G.S.20-17.3.

G.S.18B-401 MANNER OF TRANSPORTATION

- 1. **Elements:** It shall be unlawful for any person (a) to transport (b) fortified wine or spirituous liquor (c) in the passenger area of a motor vehicle (d) in other than the manufacturer's unopened original container. G.S.18B 401 (a).
- 2. **Punishment:** Class 3 misdemeanor (see Chart I for specific penalty). G.S.18B 401 (a).
- 3. It shall be unlawful for any person (a) who is driving a motor vehicle (b) on a highway or public vehicular area (c) to consume in the passenger area of that vehicle (d) any malt beverage or unfortified wine. G.S.18B 401 (a).

Punishment: Class 3 misdemeanor (see Chart I for specific penalty). G.S.18B 401(a)1.

IMPAIRED DRIVING

Statute §20-138.1. Impaired driving.

- (a) **Offense.** - A person commits the offense of impaired driving if he drives any vehicle upon any highway, any street, or any public vehicular area within this State:
 - (1) While under the influence of an impairing substance or
 - (2) After having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.08 or more.
- (b) **Defense Precluded.** - The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense to a charge under this section.
- (c) **Pleading.** - In any prosecution for impaired driving, the pleading is sufficient if it states the time and place of the alleged offense in the usual form and charges that the defendant drove a vehicle on a highway or public vehicular area while subject to an impairing substance.
- (d) **Sentencing Hearing and Punishment.** - Impaired driving as defined in this section is a misdemeanor. Upon conviction of a defendant of impaired driving, the presiding judge must hold a sentencing hearing and impose punishment in accordance with G.S.20-179.

Elements: A person is guilty of this offense if:

- (1) he drives (2) a vehicle (3) on a highway or public vehicular area (4) (a) while under the influence of an impairing substance, or (b) after consuming a sufficient quantity of alcohol that he has an alcohol concentration of 0.08 or more at any relevant time after the driving.

Punishment: This offense is a misdemeanor, but it has five different levels of punishment; the level depends on the presence of and weight assigned to certain specific aggravating and mitigating factors found by the court. Punishment for each level set forth in G.S.20-179, is as follows:

NORTH CAROLINA CRIMES

- Level One:** Minimum imprisonment of 14 days and maximum of two years and a maximum fine of \$2,000.
- Level Two:** Minimum imprisonment of 7 days and maximum of one year and a maximum fine of \$1,000.
- Level Three:** Minimum imprisonment of 72 hours and maximum of six months and a maximum fine of \$500. The original sentence must be suspended on condition that the defendant meet at least one of these conditions: at least 72 hours of community service, imprisonment for at least 72 hours, or non-operation of a motor vehicle at least 90 days.
- Level Four:** Minimum imprisonment of 48 hours and a maximum of 120 days and a maximum fine of \$250. The original sentence must be suspended on condition that the defendant meet at least one of these conditions: 48 hours of community service, imprisonment for 48 hours, non-operation of a motor vehicle for 60 days.
- Level Five:** Imprisonment for not less than 24 hours or more than 60 days and a maximum fine of \$100. The original sentence must be suspended on condition that the defendant meet at least one of these conditions: 24 hours of community service, imprisonment for 24 hours, or non-operation of a motor vehicle for 30 days.

Drugs (Controlled Substances)

Source: DRUGS of ABUSE - North Carolina Justice Academy

SELECTED NORTH CAROLINA DRUG LAWS

The North Carolina Controlled Substance Act Constitutes Six distinct schedules to classify the variety of effects and characteristics of the drugs in circulation today. A drug is placed in a particular schedule according to potential for abuse, pharmacological effect, psychic or physiological dependence liability, and other like factors. The schedules are also important for they reflect the severity of the violation incurred.

SCHEDULE I (§90-89) Schedule I contains substances that have a high potential for abuse, have no current accepted medical use in this country, or there is a lack of accepted safety for use in treatment under medical supervision. Included in this schedule is a class of opiates, opium derivatives, hallucinogens, and certain stimulants, which may contain quantity of Fenethylamine or Nethylamphetamine. Substances in Schedule I that are commonly encountered by law enforcement officers include: The opium derivative, heroin, and several hallucinogenic substances such as lysergic acid diethylamide (LSD, 25), peyote, psilocybin, MDA, and methaqualone (Quaaludes).

SCHEDULE II (§90-90) Schedule II contains substances with a high potential for abuse, a current medical use in the United States, and which if abused may lead to severe physical and/or psychological dependence. Included in this schedule are a class of substances derived from vegetable extraction and chemical synthesis, a group of opiates, a group producing stimulant effects and a group producing depressant effects. Substances in Schedule II that are commonly encountered by law enforcement officers include: Cocaine, opium, opiates such as morphine, Dilaudid, Percodan, Demerol, and methadone, stimulants such as amphetamine (Dexedrine, Benzedrine), methamphetamine (Desoxyn), phendimetrazine (Preludin), methylphenidate (Ritalin), and depressants such as amobarbital (Amytal) secobarbital (Seconal), pentobarbital (Nembutal), and phencyclidine (PCP).

SCHEDULE III (§90-91) Schedule III contains substance with abuse potential less than substances in Schedules I and II, a current medical use, and moderate or low physical dependence or high psychological dependence. The schedule includes a group of narcotics, a group of stimulants, and a group of depressants. Substances in schedule III that are commonly encountered by law enforcement officers include: Empirin with codeine, Tylenol with codeine, Phenaphen with codeine, the stimulants benzphetamine (Didrex) and phendimetrazine (Trimtabs), and the depressant glutethimide (Doriden). Also, effective October 1, 1988, anabolic steroids, which include but are not limited to substances such as methandrostenolone, stanozolol, ethylestrenol, nandrolone phenpropionate, nandrolone deconoate, testosterone propionate, and chorionic gonadotropin.

SCHEDULE IV (§90-92) Schedule IV contains substances with a relatively low potential for abuse, current medical use, and limited physical or psychological dependence. There are a group of depressants, a group of stimulants and certain narcotic drugs in the schedule. Substances in Schedule IV that are commonly encountered include: The depressants propoxyphene (Darvon), diazepam, (Valium), chlordiazepoxide (Librium) and phenobarbital (Luminal), and the stimulant phentermine (Fastin).

SCHEDULE V (§90-93) Schedule V contains substance with a relatively low potential for abuse, current medical uses, and limited dependence. Included are substances containing limited quantities of narcotic drugs. These substances may be sold by a pharmacist without a prescription. Substances in Schedule V that are commonly encountered include: cough syrups such as Robitussin A-C and Terpin Hydrate with Codeine. As a matter of practicality, Schedule V violations rarely occur as a part of law enforcement.

SCHEDULE VI (§90-94) Schedule VI contains substances that have no current medical use or a relatively low potential for abuse and dependence or a need for further study of their effects. Most schedules in North Carolina's law correspond to the Federal schedules except for this one. Substances in North Carolina's Schedule VI are placed in Schedule I of the federal law. Substances in Schedule VI encountered by law enforcement officers include: Marijuana, hashish, and hash oil.

Sale or Delivery of Controlled Substances §90-95 (a) (1)

The Illegal Sale and/or delivery of a controlled substance is a felony.

Definition of sale and delivery: A delivery is the actual, constructive, or attempted transfer of a substance to another person. - A sale is a transfer for remuneration. - There is a "delivery" each time there is a "sale." A person can be charged with a "sale," a "delivery," or a "sale and delivery," but only one of three. - The transfer of less than 5 grams of marijuana for no remuneration does not constitute a delivery.

Elements: A person is guilty of this offense if: (1) he knowingly (2) (a) sells, or (b) delivers (3) controlled substance (4) to another person.

Penalties: For a schedule I or II substance, the crime is a Class H felony (see Chart II for specific penalty). For Schedule III, IV, V, or VI substance, the crime is a Class I felony (see Chart II for specific penalty).

Possession with intent to Sell/Manufacture §90-95 (a) (1)

The illegal possession of a controlled substance with the intent to manufacture, sell, or deliver is a felony.

Factors determining Intent: Many factors are used to prove intent: - Amount of the substance - Activities of the defendant - Nature of the substance's packaging - Materials and other paraphernalia such as scales - There is no established standard as to how much of a substance constitutes intent.

Elements: A person is guilty of this offense if: (1) he knowingly (2) possess (3) a controlled substance (4) with the intent to manufacture or sell or deliver it.

Penalties: For a schedule I or II substance, the crime is a Class H felony (see Chart II for specific penalty). For Schedule III, IV, V, or VI substance, the crime is a Class I felony (see Chart II for specific penalty).

Possession of Controlled Substance §90-95 (a) (3)

It is illegal to possess a controlled substance even without the intent to sell or deliver. This is referred to as "simple possession."

Requirements to Establish Possession: - Controlled substance must be in custody and control of a person and subject to their disposition. - Also, it is possession if a person has the power and intent to control a controlled substance in combination with other persons or if a person has the intent and capability to control a substance even in a place over which they do not have personal dominion. This is referred to as "constructive possession."

Elements: A person is guilty of this offense if: (1) he knowingly (2) possesses (3) a controlled substance.

Penalties: A person cannot be charged with "possession" and "possession with intent to sell or deliver" as part of the same violation. The first charge is a lesser-included offense of the second.

For a Schedule I substance, the crime is a Class I felony (see Chart II for specific penalty).

For a Schedule II, III, or IV substance, the crime is a Class I misdemeanor (see Chart I for specific penalty). If the quantity of the controlled substance possessed exceeds four tablets, capsules, or other dosage units or equivalent quantity of hydromorphone or if the quantity of the controlled substance, or combination of the controlled substances, exceeds one hundred tablets, capsules, or other dosage units, or equivalent quantity, the crime is a Class I felony (see Chart II for specific penalty). If the controlled substance is phencyclidine, cocaine and any salt or isomer, or any equipment, the crime is a Class I felony (see Chart II for specific penalty).

For a Schedule V substance, the crime is a Class 2 misdemeanor (see Chart I for specific penalty).

For a Schedule VI substance, the crime is a Class 3 misdemeanor (see Chart I for specific penalty), but any sentence of imprisonment imposed must be suspended. If the quantity of the controlled substance exceeds one-half an ounce of marijuana or one-twentieth of an ounce of the extracted resin of marijuana, commonly known as hashish, the crime is a Class I misdemeanor (see Chart I for specific penalty). If the quantity of the controlled substance exceeds one and one-half ounces of marijuana or three-twentieths of an ounce of the extracted resin of marijuana, commonly known as hashish, or if the controlled substance consists of any quantity of synthetic tetrahydrocannabinols or tetrahydrocannabinols isolated from the resin of marijuana, the crime is a Class I felony. (see Chart II for specific penalty).

Trafficking in Marijuana §90-95 (h) (1)

The illegal "trafficking" of marijuana in excess of 50 pounds is a felony.

Elements: a person is guilty of this offense if: (1) he knowingly (2) (a) sells or manufactures or delivers or transports, or possesses or (b) conspires to sell or manufacture or deliver or transport or possess (3) marijuana (4) to another person (if he sells or delivers) (5) and the quantity of marijuana is (a) in excess of 50 pounds but less than 100 pounds, or (b) 100 pounds or more but less than 2,000 pounds, or (c) 2,000 pounds or more but less than 10,000 pounds, or (d) 10,000 pounds or more.

Penalties: For the amount in (5) (a), the crime is a Class H felony punishable by mandatory imprisonment of a minimum of 25 months and a maximum of 30 months and a mandatory fine of \$5,000. For the amount in (5) (b), the crime is a Class G felony punishable by mandatory imprisonment of a minimum of 35 months and a maximum of 42 months and a mandatory minimum fine of \$25,000. For the amount in (5) (c), the crime is a Class F felony punishable by mandatory imprisonment of a minimum of 70 months and a maximum of 84 months and a mandatory minimum fine of \$50,000. For the amount in (5) (d), the crime is a Class D felony punishable by mandatory imprisonment of a minimum of 175 months and a maximum of 219 months and a mandatory minimum fine of \$200,000.

Trafficking in Cocaine §90-95 (h) (3)

The illegal "trafficking" of 28 grams or more of Cocaine is a felony.

Elements: A person is guilty of this offense if: (1) he knowingly (2) sells or manufactures or delivers or transports or possesses, (3) cocaine or any mixture containing cocaine (4) to another person (if he sells or delivers) (5) and the quantity of cocaine or mixture containing cocaine is: (a) 28 grams or more, but less than 200 grams, or (b) 200 grams or more, but less than 400 grams, or (c) 400 grams or more.

Penalties: For the amount in (5)(a), the crime is a Class G felony punishable by mandatory imprisonment of a minimum of 35 months and a maximum of 42 months and a mandatory minimum fine of \$50,000. For the amount in (5)(b), the crime is a Class F felony punishable by mandatory imprisonment of a minimum of 70 months and a maximum of 84 months and a mandatory minimum fine of \$100,000. For the amount in (5)(c),

the crime is a Class D felony punishable by mandatory imprisonment of a minimum of 175 months and a maximum of 219 months and a mandatory minimum fine of \$25,000.

Trafficking in Opium or Heroin §90-95(h)(4)

The illegal "trafficking" of 5 grams or more of Opium or Heroin is a felony.

Elements: A person is guilty of this offense if; (1) he knowingly (2) (a) sells or manufactures or delivers or transports or possesses, or (b) conspires to sell or manufacture or deliver or transport or possesses (3) Opium including Heroin, or any mixture containing Opium or Heroin (4) to another person (if he sells or delivers) (5) and the quantity of Opium, including Heroin, or any mixture containing Opium or heroin is: (a) four grams or more, but less than 14 grams, or (b) 14 grams or more, but less than 28 grams, or (c) 28 grams or more.

Penalties: For the amount in (5)(a), the crime is a class F felony punishable by mandatory imprisonment of a minimum of 70 months and a maximum of 84 months and a mandatory minimum fine of \$50,000. For the amount in (5)(b) the crime is a class E felony punishable by mandatory imprisonment of a minimum of 90 months and a maximum of 117 months and a mandatory minimum fine of \$100,000. For the amount in (5)(c), the crime is a Class C felony punishable by mandatory imprisonment of a minimum of 225 months and a maximum of 279 months and a mandatory minimum fine of \$500,000.

Trafficking in Lysergic Acid Diethylamide §90-95 (h) (4a)

The illegal "trafficking" of 100 or more dosage units of Lysergic Acid Diethylamide (LSD) is a felony.

Elements: A person is guilty of this offense if: (1) he knowingly (2) sells, manufactures, delivers, transports, or possesses (3) Lysergic Acid Diethylamide or any mixture containing such substance (4) and the quantity is: (a) 100 or more dosage units, but less than 500 dosage units, or (b) 500 or more dosage units, but less than 1,000 dosage units, or (c) 1,000 or more dosage units.

Penalties: For the amount in (4)(a), the crime is a Class G felony punishable by mandatory imprisonment of a minimum of 35 months and a maximum of 42 months and a mandatory minimum fine of \$25,000. For the amount in (4)(b), the crime is a Class F felony punishable by mandatory imprisonment of a minimum of 70 months and a maximum of 84 months and a mandatory minimum fine of \$50,000. For the amount in (4)(c), the crime is a Class D felony punishable by mandatory imprisonment of a minimum of 175 months and a maximum of 219 months and a mandatory minimum fine of \$200,000.

Federal Register/Vol. 55, No. 159/Thursday, August 16, 1990/ Rules and Regulations

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

21 U.S.C. 844 (a) 1st conviction: Up to 1-year imprisonment and a minimum fine of \$1,000, or both. After 1 prior drug conviction: Imprisonment of at least 15 days and up to 2 years and a minimum fine of \$2,500, or both. After 2 or more prior drug convictions: Imprisonment of at least 90 days and up to 3 years and a minimum fine of \$5,000. Special sentencing provisions for possession of crack cocaine: Mandatory imprisonment of at least 5 years and up to 20 years and a minimum fine of \$1,000, or both if: (a) 1st conviction and the amount of crack possessed exceeds 5 grams, (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams, or (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853 (a) (2) and *881 (a) (7)*: Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack.)

21 U.S.C. 881 (a) (4): Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844 (a): Civil fine of up to \$10,000.

21 U.S.C. 826 (b): Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922 (g): Ineligible to receive or purchase a firearm. Miscellaneous: Revocation of certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individuals Federal agencies. Note: These are only Federal penalties and sanctions. Additional State penalties and sanctions may apply.

Appendix B: Note: This appendix will not be codified in the Code of Federal Regulations. This Appendix contains a description of health risks associated with substances covered by the Controlled Substances Act (21 U.S.C. 811), and is taken from a Department of Justice publication entitled *Drugs of Abuse* (1989 Edition). The Appendix also includes a summary of health risks associated with alcohol, as described in *What Works: Schools Without Drugs* (1989 Edition), a Department of Education publication. Persons interested in acquiring the publication or in obtaining subsequent editions in the future should contact the Superintendent of Documents, Washington, DC 20402, or Drugs of Abuse, and Schools Without Drugs, Pueblo, CO 81009, for What Works: Schools Without Drugs. The Department of Education is providing this

information as an example of the minimum level of information that IHEs may provide to their students and employees in order to comply with the requirement in 86.1000 (a) (3) of these regulations relating to the distribution of the health risks associated with the use of illicit drugs and the abuse of alcohol. The Secretary considers this information as meeting the requirements of the regulation, but IHEs are not precluded from distributing additional or more detailed information. If an IHE distributed this information in future years, it should use the most current editions of Drugs of Abuse and Schools Without Drugs that are available.

**Federal Register / Vol. 55, No. 159 / Thursday, August 16, 1990 / Rules and Regulations Appendix A
FEDERAL TRAFFICKING PENALTIES**

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 - 4999 gms	First Offense: 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 \$2 million if an individual, \$5 million if not an individual Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$4 million if an individual, \$10 million if not an individual	5 kgs or more	First Offense: 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 \$4 million if an individual, \$10 million if not an individual. Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$20 million if not an individual. 2 or More Prior Offenses: Life imprisonment
Cocaine Base (Schedule II)	5-49 gms mixture		50 gms or more mixture	
Fentanyl (Schedule II)	40 - 399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10 - 99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100 - 999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1 - 9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5 - 49 gms pure or 50 - 499 gms mixture		50 gms or more pure or 500 gms or more mixture	
PCP (Schedule II)	10 - 99 gms pure or 100 - 999 gms mixture	100 gm or more pure or 1 kg or more mixture		
PENALTIES				
Other Schedule I & II drugs	Any amount	First Offense: 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.		
Flunitrazepam (Schedule IV)	1 gm or more	Second Offense: Not more than 30 yrs. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual		
Other Schedule III drugs	Any amount	First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		
Flunitrazepam (Schedule IV)	30 to 999 mgs	Second Offense: Not more 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual		
All other Schedule IV drugs	Any amount	First Offense: Not more than 3 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		
Flunitrazepam (Schedule IV)	Less than 30 mgs	Second Offense: Not more than 6 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.		
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 2 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	1,000 kgs or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> 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 \$4 million if an individual, \$10 million if other than an individual 	<ul style="list-style-type: none"> Not less than 20 years, not more than life If death or serious injury, mandatory life Fine not more than \$8 million if an individual, \$20 million if other than an individual
Marijuana	100 kgs to 999 kgs mixture; or 100 to 999 plants	<ul style="list-style-type: none"> 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 \$2 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> Not less than 10 years, not more than life If death or serious injury, mandatory life Fine not more than \$4 million if an individual, \$10 million if other than an individual
Marijuana	more than 10 kgs hashish; 50 to 99 kgs mixture more than 1 kgs of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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 kgs mixture	<ul style="list-style-type: none"> Not more than 5 years Fine not more than \$250,000, \$1 million other than individual 	<ul style="list-style-type: none"> Not more than 10 years Fine \$500,000 if an individual, \$2 million if other than individual
Hashish	10 kgs or less		
Hashish Oil	1 kgs or less		

Drug Chart I MISDEMEANORS

MISDEMEANOR OFFENSE CLASS	PRIOR CONVICTION LEVELS		
	LEVEL I	LEVEL II	LEVEL III
	No Prior Convictions	1 to 4 Prior Convictions	5 or More Prior Convictions
1	1 to 45 Days C	1 to 45 Days C//A	1 to 120 Days C//A
2	1 to 30 Days C	1 to 45 Days C/I	1 to 60 Days C//A
3	1 to 10 Days C	1 to 15 Days C/I	1 to 20 Days C//A

N.C. Gen.Stat. § 15A-1340.23

(a) *Fines.*—Any judgment that includes a sentence of imprisonment may also include a fine. Additionally, when the defendant is other than an individual, the judgment may consist of a fine only. If a community punishment is authorized, the judgment may consist of a fine only. Unless otherwise provided for a specific

offense, the maximum fine that may be imposed is two hundred dollars (\$200) for a class 3 misdemeanor and one thousand dollars (\$1,000) for a Class 2 misdemeanor. The amount of the fine for a Class 1 misdemeanor is in the discretion of the court.

(b) *Punishment for Each Class or Offense and Prior Conviction Level; Punishment Chart Described.* -- Unless otherwise provided for a specific offense, the authorized punishment for each class of offense and prior conviction level is as specified in the chart above. Prior conviction levels are indicated by the Roman numerals placed horizontally on the top of the chart. Classes of offenses are indicated by the Arabic numbers placed vertically on the left side of the chart. Each grid on the chart contains the following components:

- (1) A sentence disposition or dispositions: "C" indicates that a community punishment is authorized; "I" indicates that an intermediate punishment is authorized; and "A" indicates that an active punishment is authorized; and
- (2) A range of durations for the sentence of imprisonment: any sentence within the duration specified is permitted.

Drug Chart II FELONIES

PRIOR RECORD LEVEL							
	I	II	III	IV	V	VI	
C	A	A	A	A	A	A	DISPOSITION Aggravated PRESUMPTIVE Mitigated
	63-69	86-108	100-125	115-144	130-162	145-181	
	50-63	69-86	80-100	92-115	104-130	116-145	
	38-50	52-69	60-80	69-92	78-104	87-116	
D	A	A	A	A	A	A	DISPOSITION Aggravated PRESUMPTIVE Mitigated
	55-69	66-82	89-111	101-126	115-144	126-158	
	44-55	53-66	71-89	81-101	92-115	101-126	
	33-44	40-53	53-71	61-81	69-92	76-101	
E	I/A	I/A	A	A	A	A	DISPOSITION Aggravated PRESUMPTIVE Mitigated
	25-31	29-36	34-42	46-58	53-66	59-74	
	20-25	23-29	27-34	37-46	42-53	47-59	
	15-20	17-23	20-27	28-37	32-42	35-47	
F	I/A	I/A	I/A	A	A	A	DISPOSITION Aggravated PRESUMPTIVE Mitigated
	36-20	19-24	21-26	25-31	34-42	39-49	
	13-16	15-19	17-21	20-25	27-34	31-39	
	10-13	11-15	13-17	15-20	20-27	23-31	
G	I/A	I/A	I/A	I/A	A	A	DISPOSITION Aggravated PRESUMPTIVE Mitigated
	13-16	15-19	16-20	20-25	21-26	29-36	
	10-13	12-15	13-16	16-20	17-21	23-29	
	8-10	9-12	10-13	12-16	13-17	17-23	
H	C/I	I	I/A	I/A	I/A	A	DISPOSITION Aggravated PRESUMPTIVE Mitigated
	6-8	8-10	10-12	11-14	15-19	20-25	
	5-6	6-8	8-10	9-11	12-15	16-20	
	4-5	4-6	6-8	7-9	9-12	12-16	
I	C	C/I	I	I/A	I/A	I/A	DISPOSITION Aggravated PRESUMPTIVE Mitigated
	6-8	6-8	6-8	8-10	9-11	10-12	
	4-6	4-6	5-6	6-8	7-9	8-10	
	3-4	3-4	4-5	4-6	5-7	6-8	

(a) *Fines*.—Any judgment that includes a sentence of imprisonment may also include a fine. If a community punishment is authorized, the judgment may consist of a fine only. Additionally, when the defendant is other than an individual, the judgment may consist of a fine only. Unless otherwise provided, the amount of the fine is in the discretion of the court.

(b) *Punishments for Each Class of Offense and Prior Record Level; Punishment Chart Described*. --The authorized punishment for each class of offense and prior record level is as specified Roman numerals placed horizontally on the top of the chart. Classes of offense are indicated by the letters placed vertically on the left side of the chart. Each cell on the chart contains the following components:

- (1) A sentence disposition or dispositions: “C” indicates that a community punishment is authorized; “I” indicates that an intermediate punishment is authorized; and “A” indicates that an active punishment is authorized.
- (2) A presumptive range of minimum durations (expressed in months), if the sentence of imprisonment is neither aggravated or mitigated; any minimum term of imprisonment in the range is permitted unless the court finds pursuant to G.S.15A.-1340.16 that an aggravated or mitigated sentence is appropriate. The presumptive range is the middle of the three ranges in the cell.
- (3) A mitigated range of minimum durations (expressed in months) if the court finds pursuant to G.S.15A-1340.16 that a mitigated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the mitigated range is permitted. The mitigated range is the lower of the three ranges in the cell.
- (4) An aggravated range of minimum durations (expressed in months) if the court finds pursuant to G.S.15A-1340.16 that an aggravated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the aggravated range is permitted. The aggravated range is the higher of the three ranges in the cell.

HEALTH and RELATED RISKS ASSOCIATED CONTROLLED SUBSTANCES

Drugs	CSA Schedules	Trade or Other Names	Medical Uses	Dep Physical
Narcotics				
Heroin	Substance I	Diamorphine, Horse, Smack, Black tar, Chiva, Negra (black tar)	None in U.S., Analgesic, Antitussive	High
Morphine	Substance II	MS-Contin, Roxanol, Oramorph SR, MSIR	Analgesic	High
Hydrocodone	Substance II, Product III, V	Hydrocodone w/Acetaminophen, Vicodin, Vicoprofen, Tussionex, Lortab	Analgesic, Antitussive	High
Hydromorphone	Substance II	Dilaudid	Analgesic	High
Oxycodone	Substance II	Roxicet, Oxycodone w/Acetaminophen, OxyContin, Endocet, Percocet, Percodan	Analgesic	High
Codeine	Substance II, Products III, V	Acetaminophen, Guaifenesin or Promethazine w/Codeine, Fiorinal, Fioricet or Tylenol w/Codeine	Analgesic, Antitussive	Moderate
Other Narcotics	Substance II, III, IV	Fentanyl, Demerol, Methadone, Darvon, Stadol, Talwin, Paregoric, Buprenex	Analgesic, Antidiarrheal, Antitussive	High-Low
Depressants				
gamma Hydroxybutyric Acid	Sub I, Product III	GHB, Liquid Ecstasy, Liquid X, Sodium Oxybate, Xyrem®	None in U.S., Anesthetic	Moderate
Benzodiazepines	Substance IV	Valium, Xanax, Halcion, Ativan, Restoril, Rohypnol (Roofies, R-2), Klonopin	Antianxiety, Sedative, Anticonvulsant, Hypnotic, Muscle Relaxant	Moderate
Other Depressants	Substance I, II, III, IV	Ambien, Sonata, Meprobamate, Chloral Hydrate, Barbiturates, Methaqualone (Quaalude)	Antianxiety, Sedative, Hypnotic	Moderate
Stimulants				
Cocaine	Substance II	Coke, Flake, Snow, Crack, Coca, Blanca, Perico, Nieve, Soda	Local anesthetic	Possible
Amphetamine/Methamphetamine	Sub II	Crank, Ice, Cristal, Krystal Meth, Speed, Adderall, Dexedrine, Desoxyn	Attention deficit/hyperactivity disorder, narcolepsy, weight control	Possible
Methylphenidate	Substance II	Ritalin (lly's), Concerta, Focalin, Metadate	Attention deficit/hyperactivity disorder	Possible
Other Stimulants	Substance III, IV	Adipex P, Ionamin, Prelu-2, Didrex, Provigil	Vasoconstriction	Possible
Hallucinogens				
MDMA and Analogs	Substance I	(Ecstasy, XTC, Adam), MDA (Love Drug), MDEA (Eve), MBDB	None	None
LSD	Substance I	Acid, Microdot, Sunshine, Boomers	None	None
Phencyclidine and Analogs	Sub I, II, III	PCP, Angel Dust, Hog, Loveboat, Ketamine (Special K), PCE, PCPy, TCP	Anesthetic (Ketamine)	Possible
Other Hallucinogens	Substance I	Psilocybe mushrooms, Mescaline, Peyote Cactus, Ayahuasca, DMT, Dextromethorphan* (DXM)	None	None
Cannabis				
Marijuana	Substance I	Pot, Grass, Sinsemilla, Blunts, Mota, Yerba, Grifa	None	Unknown
Tetrahydrocannabinol	Sub I, Product III	THC, Marinol	Antinauseant, Appetite stimulant	Yes
Hashish and Hashish Oil	Substance I	Hash, Hash oil	None	Unknown
Anabolic Steroids				
Testosterone	Substance III	Depo Testosterone, Sustanon, Sten, Cypt	Hypogonadism	Unknown
Other Anabolic Steroids	Substance III	Parabolan, Winstrol, Equipoise, Anadrol, Dianabol, Primabolin-Depo, D-Bal	Anemia, Breast cancer	Unknown
Inhalants				
Amyl and Butyl Nitrate		Booze, Boners, Dush, Locker Room	Angina (Amyl)	Unknown

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 withdrawal 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 the 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.

