



Idaho State  
University

# Drug and Alcohol Abuse Prevention Program (DAAPP)

2023-2024 Student and Employee  
Annual Notification

In compliance with the Drug-Free Schools and Communities Act

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# 2023-2024 Drug and Alcohol Abuse Prevention Program

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The Drug-Free Schools and Communities Act (DFSCA) of 1989 (Public Law 101-226, 20 U.S.C. § 1011) requires Idaho State University to develop and implement a Drug and Alcohol Abuse Prevention Program to prevent the unlawful possession, use, sale, or distribution of illegal drugs and alcohol by all employees and students as part of its activities or on school properties. This requirement exists as a condition of receiving federal funds or any other form of financial assistance under any federal program.

The University community, including all students enrolled in any course for which academic credit may be earned and all employees, must receive annual written notification regarding Idaho State University's Drug and Alcohol Abuse Prevention Program, which includes:

- Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on University property or as part of any University activities.
- A description of applicable legal sanctions under local, state, and federal laws for the unlawful possession or distribution of illicit drugs and alcohol.
- A description of the health risks associated with the abuse of alcohol or use of illicit drugs.
- A description of any drug and alcohol counseling, treatment, rehabilitation, and re-entry programs available to students and employees.
- A clear statement that the University will impose disciplinary sanctions on students and employees for violations of the standards of conduct and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violation of the standards of conduct.

Idaho State University's Drug and Alcohol Abuse Prevention Program information is posted on the ISU website at [isu.edu/ogc/compliance/](https://isu.edu/ogc/compliance/). A mass email containing a link to the PDF and a summary of its contents is distributed by University email to all students enrolled in one or more credits and all employees once every Fall semester and in subsequent semesters as needed to ensure each student and employee receives the notification as they join the campus community.

The University conducts a biennial review of its drug and alcohol abuse prevention program to determine its effectiveness, implement changes to the program as needed, and ensure that disciplinary sanctions described within the program are consistently enforced.

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## Standards of Conduct

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Idaho State University is committed to providing an environment where learning and scholarship can flourish. The University complies with local, state, and federal laws regarding the sale, possession, and consumption of alcoholic beverages and the unlawful manufacture, possession, use, or distribution of illicit drugs or controlled substances on University property or as part of University activities. Accordingly, Idaho State University enforces state and federal laws and related University policies, including those prohibiting the following activities on campus and at institution-related activities:

1. Providing alcoholic beverages to individuals under the age of 21.
2. Possession or consumption of alcoholic beverages by individuals under the age of 21.
3. Distribution, possession, or use of illegal drugs or controlled substances.

Idaho State University strives to provide a space for individuals to make safe decisions regarding alcohol and other drugs. It is dedicated to fairly imposing disciplinary sanctions befitting the violation of local, state, and federal laws and ISU policies that do not support this effort. Idaho State can and will impose disciplinary sanctions for violations of the ISU policies described in the sections below. The use of, or addiction to, alcohol or other controlled substances is not considered an excuse for violating the Student Code of Conduct or employee expectations. It will not be a mitigating factor in applying appropriate disciplinary sanctions for such violations.

Idaho State strongly encourages students and employees to voluntarily obtain assistance for dependency or abuse problems before such behavior results in an arrest and/or disciplinary action, which might result in their separation from the institution. Help is available for students and employees who are dependent on or abusing alcohol or other drugs, and more information can be found in the Drug and Alcohol Resources or Programs section provided later in this report.

The following sections outline policies the University has adopted regarding using, misusing, and abusing alcohol and other drugs. These policies apply to all students taking one or more credits at ISU and all University employees and to all on-campus activities and ISU-sponsored off-campus activities or groups considered to be sponsored by ISU.

## Student Code of Conduct

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The **Student Code of Conduct**, ISUPP 5000, applies to students who are defined as all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, whether degree or non-degree seeking, and continuing education classes or special programs. It also applies to persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but have a continuing relationship with the University, or who have submitted an application for admission are considered students. Additionally, the Student Code of Conduct applies to conduct on University premises at all locations and centers, at University-sponsored activities, and off-campus conduct that adversely affects the University community or the pursuit of its objective on a case-by-case basis.

The University encourages students to approach personal decision-making with the following expectations and principles. The following behaviors are considered violations of the Student Code of Conduct rules and regulations:

- **Alcohol:** Illegal or unauthorized procurement, consumption, use, possession, manufacture, or distribution of alcoholic beverages. Alcoholic beverages may not, in any circumstances, be used by, possessed by, or distributed to persons under twenty-one (21) years of age.
  - Consumption and possession of alcohol is prohibited in general use areas and all University residence halls. General use areas include all University owned, leased, or operated facilities and campus grounds.
  - Consumption and possession of alcohol by persons of legal age is only authorized in the University apartments and other areas designated by the President with the approval of the State Board of Education.
  - Distribution of alcohol to a minor is prohibited.
  - Possession and consumption of alcohol by a minor is prohibited.
  - Possession and consumption of alcohol in areas designated as “alcohol-free” is prohibited.
  - Sale of alcohol, unless authorized by the State Board of Education and with the Appropriate licenses and permits, is prohibited.

- It is prohibited for anyone of legal drinking age (21 or older) to consume alcohol in University residential facilities in the presence of a minor unless that minor is a roommate, spouse, or dependent.
- **Drugs:** Use, possession, manufacture, or distribution of controlled substances, as defined by the United States Department of Justice, and synthetic substances used as a substitute for controlled substances. Abusing prescription drugs is also prohibited.

## Sanctions for Violations of the Student Code of Conduct

Students who violate Idaho State University's Student Code of Conduct rules and regulations on drugs and alcohol may face disciplinary action, including sanctions outlined below and any penalties resulting from violating local, state, or federal law. Student sanctions for violating the Student Code of Conduct may include appropriate educational and learning-based outcomes or disciplinary action by Idaho State University up to and including expulsion. The following sanctions may be imposed singly or in combination, upon any student found to have violated the Student Code of Conduct: written warning; probation; loss of privileges; restitution; discretionary sanctions; University Housing suspension; University Housing expulsion; University suspension; University expulsion; revocation of admission and/or degree; or withholding degree. Definitions of these sanctions and additional information about the conduct process may be found in the ISUPP 5000 *Student Code of Conduct*.

A registered student organization is offered the privilege to conduct its activities at the University, subject to its compliance with the Student Code of Conduct. Accordingly, the University has the discretion to impose upon any registered student organization any one or more of the following sanctions: any of the previously identified sanctions for students, loss of applicable University-related registration or any other applicable University-related privilege, or permanent loss of either University registration or any other applicable University-related privileges. Definitions of these sanctions and additional information about the conduct process may be found in the ISUPP 5000 *Student Code of Conduct*.

University conduct proceedings may be instituted against a student charged with conduct that potentially violates both criminal law and the Student Code of Conduct. Conduct proceedings may be carried out before, simultaneously with, or following civil or criminal proceedings at the discretion of the Conduct Administrator in consultation with the Vice President for Student Affairs and General Counsel. Arrest and prosecution for alleged violations of criminal law or city ordinances may result from the same incident for which ISU imposes disciplinary sanctions.

## Drug and Alcohol Testing for Student Athletes Policy

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Idaho State University and its Department of Intercollegiate Athletics promote drug-free and healthful lifestyles to the community through its athletic program. To that end, Idaho State University's **Drug and Alcohol Testing for Student Athletes** policy prohibits illegal drug and alcohol use, the abuse of alcohol, drugs, and other substances, and performance-enhancing drugs by student-athletes.

All student-athletes are subject to drug testing from the day they arrive on campus and are expected to attend all drug education programs provided by the Athletics Department. Additionally, graduate assistant coaches, graduate assistant trainers or graduate assistants assigned to a team, student managers, student coaches, and student trainers who may or may not be receiving compensation from the University will also be subject to random testing or reasonable suspicion testing following the procedures set out in the policy. The testing process may be initiated based on random testing, documented reasonable suspicion testing, or failing a previous test in the previous twelve months.

## Sanctions for Violations of the Drug and Alcohol Testing for Student Athlete Policy

Any positive test will result in sanctions including but not limited to receiving counseling and education about substance abuse, a mandatory assessment by an appropriate medical professional to discern the severity of the student-athlete substance use, counseling, abstention from further use, and periodic retesting, reduced playing time, and withdrawal from drills, scrimmages, or competitions. Additionally, a student-athlete may be dismissed from the team and lose all athletic financial aid beginning with the next academic term after a single positive test result.

## Drug and Alcohol-Free Workplace Policy

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The **Drug and Alcohol-Free Workplace** policy, ISUPP 3180, applies to employees defined as any faculty, staff, or student receiving a salary, wages, or other compensation from the University. The workplace is defined as the physical boundaries of the University and all University-owned or controlled property, vehicles, and facilities. It includes all Idaho State premises where University activities are conducted and the locations where employees officially represent the University. All employees must report to work or perform job duties free from being impaired due to on- or off-duty use of alcohol, controlled substances, or other drugs.

The following behaviors are considered violations of the Drug and Alcohol-Free Workplace policy and are actionable under the policy:

- The unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of drugs or alcohol in the workplace;
- An employee who is impaired in the workplace from drug and/or alcohol use;
- A conviction based upon conduct occurring in the traditional workplace or where the employee is representing the University in an official capacity which negatively impacts the employee's work at the University; or
- An employee's failure to report the employee's charge or conviction, as required below:
  - All employees who receive a charge or conviction related to alcohol, controlled substances, or other drugs must notify their supervisor within two business days of the charge or conviction. A supervisor notified of an employee's charge or conviction must notify the Human Resources Office and their respective management team so that proper action can be considered as outlined in Section V.D.1 of the Drug and Alcohol-Free Workplace policy.
  - Additionally, the Human Resources Office and any supervisor notified of an employee working under a grant or contract who received a drug conviction at the workplace must report the conviction to the Office of the Vice President for Research, who will notify the appropriate federal Agency, if applicable.

## Sanctions for Violations of the Drug and Alcohol-Free Workplace Policy

Employees who violate the Drug and Alcohol-Free Workplace policy may be subject to criminal prosecution, disciplinary action taken by the University, and professional sanctions. Outcomes for violations of the Drug and Alcohol-Free Workplace Policy may be corrective or disciplinary, depending on the severity of the violation. Disciplinary action taken by the University for employee violations of the policy will be managed on a case-by-case basis following the policies and procedures applicable to faculty, staff, or students. Disciplinary action may include but is not limited to management consultation and corrective or disciplinary action, such as suspension without pay,

involuntary demotion or transfer, and termination of employment. Additional information may be obtained from the ISUPP 3180 *Drug and Alcohol-Free Workplace Policy*.

Employees who violate the Drug and Alcohol-Free Workplace policy may be subject to loss of professional licensure or certification and sanctions from professional governing boards, where applicable, which may result in an inability to work in specific fields. Additionally, employees may be subject to criminal prosecution under federal, state, and local laws that specify fines or imprisonment for conviction of violating any drug law or where the use of drugs or alcohol was found to be a contributing factor of a law violation. Arrest and prosecution for alleged violation of criminal law or city ordinances may result from the same incident for which ISU imposes disciplinary sanctions.

## **Alcohol Beverage Permitting and State Board of Education Policy**

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The possession, consumption, and sale of alcoholic beverages is generally prohibited on Idaho State University property except by applicable law and State Board of Education policy. To ensure alcohol is used only responsibly within the University's academic and social environment, the [Idaho State Board of Education Policy, Section I.J.2](#), and the University's [Alcoholic Beverage Permitting](#) policy establish the requirements and exceptions to this prohibition. Upon proper application, the President or designee may grant an Alcoholic Beverage Permit for the possession, consumption, or sale of alcoholic beverages at events held on campus and at properties owned, leased, or controlled by the University.

No University or third-party event on University property may include the possession, consumption, or sale of alcoholic beverages unless the event organizer has received approval under the Alcoholic Beverage Permitting policy. Under no circumstance may any person bring their own alcoholic beverages to a University owned, leased, or controlled property unless officially permitted, authorized, and legally served following the policy.

## **Health Risks Associated with Substance Abuse**

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Improper use of drugs or alcohol can seriously injure the health of students and employees, impair the performance of their responsibilities, and endanger the safety and well-being of fellow students, employees, and members of the general public. Many well-documented risks are associated with alcohol and other drugs, affecting not only the individual user but also the user's family, friends, and communities.

### **Alcohol**

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The following information on health risks is from the Centers for Disease Control and Prevention<sup>1</sup>:

Drinking too much can harm your health. Excessive alcohol use led to approximately 95,000 deaths and 2.8 million years of potential life lost each year in the United States from 2011 to 2015, shortening the lives of those who died by an average of 29 years. Further, excessive drinking was responsible for 1 in 10 deaths among working-age adults aged 20-64. The economic costs of excessive alcohol consumption in 2010 were estimated at \$249 billion, or \$2.05 a drink. The Dietary Guidelines for Americans defines moderate drinking as up to 1 drink per day for women and up to 2 drinks per day for men. In addition, the Dietary Guidelines do not recommend that individuals who do not drink alcohol start drinking for any reason.

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<sup>1</sup> Available at CDC website: [cdc.gov/alcohol/fact-sheets/alcohol-use.htm](https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm) (last accessed Mar 24, 2023)

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems, including:

- High blood pressure, heart disease, stroke, liver disease, and digestive problems;
- Cancer of the breast, mouth, throat, esophagus, liver, and colon;
- Learning and memory problems, including dementia and poor school performance;
- Mental health challenges, including depression and anxiety; Social problems, including lost productivity, family problems, and unemployment;
- Alcohol dependence, or alcoholism.

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

## Marijuana

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The following information on health risks is from the Centers for Disease Control and Prevention<sup>2</sup>:

Marijuana is the most commonly used illegal drug in the United States, and marijuana use may have a wide range of health effects on the body and brain. About 1 in 10 marijuana users may experience some form of addiction. For people who begin using before the age of 18, that number rises to 1 in 6. People addicted to marijuana may also be at a higher risk of other negative consequences, such as problems with attention, memory, and learning. Some people who are addicted may need to smoke more and more marijuana to get the same high. It is also essential to be aware that the amount of tetrahydrocannabinol (THC) in marijuana (i.e., marijuana potency or strength) has increased over the past few decades. The higher the THC content, the stronger the effects on the brain. In addition, some methods of using marijuana (e.g., dabbing, edibles) may deliver very high levels of THC to the user.

In many cases, marijuana is smoked in hand-rolled cigarettes (joints), pipes or water pipes (bongs), bowls, or blunts—emptied cigars that have been partly or completely refilled with marijuana. Smoked marijuana, in any form, can harm lung tissues and cause scarring and damage to small blood vessels. Smoke from marijuana contains many of the same toxins, irritants, and carcinogens as tobacco smoke. Smoking marijuana can also increase the risk of bronchitis, cough, and phlegm production. These symptoms generally improve when marijuana smokers quit.

Marijuana use, especially frequent (daily or near-daily) use and use in high doses, can cause disorientation and sometimes cause unpleasant thoughts or feelings of anxiety and paranoia. Marijuana use is associated with temporary psychosis (not knowing what is real, hallucinations, and paranoia) and long-lasting mental health challenges, including schizophrenia (a mental illness where people might see or hear things that aren't there).

Marijuana use has also been linked to depression, anxiety, and suicide among teens. However, whether this is a causal relationship or simply an association is not known.

## MDMA (often referred to as “ecstasy” or “molly”)

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The following information on health risks is from the National Institute on Drug Abuse<sup>3</sup>:

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<sup>2</sup> Available at CDC website: [cdc.gov/marijuana/health-effects/](https://www.cdc.gov/marijuana/health-effects/) (last accessed Mar 24, 2023)

<sup>3</sup> Source: National Institute on Drug Abuse; National Institutes of Health; U.S. Department of Health and Human Services; Available at: [nida.nih.gov/publications/drugfacts/mdma-ecstasy-molly](https://nida.nih.gov/publications/drugfacts/mdma-ecstasy-molly). (Last accessed Mar 23, 2023)

People who use MDMA usually take it as a capsule or tablet, though some swallow it in liquid form or snort the powder. The popular nickname Molly (slang for “molecular”) often refers to the supposedly “pure” crystalline powder form of MDMA, usually sold in capsules. However, people who purchase powder or capsules sold as Molly often get other drugs, such as synthetic cathinone (“bath salts”). Some people take MDMA with other drugs, such as alcohol or marijuana.

MDMA increases the activity of three brain chemicals:

- Dopamine—produces increased energy/activity and acts in the reward system to reinforce behaviors.
- Norepinephrine—increases heart rate and blood pressure, which are particularly risky for people with heart and blood vessel problems
- Serotonin—affects mood, appetite, sleep, and other functions. It also triggers hormones that affect sexual arousal and trust. The release of large amounts of serotonin likely causes the emotional closeness, elevated mood, and empathy felt by those who use MDMA.

Other health effects include nausea, muscle cramping, involuntary teeth clenching, blurred vision, chills, and sweating.

MDMA’s effects last about 3 to 6 hours, although many users take a second dose as the effects of the first dose begin to fade. Over the week following moderate drug use, a person may experience irritability, impulsiveness and aggression, depression, sleep problems, anxiety, memory and attention problems, decreased appetite, and decreased interest in and pleasure from sex. Some of these effects may be due to the combined use of MDMA with other drugs, especially marijuana. High doses of MDMA can affect the body’s ability to regulate temperature. This can lead to a spike in body temperature, occasionally resulting in liver, kidney, heart failure, or even death.

## Methamphetamine

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The following information on health risks is from the Substance Abuse and Mental Health Services Administration (SAMHSA) within the U.S. Department of Health & Human Services<sup>4</sup>.

Methamphetamine (meth) is consumed by smoking, snorting, taken orally, or injected. Meth is an addictive synthetic stimulant that can cause significant health problems, including death.

The effects of meth include increased blood pressure, heart and respiratory rates, and a dramatic increase in dopamine levels (this causes psychological changes). The user may experience a tremendous euphoric level of alertness and energy as meth floods the brain with excessive dopamine production that stimulates body movement and motivation and reinforces rewarding behaviors. This stimulation of the brain's reward areas is what creates mental addiction. There is no medication treatment for meth, but behavioral therapies are effective.

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<sup>4</sup> Source: *Substance Abuse and Mental Health Services Administration (SAMHSA); U.S. Department of Health and Human Services; Available at [samhsa.gov/meth](https://www.samhsa.gov/meth)*. (Last accessed Jul 17, 2023)

## Fentanyl and Heroin

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The following information on the health risks of both **Heroin**<sup>5</sup> and **Fentanyl**<sup>6</sup> is from the National Institute of Health.

Heroin and Fentanyl are both opioids. The difference is that Fentanyl is synthetic and 50-100 times stronger than morphine. Fentanyl is used medicinally for people who have a higher tolerance to opioids and is, therefore, much more dangerous when misused. Heroin and Fentanyl rapidly block brain receptors responsible for feeling pain pleasure, and controlling heart rate, sleep, and breathing.

Heroin is consumed by smoking, snorting, or by injecting it. Heroin users may temporarily experience euphoria or pleasure with a clouded mental function. The effects of Heroin range from nausea, dry mouth, and feeling heavy to insomnia, infection of the heart lining and valves, liver and kidney disease, lung complications, and mental disorders.

Fentanyl is legally consumed by injection, dermal patch, or oral tablets. It's consumed illegally by eye droppers, nasal sprays, orally, dermal patches, and by injection. Fentanyl is often mixed with other illicit drugs such as Meth, cocaine, heroin, and more. Fentanyl users may experience nausea, confusion, extreme happiness, or drowsiness. The effects of Fentanyl are shared with those of Heroin and include breathing problems, sedation, and unconsciousness.

Treatment for Heroin and Fentanyl use/exposure includes administration of Narcan (for immediate treatment that lasts approximately 30 minutes/dose) and other medicines that may be combined with behavioral therapies.

## Prescription Opioids

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The following information on health risks is from the National Institute on Drug Abuse<sup>7</sup>:

Prescription opioids used for pain relief are generally safe when taken briefly and as prescribed by a doctor, but they can be misused. Opioids bind to and activate opioid receptors on cells located in many areas of the brain, spinal cord, and other organs in the body, especially those involved in feelings of pain and pleasure. When opioids attach to these receptors, they block pain signals sent from the brain to the body and release large amounts of dopamine throughout the body. This release can strongly reinforce the act of taking the drug, making the user want to repeat the experience.

In the short term, opioids can relieve pain and make people feel relaxed and happy. However, opioids can also have harmful effects, including drowsiness, confusion, nausea, constipation, euphoria, and slowed breathing. Opioid misuse can cause slowed breathing, which can cause hypoxia, resulting in too little oxygen reaching the brain. Hypoxia can have short- and long-term psychological and neurological effects, including coma, permanent brain damage, or death. Researchers are also investigating the long-term effects of opioid addiction on the brain, including whether the damage can be reversed.

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<sup>5</sup> Source: National Institute on Drug Abuse; National Institutes of Health; U.S. Department of Health and Human Services; Available at: [nida.nih.gov/publications/drugfacts/heroin](https://nida.nih.gov/publications/drugfacts/heroin). (Last accessed Jul 18, 2023)

<sup>6</sup> Source: National Institute on Drug Abuse; National Institutes of Health; U.S. Department of Health and Human Services; Available at: [nida.nih.gov/publications/drugfacts/fentanyl](https://nida.nih.gov/publications/drugfacts/fentanyl). (Last accessed Jul 18, 2023)

<sup>7</sup> Source: National Institute on Drug Abuse; National Institutes of Health; U.S. Department of Health and Human Services; Available at: [nida.nih.gov/publications/drugfacts/prescription-opioids](https://nida.nih.gov/publications/drugfacts/prescription-opioids). (Last accessed Mar 23, 2023)

People addicted to an opioid medication who stop using the drug can have severe withdrawal symptoms that begin as early as a few hours after the drug was last taken. These symptoms include muscle and bone pain, sleep problems, diarrhea and vomiting, cold flashes with goosebumps, uncontrollable leg movements, and severe cravings.

An opioid overdose occurs when a person uses enough of the drug to produce life-threatening symptoms or death. When people overdose on opioid medication, their breathing often slows or stops. This can decrease the amount of oxygen reaching the brain, resulting in coma, permanent brain damage, or death.

If you suspect someone has overdosed, the most crucial step is to call 911 so they can receive immediate medical attention. Once medical personnel arrive, they will administer naloxone. Naloxone is a medicine that can treat an opioid overdose immediately. It works by rapidly binding to opioid receptors and blocking the effects of opioid drugs. Naloxone is available as an injectable (needle) solution, a hand-held auto-injector (EVZIO®), and a nasal spray (NARCAN® Nasal Spray).

## Specific Dangers from Drug-Facilitated Sexual Assault Drugs

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The following information on health risks is from the National Institute of Drug Abuse.

Three specific drugs are commonly utilized in drug-facilitated sexual assault or as a date rape drug: Rohypnol®, Ketamine, or GHB (Gamma Hydroxybutyric Acid). If an individual believes they or a friend have consumed Rohypnol®, GHB, or Ketamine, they should visit a local healthcare facility that can care for survivors of sexual assault and provide a forensic exam. While receiving care, the individual who has ingested the drug can request the hospital to take a urine sample for drug toxicology testing. If the individual cannot immediately go to a hospital, they should save their urine in a clean, sealable container as soon as possible and place it in the refrigerator or freezer for future toxicology testing.

### Rohypnol® (Flunitrazepam/Roofies)<sup>8</sup>

Rohypnol®, or flunitrazepam, is a benzodiazepine chemically similar to prescription sedatives and is not approved in the United States. It is most commonly found as a tablet consumed by dissolving or swallowing it in a drink. Rohypnol has been used to commit sexual assaults because of its strong sedation effects. The possible short-term health effects include drowsiness, sedation, sleep, amnesia, blackout, decreased anxiety, muscle relaxation, impaired reaction time and motor coordination, impaired mental functioning and judgment, confusion, aggression, excitability, slurred speech, headache, slowed breathing and heart rate. When combined with alcohol, the possible health effects include severe sedation, unconsciousness, and slowed heart rate and breathing, which can lead to death. At this point, the long-term health effects of Rohypnol® are still unknown. Rohypnol® can take between 36-72 hours to leave the body.

### Ketamine<sup>9</sup>

Ketamine is a dissociative drug used as a surgical anesthetic, an anesthetic in veterinary practice, and a prescription for treatment-resistant depression under strict medical supervision. It is most commonly found in liquid or white powder and is consumed through swallowing, smoking, snorting, or injections. The possible short-term health effects

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<sup>8</sup> Source: National Institute on Drug Abuse; National Institutes of Health; U.S. Department of Health and Human Services; Available at: [nida.nih.gov/drug-topics/commonly-used-drugs-charts#rohypnol](https://nida.nih.gov/drug-topics/commonly-used-drugs-charts#rohypnol). (Last accessed Mar 23, 2023)

<sup>9</sup> Source: National Institute on Drug Abuse; National Institutes of Health; U.S. Department of Health and Human Services; Available at: [nida.nih.gov/drug-topics/commonly-used-drugs-charts#ketamine](https://nida.nih.gov/drug-topics/commonly-used-drugs-charts#ketamine). (Last accessed Mar 23, 2023)

include problems with attention, learning, and memory; dreamlike states; hallucinations, sedation; confusion; loss of memory; raised blood pressure; unconsciousness; and dangerously slowed breathing. If ketamine is consumed with alcohol, there is a risk of adverse effects. Long-term use's possible health effects include ulcers, bladder pain, kidney problems, stomach pain, depression, and poor memory.

### **GHB (Gamma Hydroxybutyric Acid)<sup>10</sup>**

GHB is a depressant approved for use in the treatment of narcolepsy. It is most commonly found as a colorless liquid or white powder consumed through swallowing, often in combination with alcohol or other beverages. The possible short-term health effects include euphoria, drowsiness, nausea, vomiting, confusion, memory loss, unconsciousness, slowed heart rate and breath, lower body temperature, seizures, coma, and death. In combination with alcohol, the possible health effects include nausea, problems with breathing, and significantly increased depressant effects. At this point, the long-term effects of GHB are unknown. GHB, unlike Rohypnol, leaves the body between 10-12 hours after consumption.

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## **Drug and Alcohol Resources or Programs**

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Students and employees experiencing difficulty with drug or alcohol abuse are encouraged to seek assistance on campus, within the community, or through referrals by contacting the resources detailed below. According to federal and state laws, information obtained regarding an employee or student participating in such programs or services will be confidential.

### **Drug and Alcohol Counseling**

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Short-term alcohol and drug counseling is available on campus to currently enrolled students through Idaho State University's Counseling and Mental Health Center. Contact information for students at ISU's various campuses and educational centers can be found below.

- **Pocatello:** ISU Counseling and Mental Health Center at 1001 S. 8th Avenue in Graveley Hall South, 3rd Floor, Room #351. Contact (208) 282-2130 or visit [isu.edu/ctc/](http://isu.edu/ctc/) for further information.
- **Idaho Falls:** Counseling Services located at 1784 Science Center Drive in the Bennion Student Union, 2nd floor, Room #223. Contact (208) 282-7750 or visit [isu.edu/ctc/](http://isu.edu/ctc/) for further information.
- **Meridian:** Counseling Services in the Sam & Aline Skaggs Health Science Center at ISU Meridian, 1311 E. Central Drive. Contact (208) 373-1732 or visit [isu.edu/ctc/](http://isu.edu/ctc/) for further information.
- **Twin Falls:** Students attending classes in Twin Falls who are dual-enrolled CSI students can utilize the CSI Counseling Services at (208) 732-6260. Otherwise, contact the University Counseling and Testing Service at (208) 282-2130 for telehealth options or assistance identifying area referrals.
- **Caldwell:** Contact the University Counseling and Testing Service at (208) 282-2130 for telehealth options or assistance identifying area referrals.
- **Alaska:** Contact the University of Alaska, Anchorage Student Health & Counseling Center at 3416 Seawolf Drive, Rasmuson Hall 120. Contact (907) 786-4040 for further information. For confidential counseling services, call 907-786-1795.

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<sup>10</sup> Source: National Institute on Drug Abuse; National Institutes of Health; U.S. Department of Health and Human Services; Available at: [nida.nih.gov/drug-topics/commonly-used-drugs-charts#ghb](https://nida.nih.gov/drug-topics/commonly-used-drugs-charts#ghb). (Last accessed Mar 23, 2023)

Students may be referred through the Counseling and Mental Health Center to other treatment programs within the community for more intensive treatment. Additionally, ISU students who are physically located outside the state of Idaho can utilize mental health services with our partner [TELUS Health Student Support](#) for free, confidential emotional health and wellbeing support conveniently available 24/7 via the app, telephone, and web.

Employees can take advantage of the benefits offered through ISU's Employee Assistance Program (EAP). Under the EAP, all benefit-eligible employees, their spouses, children, and step-children, regardless of whether or not they are enrolled in the medical plan, have up to 5 one-hour sessions per family member each benefit year. Through the program, services for emotional, behavioral, mental health, and substance abuse are issued for each individual. These sessions have no out-of-pocket co-payments and do not count against the available mental health and substance abuse services. BPAHealth provides EAP benefits with access to BetterHelp.com. For full details, see the [Idaho Office of Group Insurance EAP website](#).

## Drug and Alcohol Treatment and Rehabilitation

Idaho State University does not offer on-campus resources or services related to inpatient or outpatient treatment for or rehabilitation from substance misuse or substance abuse disorders. Students and employees may seek detox, rehabilitation, or treatment services in the community and explore additional referrals from their personal insurance provider based on their benefits. There are various off-campus community resources available for rehabilitation, treatment, and mental health services for those who have been diagnosed with alcohol dependence or drug addiction, including but not limited to the following:

### **Pocatello:**

- [Moonlight Mountain Recovery](#) offers inpatient and outpatient programs and medical alcohol and drug detox for adults in Pocatello, Idaho, who need help overcoming alcohol dependence, drug addiction, and prescription drug and opioid dependence—contact (208) 505-9990 for more information.
- [Freedom Recovery](#) is an inpatient facility in Pocatello, Idaho that provides treatment for addiction, substance use, and mental health—contact (208) 252-6464 for more information.

### **Idaho Falls:**

- [Brick House Recovery](#) is an alcohol and substance abuse addiction treatment center offering outpatient services in Idaho Falls, Idaho—contact (208) 261-9948 for more information.

### **Meridian:**

- [Northpoint Recovery](#) offers a range of treatment options for adults and teens who suffer from addiction and mental health issues with inpatient care in Meridian, Idaho—contact (208) 502-4867 for more information.
- [Ashwood Recovery](#) provides a range of outpatient treatment programs for adults battling substance use and mental health concerns in Boise, Idaho—contact (208) 502-8403 for more information.
- [Intermountain Hospital's New Start Center for Recovery](#) is an inpatient facility in Boise, Idaho. Their program is focused on adults who are seeking treatment for the use or abuse of alcohol, illicit drugs, or prescription medications and who may also have issues with past trauma, depression, post-traumatic stress, anxiety, or other emotional and mental health concerns. Contact (800) 321-5984 or (208) 377-8400 for more information.

### **Twin Falls:**

- [The Walker Center](#) is an alcohol and drug addiction treatment provider in Twin Falls and Gooding, Idaho. Contact (800) 227-4190 for more information.

### Caldwell:

- [Caldwell Recovery Center](#) provides outpatient substance abuse treatment programs in Caldwell, Idaho, for the use and misuse of alcohol and drugs—contact (208) 459-6557 for more information.
- [Human Supports of Idaho](#) offers outpatient drug and alcohol addiction treatment services in Caldwell, Idaho—contact (208) 454-8389 for more information.

### Anchorage, Alaska:

- [Akeela](#) offers outpatient and inpatient substance use treatment and transitional housing to provide affordable, safe, and drug and alcohol-free living for clients coming out of treatment programs in Anchorage, Alaska. Contact 1-800-478-7738 for more information.
- [Residential \(inpatient\) Substance Use Disorder Treatment Programs, Alaska Anchorage](#), is a search tool to locate services in the Anchorage area.

## State and National Resources for Drug and Alcohol

Additionally, students and employees are encouraged to seek out national support and recovery groups as appropriate, including but not limited to:

- [Alcoholics Anonymous](#)
- [Anchorage Alcoholics Anonymous](#)
- [Alcoholics Anonymous Online](#)
- [Marijuana Anonymous](#)
- [Narcotics Anonymous](#)
- [Narcotics Anonymous Online](#)
- [Substance Abuse and Mental Health Services Administration](#) (SAMHSA) Helpline: 1-800-662-HELP (4357)
- [r/Redditors in Recovery](#) from Addiction virtual hangout and support during recovery
- [Sober Grid](#) mobile app for Addiction Recovery
- [SoberRecovery](#): Alcoholism, Drug Addiction help and information

## Drug and Alcohol Re-Entry Programs

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Student sanctions for violating the Student Code of Conduct may involve a University suspension, which is the separation of the student from the University for a definite period, after which the student is eligible to apply to return. Conditions for readmission may be specified, and all sanctions must be completed before applying for readmission to ISU.

## Drug and Alcohol Prevention and Education

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ISU provides a mandatory Online Pre-orientation to support the academic and social transition of undergraduate first-year and transfer students. Online Pre-orientation gives students a critical overview of student support services and encourages them to consider their role in keeping ISU a safe place to live, work, and study. As a part of the Online Pre-Orientation, students are given an alcohol and other drugs course. The course uses research-backed information designed to educate students on the risks of abusing alcohol and other drugs and teach successful strategies for handling dangerous situations related to these substances.

## Idaho Legal Sanctions for Drugs and Alcohol Offenses

The following summarizes pertinent state laws concerning the unlawful or unauthorized possession, use, sale, or distribution of alcohol, illicit drugs, and controlled substances. It is important to note that the following information is not an exhaustive list of all applicable offenses or legal sanctions within Idaho law. This information was reviewed in July 2023 and is subject to change. The most current [Idaho laws](#) are available online.

Local and state law violations may not be penalized in specific circumstances when applied to state medical amnesty policies. Idaho law grants limited use immunity to individuals acting in good faith and seeking medical assistance for themselves or others due to illegal and controlled substances. This law protects against charges of possession, use, and intoxication of a controlled substance as well as use and possession of drug paraphernalia, but only applies if the individual seeking help acts in good faith, remains on scene, and cooperates with emergency medical assistance and law enforcement at the scene. (Idaho Code § 37-2739C)

### Unlawful Possession, Use, or Distribution of Alcoholic Beverages

Offense	Summary	Potential Penalty
Minors - Purchase, Consumption, or Possession Prohibited (Idaho Code § 23-604)	It is unlawful to purchase, attempt to purchase, consume, or possess alcoholic beverages if under the age of 21.	Infraction penalties for 1st offense; misdemeanor penalties for additional violations
Dispensing to a Person Under the Age of Twenty-One Years (Idaho Code § 23-603)	It is unlawful to sell, give, or furnish (provide) alcoholic beverages to a person under age 21.	Misdemeanor; fine \$500 to \$2,000; incarcerated up to 1 year; or both
Pedestrians Under the Influence of Alcohol or Drugs (Idaho Code § 49-1426)	It is unlawful for pedestrians under the influence of alcohol or any drug to a degree that renders them a hazard to walk or be on a highway, except on a sidewalk.	Misdemeanor; fine up to \$1,000; incarcerated up to 6 months; or both
Fraudulent Misrepresentation (Idaho Code § 49-2446)	It is unlawful to misrepresent their age to a dispenser of alcohol fraudulently.	Misdemeanor penalties and possible loss of license for 90 days
Unlawful Manufacture, Traffic in, Transportation, and Possession of Alcohol (Idaho Code § 23-602)	It is unlawful to possess, manufacture, transport, purchase, sell, or dispose of alcoholic beverages except as authorized by Title 23, Idaho Code.	Misdemeanor; fine \$300 to \$1,000; incarcerated 3 months to 1 year; or both
Dispensing to Drunk (Idaho Code § 23-605)	It is unlawful to sell, give, or dispense any alcoholic beverage to another person who is intoxicated or intoxicated.	Misdemeanor; fine up to \$1,000; incarcerated up to 1 year; or both
Liquor Nuisances - Building and Equipment (Idaho Code § 23-702)	It is unlawful to manufacture, store, transport, sell, or dispense alcoholic beverages without proper licensing.	Misdemeanor penalties

## Motor Vehicle Violations Involving Alcohol or Drugs

Offense	Summary	Potential Penalty
Transportation of Alcoholic Beverages (Idaho Code § 23-505)	It is unlawful to drive with an open container or allow others to drink or possess an open container of alcoholic beverage in a motor vehicle.	Misdemeanor penalties for vehicle driver; infraction for passengers
Open or Unsealed Containers of Wine in Motor Vehicles on Highways (Idaho Code § 23-1333)	Possessing wine in an open or unsealed container while operating or riding in a motor vehicle is unlawful.	Misdemeanor penalties for the vehicle driver; infraction for passengers
Driving While Under the Influence of Alcohol, Drugs or Intoxicating Substances (Idaho Codes §§ 18-8004(1)(a) and 18-8005)	It is unlawful to operate a motor vehicle while under the influence of an alcoholic beverage or drugs (21 or older).	Misdemeanor; fine up to \$2,000; incarcerated up to 1 year; up to 1 year loss of license; and ignition interlock installed for one year. For 3rd or more offenses: felony; fine up to \$5,000; incarcerated up to 10 years; up to 4-year loss of license; and ignition interlock installed for one year
Under 21 - Driving While Under the Influence of Alcohol, Drugs or Intoxicating Substances (Idaho Codes §§ 18-8004(1)(d) and 18-8004A)	It is unlawful for a person under 21 to operate a motor vehicle while under the influence of an alcoholic beverage or under the influence of drugs.	Misdemeanor; fine up to \$2,000; incarcerated up to 6 months; up to 2-year loss of license or until the driver reaches age 21; ignition interlock installed for one year; and an alcohol evaluation

Idaho classifies controlled substances into six schedules or categories based on the potential for abuse and dependence on a given substance or whether the substance has a legitimate medical purpose. The schedules and examples of drugs in each category are as follows:

- Schedule I controlled substances have a high potential for abuse, have no accepted medical use, or are unsafe for use in treatment, even under medical supervision. These substances include opiates, certain opium derivatives, and hallucinogenic substances.
- Schedule II controlled substances have a high potential for abuse, have an accepted medical use, and can result in severe psychological and physical dependence if abused. Included in this category are coca leaves and opium.
- Schedule III controlled substances have a potential for abuse less than Schedule I or II drugs, have an accepted medical use, and can lead to low or moderate physical dependence and high psychological dependence. This category includes codeine and some steroids.
- Schedule IV controlled substances have a lower potential for abuse than Schedule III drugs, have an acceptable medical use, and may lead to limited psychological and physical dependence on Schedule III drugs. An example of a Schedule IV substance is diazepam.
- Schedule V controlled substances are the least dangerous, with the lowest potential for abuse, a currently accepted medical use, and likely to lead to only limited physical or psychological dependence. Schedule V drugs include medicines that have tiny amounts of specified narcotic drugs.
- Schedule VI controlled dangerous substances include volatile nitrites, commonly known as “poppers.”

The unlawful possession of controlled substances is punished as either a felony or misdemeanor, and trafficking a controlled substance is punished as a felony. The penalty for each crime is outlined in the statute that describes the offense. The tables below provide a general overview of the offenses and potential penalties.

## Marijuana, Controlled and Counterfeit Substances Violations

Offense	Summary	Potential Penalty
Possession of Marijuana (Idaho Code § 7-2732(e))	It is unlawful to possess marijuana (3 ounces or less)	Misdemeanor; incarcerated up to 1 year; fine up to \$1,000; or both
Possession of Marijuana (Idaho Code § 7-2732(e))	It is unlawful to possess marijuana (more than 3 ounces)	Felony; incarcerated up to 5 years; fine up to \$10,000; or both
Controlled Substances - Manufacture and Deliver (Idaho Code §§ 7-2732(a-b))	It is unlawful to manufacture, create, deliver, or possess with intent to manufacture or deliver a Schedule I narcotic drug or a Schedule II controlled substance without a proper prescription.	Felony; incarcerated up to life; fine up to \$25,000; or both
Controlled Substances - Manufacture and Deliver (Idaho Code §§ 7-2732(a-b))	It is unlawful to manufacture, create, deliver, or possess with intent to manufacture or deliver a Schedule I counterfeit narcotic drug or a Schedule II counterfeit substance without a proper prescription.	Felony; incarcerated up to 15 years; fine up to \$25,000; or both
Controlled Substances - Manufacture and Deliver (Idaho Code §§ 7-2732(a-b))	It is unlawful to manufacture, create, deliver, or possess with intent to manufacture or deliver any other controlled or counterfeit Schedule I non-narcotic drug or Schedule III controlled or counterfeit substance without a proper prescription.	Felony; incarcerated up to 5 years; fine up to \$15,000; or both
Controlled Substances - Manufacture and Deliver (Idaho Code §§ 7-2732(a-b))	It is unlawful to manufacture, create, deliver, or possess with intent to manufacture or deliver a Schedule IV controlled and counterfeit substance without a proper prescription.	Felony; incarcerated up to 3 years; fine up to \$10,000; or both
Controlled Substances - Manufacture and Deliver (Idaho Code §§ 7-2732(a-b))	It is unlawful to manufacture, create, deliver, or possess with intent to manufacture or deliver Schedules V and VI controlled and counterfeit substances or noncontrolled counterfeit substances without a proper prescription.	Misdemeanor; incarcerated up to 1 year; fine up to \$5,000; or both
Controlled Substances - Possession (Idaho Code § 37-2732(c))	It is unlawful to manufacture, create, deliver, or possess with intent to manufacture or deliver a Schedule I narcotic drug, Schedule II controlled substance, or Lysergic acid diethylamide (LSD) without a proper prescription.	Felony; incarcerated up to 7 years; fine up to \$15,000; or both
Controlled Substances - Possession (Idaho Code § 37-2732(c))	It is unlawful to possess a Schedule I non-narcotic drug controlled substance except lysergic acid diethylamide (LSD) or a Schedules III, IV, V, and VI controlled substance without a proper prescription.	Misdemeanor; incarcerated up to 1 year; fine up to \$1,000; or both

## Additional Drug Violations

Offense	Summary	Potential Penalty
Use or Possession of Drug Paraphernalia (Idaho Code § 37-2734A)	It is unlawful to use or possess with intent to use any drug paraphernalia or otherwise introduce a controlled substance into the human body.	Misdemeanor; incarcerated up to 1 year; fine up to \$1,000; or both
Possession of Simulated Controlled Substance (Idaho Code § 37-2732(g)(2))	It is unlawful to possess a simulated controlled substance.	Misdemeanor; incarcerated up to 6 months; fine up to \$300; or both
Pedestrians Under the Influence of Alcohol or Drugs (Idaho Code § 49-1426)	It is unlawful for pedestrians under the influence of alcohol or any drug to a degree that renders them a hazard to walk or be on a highway, except on a sidewalk.	Misdemeanor; fine up to \$1,000; incarcerated up to 6 months; or both
Using or Being Under the Influence of Controlled Substance (Idaho Code § 37-2732C(a))	It is unlawful for any person to use or be under the influence of any schedule I, II, or III controlled substance or any narcotic drug classified in schedule III, IV, or V controlled substance without a proper prescription while on a public roadway, on a public conveyance, on public property, or private property open to the public.	Misdemeanor; incarcerated up to 6 months; fine up to \$1,000; or both
Simulated Controlled Substance - Manufacture and Distribution (Idaho Code § 37-2732(g))	It is unlawful to manufacture, distribute, or possess with intent to distribute a simulated controlled substance.	Misdemeanor; incarcerated up to 1 year; fine up to \$1,000; or both
Simulated Controlled Substance - Advertisement (Idaho Code § 37-2732(h))	It is unlawful to advertise, solicit, or distribute in any way the sale of any simulated controlled substances.	Misdemeanor; incarcerated up to 1 year; fine up to \$1,000; or both
Frequenting Drug Establishment (Idaho Code § 37-2732(d))	It is unlawful to knowingly be present at or on premises where illegal controlled substances are manufactured, cultivated, or held for distribution, transportation, delivery, administration, use, or to be given away.	Misdemeanor; incarcerated up to 90 days; fine up to \$300; or both
Using or Being Under the Influence of Controlled Substance While in Possession of Firearm (Idaho Code § 37-2732C(e))	It is unlawful to be under the influence of cocaine, cocaine base, methamphetamine, heroin, or phencyclidine while possessing a loaded, operable firearm.	Misdemeanor; incarcerated up to 1 year

## Trafficking Controlled Substances

Offense	Summary	Potential Penalty
Trafficking in Marijuana (Idaho Code § 37-2732B (1))	It is unlawful to knowingly manufacture, deliver, or bring into Idaho or knowingly be in actual or constructive possession of 1 or more pounds of marijuana or 25 or more marijuana plants.	Felony: incarcerated 1 to 15 years and fine of \$5,000 to \$50,000
Trafficking in Cocaine (Idaho Code § 37-2732B (2))	It is unlawful to knowingly manufacture, deliver, or bring into Idaho or knowingly in actual or constructive possession of 28 or more grams of cocaine or of any mixture or substance containing a detectable amount of cocaine.	Felony: incarcerated three years to life and fine \$10,000 to \$100,000
Trafficking in Methamphetamine and/or Amphetamine by Attempted Manufacturing (Idaho Code § 37-2732B (3))	It is unlawful to knowingly manufacture or attempt to manufacture methamphetamine and/or amphetamine.	Felony: incarcerated two years to life and fine \$10,000 to \$100,000
Trafficking in Methamphetamine or Amphetamine (Idaho Code § 37-2732B (4))	It is unlawful to knowingly deliver or bring into Idaho or knowingly be in actual or constructive possession of 28 or more grams of methamphetamine or amphetamine or of any mixture containing a detectable amount of these substances.	Felony: incarcerated three years to life and fine \$10,000 to \$100,000
Trafficking in Immediate Precursors of Methamphetamine or Amphetamine (Idaho Code § 37-2732B (5))	It is unlawful to knowingly manufacture, deliver, bring into Idaho, or knowingly be in actual or constructive possession of immediate precursors to methamphetamine or amphetamine or any mixture containing a detectable amount of these substances.	Felony: incarcerated ten years to life and fine \$25,000 to \$100,000
Trafficking in Heroin (Idaho Code § 37-2732B (6))	It is unlawful to knowingly manufacture, deliver, or bring into Idaho or knowingly be in actual or constructive possession of 2 or more grams of any heroin, any salt, isomer, or salt of an isomer, or two or more grams of any mixture containing a detectable amount of these substances.	Felony: incarcerated three years to life and fine \$10,000 to \$100,000

## Alaska Legal Sanctions for Alcohol and Drug Offenses

The following summarizes pertinent state laws concerning the unlawful or unauthorized possession, use, sale, or distribution of alcohol, illicit drugs, and controlled substances. It is important to note that the following information is not an exhaustive list of all applicable offenses or legal sanctions within Alaska law. This information was reviewed in July 2023 and is subject to change. The most current [Alaska laws](#) are available online.

Although the state of Alaska permits the medicinal use of marijuana under specific circumstances as detailed in Alaska Statute § 11.71.090, state laws do not supersede federal law, and marijuana remains a Schedule I controlled substance under the Federal Controlled Substances Act (21 USC § 801). Therefore, the use, possession, or distribution of marijuana on University property or as part of its activities is prohibited.

As detailed below, some local and state law violations may not be penalized in specific circumstances when applied to state medical amnesty policies. The state of Alaska provides limited use immunity for persons who seek, in good faith, medical or law enforcement assistance for themselves or other persons experiencing a drug overdose, provided

the person remains at the scene until assistance arrives and cooperates with medical and law enforcement personnel. This law prevents charges of possession and use of controlled substances. Drug overdose is a physiological event resulting in a life-threatening emergency to the person who introduced a controlled substance into the body. (Alaska Statute § 11.71.311)

## Unlawful Possession, Use, or Distribution of Alcoholic Beverages

Offense	Summary	Potential Penalty
Possession, Control, or Consumption Under 21 (Alaska Statute § 04.16.050)	It is unlawful to knowingly consume, possess, or control alcoholic beverages if under the age of 21.	Fine \$500 for 1st offense; increasing fines and mandated to complete an alcohol safety action program for additional violations
Furnishing to Persons Under 21 (Alaska Statute § 04.16.051)	It is unlawful for a person to furnish or deliver an alcoholic beverage to someone under 21.	Class A misdemeanor; incarcerated up to 1 year; fine up to \$25,000
Furnishing to Persons Under 21 (Alaska Statute § 04.16.051)	If the person who furnishes the alcohol has a prior qualifying conviction or if the person who receives the alcohol causes serious physical injury or death to another while under the influence.	Class C felony; incarcerated up to 5 years; fine up to \$50,000
Purchase by or Delivery to Persons Under Age 21 (Alaska Statute § 04.16.060)	It is unlawful to purchase or solicit another to purchase alcohol while under 21 or gift alcohol to anyone under 21.	Violation with a fine of \$500. If the offender is under 21, complete a juvenile alcohol safety action program at their own expense, AS 04.16.180.

## Motor Vehicle Violations Involving Alcohol or Drugs

Offense	Summary	Potential Penalty
Open Container (Alaska Statute § 28.35.029)	It is unlawful to drive with an open container of alcoholic beverages in a motor vehicle.	Infraction
Minor Operating a Vehicle After Consuming Alcohol (Alaska Statute § 28.35.280)	It is unlawful for a person between 14 and 21 years of age to operate a motor vehicle, an aircraft, or a watercraft after having consumed any quantity of alcohol.	Fine \$500 to \$1,500 and 20-80 hours of community work
Operating a Motor Vehicle Under the Influence (Alaska Statute § 28.35.030)	It is unlawful to operate a motor vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance (21 or older).	Misdemeanor; 90-day to 1-year loss of license; incarcerated 72-hour to a 20-day minimum; ignition interlock installed for six months to 1-year minimum; and fine \$1,500 to \$3,000 minimum

Alaska classifies controlled substances into six schedules or categories based on the potential for abuse and dependence of a given substance or whether the substance has a legitimate medical purpose. The Alaska Controlled Substances Schedule can be found in Alaska Statutes §§ 11.71.140-11.71.190. The schedules and examples of drugs in each category are as follows:

- Schedule IA controlled substances have the highest degree of danger or probable danger to a person or the public. These substances include opium, codeine, heroin, methadone, hydromorphone, and Demerol.

- Schedule IIA controlled substances have a degree of danger or probable danger to a person or the public which is less than substances listed in Schedule IA but higher than substances listed in Schedule IIIA. This category includes cocaine, amphetamines, LSD, mescaline, peyote, PCP, methaqualone (Quaalude), phenobarbital, or psilocybin.
- Schedule IIIA controlled substances have a degree of danger or probable danger to a person or the public which is less than substances listed in Schedule IIA but higher than substances listed in Schedule IVA. This category includes hashish, barbiturates, and imitation controlled substances.
- Schedule IVA controlled substances have a degree of danger or probable danger to a person or the public which is less than substances listed in Schedule IIIA but higher than substances listed in Schedule VA. Examples of Schedule IVA substances include tranquilizers (Valium and Librium) and Darvon.
- Schedule VA controlled substances have a degree of danger or probable danger to a person or the public, less than substances listed in Schedule IVA but higher than those listed in Schedule VIA. Schedule V substances include drugs, including small amounts of codeine or opium in non-narcotic mixtures.
- Schedule VIA controlled dangerous substances have the lowest degree of danger or probable danger to a person or the public and include marijuana.

The penalty for each crime is outlined in the statute that describes the offense. The tables below provide a general overview of the offenses and potential penalties.

## Misconduct Involving a Controlled Substance

Offense	Summary	Potential Penalty (Alaska Statute § 12.55)
Misconduct involving a Controlled Substance, 1st Degree (Alaska Statute § 11.71.010)	It is unlawful to deliver schedule IA, IIA, or IIIA controlled substances to a person under 19 years of age where the dealer is more than three years older or engages in a continued felony drug dealing enterprise.	Felony: Incarcerated 5 to 99 years and fined up to \$500,000
Misconduct Involving a Controlled Substance, 2nd Degree (Alaska Statute § 11.71.021)	It is unlawful to manufacture, deliver, or possess with intent to manufacture or deliver a schedule IA controlled substance manufacture or intend to manufacture methamphetamine (including possession of specific quantities of listed chemicals with intent to manufacture methamphetamine). <sup>11</sup>	Class A Felony: Incarcerated up to 20 years and fine up to \$250,000
Misconduct Involving a Controlled Substance, 3rd Degree (Alaska Statute § 11.71.030)	It is unlawful to deliver schedule IVA, VA, or VIA controlled substances to a person under 19 years of age whose dealer is three years older; manufacture, deliver, or possess with intent to manufacture or deliver a schedule IIA or IIIA controlled substance.	Class B Felony: Incarcerated up to 10 years and fine up to \$100,000
Misconduct Involving a Controlled Substance, 4th Degree (Alaska Statute § 11.71.040)	It is unlawful to manufacture, deliver, or possess with intent to manufacture or deliver a schedule IVA or VA controlled substance; possess any amount of a schedule IA controlled substance; manufacture, deliver, or possess with intent to manufacture or deliver more than one ounce of a schedule VIA controlled substance without proper permitting.	Class C Felony: Incarcerated up to 5 years and fine up to \$50,000

<sup>11</sup> Some listed chemicals include hydrochloric gas and red phosphorus. See Alaska Statute § 11.71 for a complete list.

Offense	Summary	Potential Penalty (Alaska Statute § 12.55)
Misconduct Involving a Controlled Substance, 5th Degree (Alaska Statute § 11.71.050)	It is unlawful to manufacture, deliver, or possess with the intent to manufacture or deliver less than one ounce of a schedule VIA controlled substance without proper permitting; possess any amount of a schedule IA, IIA, IIIA, IVA, or VA controlled substance without a proper prescription.	Class A misdemeanor: Incarcerated up to 1 year and fine up to \$25,000
Misconduct Involving a Controlled Substance, 6th Degree (Alaska Statute § 11.71.060)	It is unlawful to use or display a schedule VIA controlled substance; possess less than one ounce of a substance containing a schedule VIA controlled substance; refuse entry into a premise for an inspection authorized under Alaska Statute § 17.30.	Class B misdemeanor: Incarcerated up to 90 days and fine up to \$2,000

## City Legal Sanctions for Drug and Alcohol Offenses

Law enforcement agencies generally use state laws when charging for drug and alcohol-related offenses. In addition to state laws, city law enforcement agencies may also utilize local ordinances to enforce these offenses. Below is a summary of pertinent city codes or local ordinances concerning the unlawful or unauthorized possession, use, sale, or distribution of alcohol, illicit drugs, and controlled substances in cities where an ISU campus or educational center is located.

### Pocatello City Code

The following is a summary of pertinent city codes concerning the unlawful or unauthorized possession, use, sale, or distribution of alcohol, illicit drugs, and controlled substances. It is important to note that the following information is not an exhaustive list of all applicable offenses or legal sanctions within the Pocatello City code. This information was last reviewed in July 2023 and is subject to change. The most current [Pocatello City codes](#) are available online.

#### **Consuming Beer and Liquor on the Public Streets (Pocatello City Code 9.12.030)**

Every person who consumes alcohol in public view while standing, sitting, or traveling upon any public street in the city shall be guilty of a misdemeanor.

#### **Possession, Consumption, and Transportation of Open Alcoholic Beverages and Intoxicating Inhalants (Pocatello City Code 9.12.035)**

Upon any of the public rights of way or public areas of the city, either on foot or by other means of locomotion, it is unlawful to (1) possess, consume, open, allow to be opened, or transport open alcoholic beverages; and/or (2) possess, transport, breathe, inhale, or drink any compound liquid, chemical or any other intoxicating substance. Open alcoholic beverages are defined as a container whose lid or cap is not securely fastened or, in the case of canned beverages, whose top has been popped open. Public areas of the city include parking lots, sidewalks, loading and unloading areas, alleys, public easements, roadways along canals and rivers, ditches, rights of way for public utilities and railroads, school grounds, parking areas along and adjacent to public streets and similar areas of public use.

#### **Alcoholic Beverages in Public Parks (Pocatello City Code 12.36.050)**

It is unlawful for any person to sell, consume, possess, or control any alcoholic beverage within any Municipal Park. Exceptions exist for specific parks and areas where licensed vendors sell alcohol during specified times and occasions. This code does not apply to Municipally owned golf courses.

## Idaho Falls City Code

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The following is a summary of pertinent city codes concerning the unlawful or unauthorized possession, use, sale, or distribution of alcohol, illicit drugs, and controlled substances. It is important to note that the following information is not an exhaustive list of all applicable offenses or legal sanctions within the Idaho Falls city code. This information was reviewed in July 2023 and is subject to change. The most current [Idaho Falls codes](#) are available online.

### **Sales to Disqualified Persons Under Age 21 (Idaho Falls City Code 4-2-17)**

A) Any person under the age of 21 who shall purchase, attempt to purchase, possess, serve, dispense, or consume alcohol shall be guilty of a misdemeanor. This does not apply to persons who are 19 years or older who sell, serve, possess, or dispense alcohol in the course of their employment at bona fide restaurants. D) No person shall purchase liquor to sell, give, or deliver the liquor to any person under the age of 21 years. E) It is unlawful for an employer to employ a person in violation of this Chapter knowingly. It is unlawful for anyone to conspire with or abet any person to violate this Chapter.

### **Possession of Open Containers is Prohibited (Idaho Falls City Code 4-2-22)**

Any person who has an open container of liquor within the geographic limits of the City shall be guilty of a misdemeanor except when within a fully enclosed, privately owned building, private parking lot, private residence, or yard, or within any area at which a licensee is authorized to sell or dispense liquor.

## Meridian City Code

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The following is a summary of pertinent city codes concerning the unlawful or unauthorized possession, use, sale, or distribution of alcohol, illicit drugs, and controlled substances. It is important to note that the following information is not an exhaustive list of all applicable offenses or legal sanctions within the Meridian city code. This information was reviewed in July 2023 and is subject to change. The most current [Meridian codes](#) are available online.

### **Liquor-related offenses (Meridian City Code 3-2-7)**

It shall be unlawful for any person to consume alcohol or to have in their possession any open alcoholic beverage container on any property open to the public, including streets, sidewalks, alleys, and publicly accessible parking lots, as well as private property open to the public. It is unlawful for any person to remove an open alcoholic beverage container from a licensed premise. Violations of this code are a misdemeanor and are punishable by a fine of up to \$1,000 and/or incarceration for up to six months. Consumption or possession of an open container may lawfully occur in such time, place, and manner when duly licensed or permitted.

### **Disorderly Premises (Meridian City Code 6-3-3)**

It is unlawful for any person to host a party where someone under the age of 21 has consumed or under the influence of an alcoholic beverage, and the host knew or should have known that the person was under the age of 21. Violations of this code are a misdemeanor and are punishable by a fine of up to \$1,000 and/or incarceration for up to six months. Additionally, violators may have to pay restitution for the cost of law enforcement and emergency responders.

## Twin Falls City Code

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The following is a summary of pertinent city codes concerning the unlawful or unauthorized possession, use, sale, or distribution of alcohol, illicit drugs, and controlled substances. It is important to note that the following information is not an exhaustive list of all applicable offenses or legal sanctions within the Twin Falls city code. This information was reviewed in July 2023 and is subject to change. The most current [Twin Falls codes](#) are available online.

### **Controlling Sale to Minors (Twin Falls City Code 3-7-9(A))**

It is unlawful for any person to sell beer to a person under the age of 21 years.

### **Procuring For or Purchase, Consuming or Possessing Beer Prohibited (Twin Falls City Code 3-7-9(B))**

It is unlawful for any person to procure beer for any person under 21 years of age or for any person under 21 years of age to purchase, attempt to purchase, otherwise procure, consume, or possess beer. This does not apply to persons under the age of 21 making a beer delivery during their employment, under the order of their parents, or when they are in a private residence accompanied by their parent or guardian and with their consent.

### **False Representation of Age Prohibited (Twin Falls City Code 3-7-9(C))**

No person under the age of 21 shall represent to any person licensed to sell beer that they or any other person are 21 or older to induce such retail licensee to sell, serve, or dispense beer to them.

### **Possession (Twin Falls City Code 3-8-9)**

While operating or riding in or upon a motor vehicle on a public highway in this city, no person may have any wine in an open or unsealed container in his possession.

### **Misrepresentation of Age (Twin Falls City Code 3-8-10)**

No person under the age of 21 years may purchase, consume, or possess wine. No person shall give, sell, or deliver wine to anyone under the age of 21 years.

### **Unlawful Practices (Twin Falls City Code 3-9-8(A and D))**

- A. It is unlawful for any person to sell, deliver, give away, or cause or permit to be sold, delivered, or given away liquor to any person under the age of 21 years, any person, apparently or intoxicated, any habitual drunkard, or any interdicted person....
- D. It is unlawful for any person to keep or maintain any room or premises where liquor is received, kept, or brought for consumption by the public or by members of any club, corporation, or association unless such person and the premises are licensed to keep and sell alcohol....

### **Public Intoxication (Twin Falls City Code 6-2-3(B))**

Every person in public intoxicated at a level that presents a danger to others or disrupts the peace shall be guilty of a misdemeanor.

### **Liquor or Beer to Minors (Twin Falls City Code 6-2-5)**

No person shall sell or give or in any way supply any vinous, malt, or spirituous liquors to any minor.

### **Intoxicants (Twin Falls City Code 6-2-6)**

- A. No person shall have any open alcoholic beverage container opened, or the seal of which has been broken in their possession or on their person while driving, occupying, or riding in or on a motor vehicle on a highway, street, bridge, or upon public property or private property open to the public, excluding public parks. Transportation of alcoholic beverages in a vehicle outside the passenger compartment is not a violation.
- B. No person shall drink any alcoholic beverage in any motor vehicle when traveling on a highway, street, bridge, public property, or private property open to public use.
- C. It is unlawful for any person to use, possess with the intent to inhale, or be under the influence of inhalants. It is unlawful for any person to possess, with intent to use, paraphernalia for the inhalation of inhalants. It is unlawful for anyone to be present where they know inhalants are used or are being held for use. "Inhalants" means anything capable of causing a condition of intoxication or impairment due to inhaling its smoke, fumes, or vapors.

## **Caldwell City Code**

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The following is a summary of pertinent city codes concerning the unlawful or unauthorized possession, use, sale, or distribution of alcohol, illicit drugs, and controlled substances. It is important to note that the following information is not an exhaustive list of all applicable offenses or legal sanctions within the Caldwell city code. This information was reviewed in July 2023 and is subject to change. The most current [Caldwell codes](#) are available online.

### **Possession of Open Container (Caldwell City Code 08-07-03)**

It is unlawful for any person to have any open container of any alcoholic beverage on any street, public parking lot, public or private motor vehicle, or any public or private property open to the public.

### **Consumption of Alcohol in Public (Caldwell City Code 08-07-05)**

It is unlawful for any person to consume any alcoholic beverage on any street, public parking lot, public or private motor vehicle, or any public or private property open to the public.

### **Disorderly Conduct (Caldwell City Code 08-01-27(1)(L))**

It shall be unlawful for anyone to engage in disorderly conduct within the city limits of Caldwell. Every person is guilty of disorderly conduct in a public place and intoxicated at a level that presents a danger to that person or others or creates a disturbance of the peace.

## **Anchorage, Alaska City Code**

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The following is a summary of pertinent city codes concerning the unlawful or unauthorized possession, use, sale, or distribution of alcohol, illicit drugs, and controlled substances. It is important to note that the following information is not an exhaustive list of all applicable offenses or legal sanctions within the Anchorage city code. This information was reviewed in July 2023 and is subject to change. The most current [Anchorage codes](#) are available online.

### **Consuming Alcoholic Beverages in Public Places (Anchorage City Code 8.35.400)**

It is unlawful for any person to knowingly consume any alcoholic beverage in any public place or outdoors on property adjacent to a public place without the owner's consent. This code does not apply to property where consumption is authorized by permit, license, or regulation. As listed in Anchorage City Code 8.05.025, violation is punishable by a fine not to exceed \$100.

**Intoxicated Persons on Roadway (Anchorage City Code 8.35.410)**

It is unlawful for any person to be on any public street while intoxicated in such a manner as to be hazardous to motor vehicle traffic. As listed in Anchorage City Code 8.05.025, violations are punishable by a fine not to exceed \$500.

**Prohibited Conduct Related to Drunken Persons (Anchorage City Code 8.35.416.030)**

It is unlawful to permit a drunken person to sell or serve alcoholic beverages. It is unlawful for a person transporting alcoholic beverages to deliver alcohol to a drunk person knowingly. Violation of this section is a class A misdemeanor.

**Alcohol Possession, Control, or Consumption by Persons Under the Age of 21 (Anchorage City Code 8.35.416.050)**

A person under 21 years of age may not knowingly consume, possess, or control alcoholic beverages except those furnished to persons under Alaska Statute 04.16.051(b). As listed in Anchorage City Code 8.05.025, violation of this section is punishable by a fine not to exceed \$500.

**Permitting Minor to Illegally Possess Liquor in Dwelling (Anchorage City Code 8.35.416.057)**

It is unlawful for a person who is physically in possession and exercising dominion and control over a dwelling to permit a person under 21 years of age to possess an alcoholic beverage in the dwelling. Violations are punishable by a fine consistent with Anchorage City Code 8.05.025.

**Purchase by or Delivery to Persons Under the Age of 21 (Anchorage City Code 8.35.416.060)**

A person under the age of 21 years may not purchase alcoholic beverages or solicit another to purchase alcoholic beverages. It is unlawful for any person to use fraudulent documents or documents that are not their own as written evidence of age to induce those at licensed premises to sell, give, serve, or furnish alcoholic beverages contrary to law. A person may not receive alcohol from a licensed premise to sell, give, or serve it to someone under 21. Violation of this section is a class A misdemeanor.

**Sales or Consumption at School Events (Anchorage City Code 8.35.416.080)**

A person may not sell or consume alcoholic beverages during a school event at the event's site. Violation of this section is a class A misdemeanor.

**Prohibition of Bottle Clubs (Anchorage City Code 8.35.416.090)**

It is unlawful for any person to maintain, operate, or lease premises where alcoholic beverages are received, kept, or brought for consumption by members of the public or by members of a club, corporation, or association unless authorized. Violation of this section is a class A misdemeanor.

**Restriction on Size of Containers (Anchorage City Code 8.35.416.100)**

A person may not sell alcoholic beverages in gallon containers or a container deceptively similar in appearance to a container of a different volume. Violation of this section is a class A misdemeanor.

**Sale of Certain Alcoholic Beverages Prohibited (Anchorage City Code 8.35.416.110)**

A person may not sell an alcoholic beverage if it is intended for human consumption, is powdered, or contains more than 76 percent alcohol by volume. Violation of this section is a class A misdemeanor.

**Source of Alcoholic Beverages (Anchorage City Code 8.35.416.170)**

Alcoholic beverages for consumption by the purchaser may not be sold unless obtained from a person licensed under Alaska Statute 04.11. A person transporting alcoholic beverages may not sell those alcoholic beverages to a person not licensed under Alaska Statute 04.11 unless the alcoholic beverages are used for religious, industrial, pharmaceutical, or medical purposes. Violation of this section is a class A misdemeanor.

**Consuming Marijuana in a Public Place (Anchorage City Code 8.35.300)**

It is unlawful for any person to knowingly consume marijuana in any public place or outdoors on property adjacent to a public place without the owner's consent. As listed in Anchorage City Code 8.05.025, a violation is punishable by a fine not to exceed \$100.

**Use of False Identification to Purchase Marijuana (Anchorage City Code 8.35.310)**

It is unlawful for someone under 21 to use fraudulent documents or documents not their own as written evidence of age to purchase marijuana or gain access to a marijuana establishment. As listed in Anchorage City Code 8.05.025, a violation is punishable by a fine not to exceed \$400.

**Illicit Synthetic Drugs (Anchorage City Code 8.35.500)**

It is unlawful for any person to (1) recklessly provide, sell, produce, manufacture, or distribute any illicit synthetic drug; (2) knowingly possess or consume any illicit synthetic drug; (3) or possess, offer, display, market, or advertise for sale any misbranded drug. Violation of section 1 is a class A misdemeanor. Violation of section 2 is a class B misdemeanor. Violation of section 3 is punishable by a fine not to exceed \$500 per product, package, tube, vial, or container possessed, offered, displayed, marketed, or advertised for sale.

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## Federal Legal Sanctions for Alcohol and Drug Offenses

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The unlawful possession, use, sale, and distribution of alcohol and illicit drugs or controlled substances is prohibited by federal law. Drug convictions have strict penalties, including mandatory prison terms for many offenses. Still, they vary depending on the type and quantity of the drug, the existence of prior offenses, and whether death or serious injury results from the drug involved. All penalties are generally doubled for any subsequent drug conviction. It is important to note that the following information is a partial list of all federal penalties for convictions. This information was reviewed in September 2023 and is subject to change.

**Denial of assistance and benefits for certain drug-related convictions (21 U.S. Code § 862(a)(b))**

A federal drug conviction may result in losing federal benefits, including school loans, grants, scholarships, contracts, and licenses. Persons convicted of drug distribution or trafficking of a controlled substance under federal or state law may be denied federal benefits for up to five years for the first conviction, up to five years for a second conviction, and permanently after a third conviction.

Persons convicted of possession of a controlled substance under federal or state law may result in denial of federal benefits for up to one year, the requirement to complete an approved drug treatment program, which includes periodic testing to ensure that the individual remains drug-free, the requirement to perform appropriate community service or any combination of these penalties. Second or subsequent convictions of possession of a controlled substance may result in denial of federal benefits for up to five years, the requirement to complete an approved drug treatment program, which includes periodic testing to ensure that the individual remains drug-free, the requirement to perform appropriate community service or any combination of these penalties.

### **Student Suspension of Eligibility for Drug-Related Offenses (20 U.S. Code § 1091(r))**

A student convicted of any offense involving possessing or selling a controlled substance while enrolled and receiving federal aid may not be eligible for any grant, loan, or work assistance for some time. Persons convicted of possessing a controlled substance shall be ineligible to receive federal aid for one year after the first offense, two years after the second offense, and indefinitely after the third offense. Persons convicted of selling a controlled substance shall be ineligible for two years after the first offense and indefinitely after the second offense. Those who lose eligibility can regain eligibility by completing an approved drug rehabilitation program with two unannounced drug tests.

## **Unlawful Possession of Controlled Substances**

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### **Possession of a Controlled Substance Penalties (21 U.S. Code § 844(a))**

Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000. There are particular sentencing guidelines for possession of crack cocaine. Persons convicted on federal charges for possessing crack cocaine are punishable by not less than five years and not more than 20 years. They are fined a minimum of \$1,000 depending on the amount of crack possessed during the violation and whether it is a first or subsequent offense.

### **Forfeiture of Personal Property, Real Estate (21 U.S. Code § 853(a)(2))**

Persons convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States the person's property used or intended to be used in any manner to commit or facilitate the violation, including houses. Property may be seized when an individual is arrested on charges that may result in forfeiture.

### **Forfeiture of Property - Land (21 U.S. Code § 881(a)(7))**

Persons convicted of a federal drug offense punishable by more than one year in prison shall forfeit any lot, tract of land, or real property used to possess a controlled substance to the United States.

### **Forfeiture of Property - Conveyances: (21 U.S. Code § 881(a)(4))**

Persons convicted of a federal drug offense punishable by more than one year in prison shall forfeit any aircraft, vehicles, boats, vessels, or any other conveyance used to transport or conceal a controlled substance to the United States.

## **Federal Distribution of a Controlled Substance Penalties**

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### **Distribution or Manufacturing in or Near Schools and Colleges: (21 U.S. Code § 860(a))**

Distributing, possessing with intent to distribute, or manufacturing a controlled substance within 1,000 feet of an elementary, vocational, or secondary school or a public or private college or university or within 100 feet of a youth center, public swimming pool, or video arcade facility is subject to incarceration terms and fines which are twice the maximum punishment authorized by 21 U.S. Code § 841(b), with mandatory incarceration of at least one year.

### **Drug Paraphernalia (21 U.S. Code § 863)**

It is unlawful for any person to sell, import, export, or ship drug paraphernalia. Persons convicted of this offense face penalties of up to three years and a monetary fine.

### **Distribution to persons under 21 (21 U.S. Code 859)**

Distributing a controlled substance to a person under 21 is punishable by twice the regular penalties for the offense (authorized by 21 U.S. Code 841(b)), with a mandatory prison sentence of at least one year. A third conviction is punishable by mandatory life imprisonment.

## **Federal Drug Trafficking Penalties**

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The Controlled Substances Act is a federal statute that places all substances regulated under federal law into one of five schedule categories. This placement is based on whether they have a legitimate use in medical treatment, their potential for abuse, and the likelihood of their abuse leading to dependence. The schedules are listed in order from most to least dangerous. More information and the most up-to-date scheduling information can be found on the United States Drug Enforcement Administration's website at [dea.gov/drug-information/drug-scheduling](https://www.dea.gov/drug-information/drug-scheduling).

The Controlled Substances Act regulates unlawful manufacturing, distribution, and dispensing of controlled substances. Penalties for federal drug trafficking convictions vary according to the quantity of the substance involved in the transaction. The following charts from the U.S. Drug Enforcement Administration's 2022 edition of *Drugs of Abuse, A DEA Resource Guide*, provide an overview of the penalties for trafficking or distribution of controlled substances but are not inclusive of all penalties provided under the Controlled Substances Act.

## 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 50–499 grams mixture		50 grams or more pure or 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	
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 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 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.

The guide, produced and published by the Drug Enforcement Administration, U.S. Department of Justice, can be found at [dea.gov/documents/2022/2022-12/2022-12-02/drugs-abuse-2022](https://www.dea.gov/documents/2022/2022-12/2022-12-02/drugs-abuse-2022).



**Idaho State  
University**