



Drug & Alcohol Policy

NORTHWOOD UNIVERSITY

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Table of Contents

Drug & Alcohol Policy	3
Drug and Alcohol Prevention Counseling	3
Health Risks of Substance/Alcohol Abuse	4
Who is at Risk?	5
Self-Assessment	6
Employee Drug & Alcohol Policy	6
Laws & Policies	7
Legal Sanctions	7
State of California Legal Sanctions for Violations of a Controlled Substance/Alcohol	8
State of Indiana Legal Sanctions for Violations of a Controlled Substance/Alcohol	10
State of Kentucky Legal Sanctions for Violations of a Controlled Substance/Alcohol	12
State of Louisiana Legal Sanctions for Violations of a Controlled Substance/Alcohol	14
State of Michigan Legal Sanctions for Violations of a Controlled Substance/Alcohol	17
State of Texas Legal Sanctions for Violations of a Controlled Substance/Alcohol	23

Drug & Alcohol Policy

The Drug-Free Workplace Act was enacted into Federal law in 1988. The university recognizes its obligation to support the law and is aware of the damaging impact illegal drugs can have on our culture and especially its young people.

The Drug-Free Workplace Act of 1988, Subtitle D, Section 5152 and the Drug-Free Schools and Communities Act amendments of 1989, PL no. 101-226 requires that Northwood University maintain an environment free from the unlawful manufacture, distribution, dispensation, possession or use of controlled substances, or alcohol.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited while on college property, attending Northwood events, or performing work-related duties.

Pursuant to applicable procedures, policies, or appropriate collective bargaining agreements, governing employee or student discipline, involvement in the unauthorized use or sale, manufacturing, dispensing or possession of controlled substances or alcohol on Northwood University premises or during Northwood University activities, or working under the influence of such substances, will be subject to disciplinary actions up to and including dismissal or expulsion.

Any employee or student who is convicted of violating any criminal drug/alcohol statute when such violations occurs at the University or as part of any college activities, must notify the university no later than five (5) days after such conviction. Failure to provide such a notice may subject the employee/student to dismissal/expulsion. He/she shall notify his/her immediate supervisor, who will report the incident to the Human Resources Department. Students in the Adult Degree Program will notify the Associate Dean of Academics. All other students will notify the Dean of Student. You can use the table below to contact the appropriate person either by telephone or email.

- **DeVos Graduate**
989.837.4143
fairbair@northwood.edu
- **Michigan Campus**
989.837.4398
cripe@northwood.edu
- **Texas Campus**
972.293.5408
fegan@northwood.edu
- **Adult Degree Programs**
989.837.4432
farahm@northwood.edu

Northwood University supports programs aimed at the prevention of substance abuse by University employees and students. The University will provide preventative educational programs for students and refer employee/students experiencing substance-dependency-related problems for counseling and assistance.

Drug and Alcohol Prevention Counseling

Northwood encourages faculty staff and students with alcohol or other drug dependency problems to contact community counseling centers for assistance. Confidential substance abuse counseling may be arranged by contacting the Human Resources Department, the Vice President of Finance, Dean of Students or our Employee Assistance Program (EAR).

Below is a list of some drug and alcohol prevention, counseling treatment and rehabilitation programs. Additional programs may be found by researching online Drug Abuse & Addiction Information or Alcohol Information and Treatment.

Midland County

Northwood University - *Student Assistance*
Campus Office in the Health Center, Miner Hall – 989.837.4322
Northwood University *Student Services* – 989.837.4398
Alcoholics Anonymous 989.698.2975
Community Mental Health
218 Fast Ice Drive, Midland 989.631.2320

Texas

Northwood University – 972-293-5454
Alcoholics Anonymous 972.224.6930
2539 Balomede Ave Lancaster, Texas
Or (214) 887-6699
223 W Camp Wisdom Road #B, Duncanville, Texas
Department of State Health Services, Austin TX - 1.866.378.8440
Mental Health America of Greater Dallas - 214.828.4192
624 N good Latimer Expy# 200, Dallas, Texas

Adult Degree Program – California

Northwood University – *Student Services* - 562.653.7852
Alcoholics Anonymous – 714.522.7649
6700 Stanton Ave # D Buena Park, California

Adult Degree Program – Indiana

Northwood University – *Student Services* 502.261.1977
Southwestern Indiana Alcoholics Anonymous – 812-434-4952
123 NW 4th St #12 Evansville, IN 47708

Adult Degree Program – Kentucky

Northwood University – *Student Services* 502.261.1977
Alcoholics Anonymous – 502.582.1849
322 W. Broadway Room 620 Louisville, Kentucky

Adult Degree Program – Louisiana

Northwood University – *Student Services* 504.392.3025
Alcoholics Anonymous – 504.838.3399
638 Papworth Ave A, Metairie, LA

Health Risks of Substance/Alcohol Abuse

Drug use can start out as experimentation or casual use and can progress into problem use or addiction. Long-term research has proven that the abuse of alcohol and other drugs can erode the foundation of the University's goals and objectives and diminishes the personal attainment of intellectual, social, physical and moral growth and development.

The following provide some specific risks incurred with the use of particular common drugs or substances.

- Amphetamines. Short-term effects such as rushed, careless behavior; tolerance increases rapidly. Long term effects include physical and psychological dependence and withdrawal can result in depression and suicide; continued high doses can cause heart problems, infections, malnutrition and death.
- Cocaine. Short-term effects such as impaired judgment; increased breathing, heart rate, heart palpitations; anxiety, restlessness, hostility, paranoia, confusion. Long-term effects may include damage to respiratory and immune systems; malnutrition, seizures and loss of brain function; highly addictive.

- Designer Drugs/Synthetic Cannabinoids. Short-term effects such as elevated heart rate, blood pressure and chest pain; hallucinations, seizures, violent behavior and paranoia; could lead to lack of appetite, vomiting and tremor. Long-term effects could include kidney/liver failure, increased risk of suicide and death.
- Alcohol. Short-term effects such as loss of concentration and judgment; slowed reflexes; disorientation leading to higher risk of accidents and problem behavior. Long term effects include risk of liver and heart damage, malnutrition, cancer and other illnesses; can be addictive to some persons. Can cause coma or death when consumed rapidly and in large amounts.
- Hallucinogens. Could cause extreme distortions of what's seen and heard; induces sudden changes in behavior, loss of concentration and memory; increase of birth defects in user's children; overdose can cause psychosis, convulsions, coma and death.
- Opiates/Narcotics. Can cause physical and psychological dependence; overdose can cause coma, convulsions, respiratory arrest and death. Long-term effects may lead to malnutrition, infection and hepatitis; sharing needles is a leading cause of the spread of HIV and Hepatitis; highly addictive, tolerance increases rapidly.
- Inhalants. Short-term effects can cause such as nausea, dizziness, fatigue, slurred speech, hallucinations or delusions; may lead to rapid and irregular heart rhythms, heart failure and death. Long-term effects may result in loss of feeling, hearing and vision; can result in permanent damage to the brain, heart, lungs, liver and kidneys.
- Cannabis (Marijuana). Short-term effects such as slow reflexes; increase in forgetfulness; alters judgment of space and distance; aggravate pre-existing heart and/or mental health problems. Long-term effects include permanent damage to lungs, reproductive organs and brain function; can interfere with physical, psychological, social development of young users.
- Prescription Drugs (non-medical use). Allergic reaction, dependence, addiction, tolerance, psychotic episodes, risk of heart attack or stroke, or death due to overdosing.

Who is at Risk?

The key to preventing and treating drug/alcohol abuse is to treat the underlying reasons for use. Factors putting people at higher risk for drug/alcohol use are:

- a) Family history of alcoholism or drug abuse
- b) Favorable attitudes toward use
- c) Friends who use drugs
- d) Low self-esteem & self-worth
- e) Academic or work related failures
- f) Weak intra & interpersonal skills
- g) Inadequate bonding
- h) Incest, sexual abuse victim
- i) Inadequate coping skills
- j) Stress
- k) Depression

Education and training is important in learning to help ourselves and others. Components of this education include:

- Early Detection: Understanding signs and symptoms of drug/alcohol abuse
- Intervention: Approaching someone you think has a problem
- Referral: Knowing where to get help or sending someone for help

Self-Assessment

What are your attitudes and behaviors regarding the use of alcohol and drugs? Analyzing your attitudes in conjunction with knowing the facts about drugs is important to responsible decision making concerning your well-being. Answer the following questions to assess yourself. All questions include reference to the use of legal and illegal drugs.

1. Are you unable to stop drinking/dosing after a certain number of drinks/doses?
2. Do you need a drink/drug to get motivated?
3. Do you forget what happened while you were partying? (Blackouts)
4. Do you drink or take drugs alone?
5. Have others annoyed you by questioning you about you're drinking/drug use?
6. Have you been involved in physical violence while you were drunk/high?
7. Have you destroyed or damaged property while drinking or using drugs?
8. Do you drive while drunk or high?
9. Have you been physically hurt while under the influence of alcohol/drugs?
10. Have you been in trouble with University officials or campus security because of alcohol/drug use?
11. Have you chosen friends based upon their favorable attitudes toward drinking and drugs?
12. Do you think you are normal despite friend's comments that you drink or use drugs too much?
13. Have you ever missed work/classes because you were too hung over to get up on time?
14. Have you ever done poorly on an exam/assigned work because of drinking/drug use?
15. Do you think about drinking or getting high often?
16. Do your social activities involve drinking or the use of drugs in order for you to enjoy yourself?
17. Do you feel drinking/drug use is affecting your ability to maintain healthy, intimate relationships with a significant other?
18. Do you feel that drinking/drug use is affecting your physical health on an on-going basis including insomnia, intestinal disturbances, mental processing, etc.?
19. Do you believe you need to drink/use drugs (other than prescribed) to function at work, home or in social situations?

If you answered "yes" to three or more of these questions, or you are concerned about your use, you may be using alcohol/drugs in a way in which the quality of your life is diminished and the effects are harmful. Do not blame yourself. Ask for help. Use the resources listed above.

Employee Drug & Alcohol Policy

Substance Abuse & Drug-Free Workplace Scope

In 1988, the Drug-Free Workplace Act was enacted into federal law. The University recognizes its obligation to support the law and is aware of the damaging impact legal/illegal drugs can have on our culture and especially its young people.

The Drug-Free Workplace Act of 1988, Subtitle D, Section 5152 and the Drug Free Schools and Communities Act Amendments of 1989, PL No. 101-226, requires that Northwood University maintain an environment free from the unlawful manufacturing, distribution, dispensing, possession or use of controlled substances, and or alcohol.

It is the responsibility of Northwood University employees and students to familiarize themselves with the policies, regulations and procedures. Students should refer to the Student Handbook or the Dean of Students Office and

employees can refer to applicable collective bargaining agreements, or the Human Resources Department/Representative for additional information. A summary of legal sanctions for the violation of controlled substances/alcohol laws and policies can be obtained from the Student Services Office or the Human Resources Department/Representative.

POLICY

- A. The manufacturing and unlawful distribution, dispensing, possession or use of a controlled substance and/or alcohol is prohibited while on University property, attending Northwood. University events, or performing work-related duties.
- B. Pursuant to applicable procedures, policies, or appropriate collective bargaining agreements, governing employee or student discipline, involvement in the unauthorized use, sale, manufacturing, dispensing or possession of controlled substances and/or alcohol on Northwood. University premises or during Northwood University activities, or working under the influence of such substances, will be subject to disciplinary action up to and including termination of employment or expulsion.
- C. Any employee or student who is convicted of violating any criminal drug/alcohol statute, must notify the University no later than five (5) days after such conviction. Failure to provide such notice may subject the employee/student to termination of employment/expulsion. The employee shall notify his/her immediate manager, who will report the incident to the Human Resources Department. The student will notify the Dean of Students.
- D. Northwood University supports programs aimed at the prevention of substance abuse by University employees and students.
- E. Legal Sanctions for Violations of Controlled Substances/Alcohol Laws & Policies – In addition to federal, state and local laws which prohibit and control legal sanctions for violations of controlled substances and alcohol, Northwood University will impose its own sanctions for any violations occurring at the University or at University-related events.
- F. Drug and Alcohol Prevention Counseling in Northwood University encourages faculty, staff and students with alcohol or other drug dependency problems to contact community counseling centers for assistance.

Laws & Policies

Federal, State and local laws prohibit the possession, use, manufacturing, distribution and sales of controlled substances. Sanctions for violations of these laws can range from fine and penalties to imprisonment. There are also laws against the abuse of alcohol. Drinking and driving is the most frequent violation and can result in probation, imprisonment, and loss of driving privileges. Contribution to another's abuse of alcohol can also lead to legal sanctions.

Legal Sanctions

There are legal sanctions under local ordinances, and under state and federal law for the unlawful possession, use, or distribution of illicit drugs and alcohol. A violation under state law may result in a misdemeanor or felony conviction depending on the nature of the offense, punishable by imprisonment, payment of fines, confiscation of real and personal property or a combination of the three.

It is the responsibility of Northwood employees and students to familiarize themselves with the policies, regulations and procedures. Students should refer to the Student Handbook or the Dean of Students Office and employees can refer to applicable collective bargaining agreements, the Employee Handbook, Policies & Procedures Manual or the Human Resources Office for additional information. A summary of legal sanctions for the violation of controlled

substances/alcohol laws and policies can be obtained from the Student Services Office or Human Resources Representative.

***Disclaimer:** Below is a summary of laws by state, individuals should refer to the full text of the State law before drawing legal conclusions

State of California Sanctions for Violations of a Controlled Substance/Alcohol

DUI (Driving Under the Influence) Penalties

Under California law, it is illegal for anyone to operate a vehicle with a Blood Alcohol Content (BAC) of .08 or higher. It is also illegal for anyone under 21 to operate a vehicle with a BAC of .02 or higher

First Offense (Misdemeanor)

Found to have BAC of .08 or higher while driving

- Summary probation for 3-5 years
- 48-hour jail sentence or a 90-day license restriction imposed, it begins after your DMV four-month suspension or 30-day suspension followed by a five-month restriction
- 4 days to 6 months in county jail
- \$390 fine plus over \$1,000 in ordinary penalty assessment
- Attendance and completion of a \$500, three-month alcohol-treatment program instead of the six- or ten-month flat suspension that would otherwise be imposed

Second Offense (Misdemeanor)

For a second DUI within 10 years

- Summary probation for 3-5 years
- 10 days to 12 months in county jail
- \$390 fine plus over \$1,800 in ordinary penalty assessment
- 18 or 30 month DUI education program
- 2 year driver's license suspension; after 12 months, suspension may be converted to restricted license (Installation of an "interlock" device)

Third Offense (Misdemeanor)

For a third DUI within 10 years

- Informal probation for 3-5 years
- No less than 120 days and no more than 1 year in a county jail
- \$390 in fines, over \$1,000 ordinary penalty assessment, DUI-only assessments for about \$ 1800
- 30 month DUI education program
- 3 year driver's license revocation; after 18 months may be converted to a restricted license
- Designated as "habitual traffic offender" by the DMV
- 16 months in state prison & revocation of your driver's license for four years (fourth offense)

DUI with Injury (Misdemeanor)

May be charged with misdemeanor or felony based on (1) the circumstances of arrest, and (2) criminal history

- Summary probation for 3-5 years
- No less than 5 days and no more than 1 year in county jail
- \$390 \$5,000 ordinary penalty assessment
- 3, 18, or 30 month alcohol program
- 1-3 years driver's license restriction
- Restitution to all injured parties

DUI with Injury (Felony)

Driving under the influence of causing an injury, vehicle manslaughter, second degree murder.

- No less than 16 months and up to 10 years in the California State Prison
 - Addition of 1-6 year prison sentence depending on

- How many people were injured
 - The extent of their injuries
- Possibility of a “strike” on your record (California’s Three Strikes Law)
- \$1,015-\$5,000 in fines
- 18-30 month drug/alcohol program
- “Habitual Traffic Offender” status for three years
- Restitution to all injured parties

Felony DUI

If convicted of felony driving under the influence for acquiring four or more DUI convictions within 10 years’ time

- No less than 16 months, or 2-3 years in the California State Prison
- \$390-\$1,000 in fines
- 4 year California driver’s license revocation
- “Habitual Traffic Offender” status

Conditions of Probation for DUI

The following conditions are always included when a DUI sentence including probation is imposed

- No driving with any measurable amount of alcohol in the bloodstream
- Complete a twelve-hour to thirty-month alcohol program
- No refusal to submit to a chemical test of blood, breath, or urine
- No committing of any other crimes
 - Possible conditions that also may be imposed:
 - Attendance in AA or NA meetings
 - Participation in MAAD programs
 - Restitution
 - Installation of an Ignition Interlock Device

Aggravating Factors that May Increase DUI Sentence

The following factors will increase DUI penalties, regardless of the number of offenses you have had

- BAC of 15% or higher
- Refusal to take chemical test
- Causing an accident
- Multiple Victims Enhanced Penalty
- Driving at excessive speeds
- Having children under age 14 in the car
- Being under 21 at the time of DUI offense
- Prior DUIs or Felony DUIs & DUI in a construction zone

Other Common Alcohol Offenses and Penalties

Business and Profession Code 25658 (a)

Anyone who sells, furnishes, gives or causes any person under the age of 21 years is guilty of misdemeanor

- Penalty: Fine of \$250 and loss of driver’s license for 1 year (24 hours or more than 32 hours of community service – for the first violation and it would be increased for the second)

Vehicle Code 23136 (a)

It is unlawful for a person under the age of 21 years who has a blood alcohol level of anything between 0.05% and 0.07% to drive a vehicle.

- Penalty: Suspension of driver’s license for up to 1 year and the vehicle may be impounded, minimum three-month alcohol education program. Anything above 0.08%, you will be charged with a California DUI offense regardless of the age.

Penal Code 191.5

Gross vehicular manslaughter while intoxicated is the unlawful killing of a human being without malice or aforethought while driving under the influence of alcohol and/or drugs.

- Penalty: Imprisonment in the state prison for 4, 6 or 10 years.

Drug Penalties (Marijuana)

Possession

28.5 grams or less, over 18 years of age, on school grounds

- Penalty: Misdemeanor
- 10 days in jail
- Up to \$500 fine

Over 28.5 grams of Marijuana other than concentrated Cannabis, over 18 years of age, on school grounds

- Penalty: Misdemeanor
- 6 months in jail
- Up to \$500 fine
- Or both

Possession with Intent to Distribute

Any amount

- Penalty: Felony
- 16 months-3 years in jail

Sale or Delivery

Any amount

- Penalty: Felony
- 2-4 years in jail

State of Indiana Sanctions for Violations of a Controlled Substance/Alcohol

OWI (Operating while intoxicated) Penalties

Under Indiana law, it is illegal for any driver to drive with a Blood Alcohol Content (BAC) of .08 or higher. It is also illegal for anyone under 21 to operate a vehicle with a BAC of .01 or higher

First OWI (Class C or A Misdemeanor)

- Fine: up to \$500 fine (up to \$5,000 if BAC 0.15 or above)
- Jail: 30 to 60 days in jail (up to 1 year if BAC 0.15 or above)
- License Suspension: 90 days to 2 years driver's license suspension (after 30 days the court may stay execution of suspension and grant probationary restricted driving privileges either with or without an ignition interlock for 180 days instead)
- Ignition Interlock: possible ignition interlock restriction for a period not to exceed the maximum term of imprisonment the court could have imposed
- Possible alcohol/drug abuse assessment and appropriate treatment
- May be required to attend a victim impact panel
- Indiana SR22 insurance requirement

Second OWI (Class D Felony)

- Fine: up to \$10,000 fine
- Jail: between 5 days and 3 years in jail
- License Suspension: 180 days to 2 years driver's license suspension (probationary ignition interlock restricted driving privileges may be available after 180 days suspension)
- Ignition Interlock: possible ignition interlock restriction for a period not to exceed the maximum term of imprisonment the court could have imposed

- Mandatory 180 hours community service or restitution
- Possible alcohol/drug abuse assessment and appropriate treatment
- May be required to attend a victim impact panel
- Indiana SR22 insurance requirement

Third OWI (Class D Felony)

- Fine: up to \$10,000 fine
- Jail: between 10 days and 3 years in jail
- License Suspension: 1 year to 10 years driver's license suspension
- Ignition Interlock: possible ignition interlock restriction for a period not to exceed the maximum term of imprisonment the court could have imposed
- Mandatory 360 hours community service or restitution
- alcohol/drug abuse assessment and appropriate treatment
- May be required to attend a victim impact panel
- May be declared as habitual violator (If you are charged and sentenced as a habitual substance offender, you may be imprisoned for an additional 1 to 8 years in jail)
- Indiana SR22 insurance requirement

Penalties for refusing to submit to a chemical test in Indiana

It is an offense to refuse to submit to a chemical test in Indiana and implied consent laws are enforced. If the accused refuses to take a chemical test of their blood, breath or urine, their driver's license will be suspended/revoked.

In addition to any other penalty imposed, the court shall suspend the person's driving privileges:

First Chemical Test Refusal

- License Suspension: 1 year driver's license suspension
- Indiana SR22 insurance requirement

Second (and subsequent) Chemical Test Refusal

- License Suspension: 2 years driver's license suspension
- Indiana SR22 insurance requirement

Drug Penalties (Marijuana)

Possession

Any amount

- Penalty: Misdemeanor
- 180 days in jail
- Up to \$1,000 fine

Less than 30g and prior drug offense

- Penalty: Misdemeanor
- 1 year in jail
- Up to \$5,000 fine

30g or more and prior drug offense

- Penalty: Felony
- 6 months – 2 ½ years in jail
- Up to \$10,000 fine

Sale or Cultivation

Less than 30g

- Penalty: Misdemeanor
- 1 year in jail
- Up to \$5,000 fine

30g – less than 10lbs

- Penalty: Felony
- 6 months – 2 ½ years in jail
- Up to \$10,000 fine

10lbs or more

- Penalty: Felony
- 1-6 years in jail
- Up to \$10,000 fine

To a minor

- Penalty: Felony
- 1 – 6 years in jail
- Up to \$10,000 fine

State of Kentucky Legal Sanctions for Violations of a Controlled Substance/Alcohol

Driving Under the Influence (DUI) Penalties

Under Kentucky law, it is illegal for anyone to operate a vehicle with a Blood Alcohol Content (BAC) of .08 or higher. It is also illegal for anyone under 21 to operate a vehicle with a BAC of .02 or higher.

First Conviction Penalties

- 2-30 days jail time
 - 4-30 days for an **aggravated DUI**
- \$200-\$500 fine
- 30-120 days license suspension
- 90 days of an Alcohol or Drug treatment program
- 48 hours-30 days community service

Second Conviction Penalties

- 7 days-6 months jail time
 - 14 days-6 months for an **aggravated DUI**
- \$350-\$500 fine
- 12-18 months license suspension
- 1 year in an alcohol or drug treatment program
- 10 days-6 months community service

Third Conviction Penalties

- 30 days-12 months jail time
 - 60 days-12 months for an **aggravated DUI**
- \$500-\$1,000 fine
- 30 Days-12 Months Jail
- 2-3 years license suspension
- 1 year in an alcohol or drug treatment program
- 10 days-1 year community service

Fourth Conviction Penalties

- Felony offense
- Minimum 120 days in jail
 - Minimum 240 days for an **aggravated DUI**
- \$500-\$1,000 fine
- 5 years license suspension

Aggravated DUI Circumstances

- Driving 30 mph over speed limit

- Driving the wrong way on limited access highway
- Causing an accident that results in injury or death
- Alcohol level .18 or more
- DUI test refusal
- Passengers under the age of 12

Refusal to Submit to Chemical Testing

- First offense
 - 30 - 120 day license revocation
 - 2 days jail time
 - 4 if aggravating circumstances are present
 - If convicted of DUI after refusing to take test, jail penalty is doubled
- Second offense
 - 1 – 1 ½ year license revocation
 - 7 days jail time
 - If convicted of DUI after refusing to take test, jail penalty is doubled
- Third offense
 - 2 - 3 years license revocation
 - 30 days jail time
 - If convicted of DUI after refusing to take test, jail penalty is doubled

Drug Penalties (Marijuana)

Possession

8 ounces or less

- Penalty: Misdemeanor
- Up to 45 days in jail
- Up to \$250 fine

Sale or Trafficking

Less than 8 ounces (First Offense)

- Penalty: Misdemeanor
- Up to 1 year in jail
- Up to \$500 fine

Less than 8 ounces (Subsequent Offenses)

- Penalty: Felony
- Up to 1-5 years in jail
- Up to \$10,000 fine

8 ounces-5 pounds

- Penalty: Felony
- 1-5 years in jail
- Up to \$10,000 fine

8 ounces-5 pounds

- Penalty: Felony
- 5-10 years in jail
- Up to \$10,000 fine

State of Louisiana Legal Sanctions for Violations of a Controlled Substance/Alcohol

Driving Under the Influence (DUI) Penalties

Under Louisiana law, it is illegal for anyone to operate a vehicle with a Blood Alcohol Content (BAC) of .08 or higher. It is also illegal for anyone under 21 to operate a vehicle with a BAC of .02 or higher.

First Offense (Misdemeanor)

Administrative Penalties

- Driving privileges suspended for up to 1 year.
- Driver's license reinstatement fee: \$100
- Proof of financial responsibility for 3 years after date of conviction
- 32 hours community service
- Substance abuse evaluation
- Driver improvement school
- 90 day license suspension

Criminal Penalties

- Up to 6 months in jail.
- Fined up to \$1,000, in addition to court costs

Second Offense (Misdemeanor)

Administrative Penalties

- Driving privileges suspended for up to 2 years.
- Driver's license reinstatement fee: \$200
- Proof of financial responsibility for 3 years after date of conviction
- \$750-\$1,000 fine
- 240 hours community service
- Substance abuse evaluation
- Driver improvement school
- 1 year license suspension

Criminal Penalties

- Mandatory 48 hours in jail.
- Up to 6 months of additional jail time.
- Fined up to \$1,000, in addition to court costs

Second Offense (Felony)

When prior conviction is for vehicular homicide or 1st degree vehicular injuring

- \$2,000 fine
- 1-5 years jail (all but 6 months can be suspended)
- 240 hours community service
- Substance abuse evaluation
- Driver improvement school
- 1 year license suspension

Third Offense (Misdemeanor)

Administrative Penalties

- Driving privileges suspended for up to 3 years.
- Driver's license reinstatement fee: \$300
- Proof of financial responsibility for 3 years after date of conviction

Third Offense (Felony)

- \$2,000 fine
- 1-5 years in jail (all but 6 months can be suspended)
- Substance abuse evaluation

- Driver improvement school
- Mandatory seizure and sale of the vehicle being operated at time of arrest
 - Proceeds forfeited to the State
- 2 years license suspension
- Possible home confinement.
- Possible loss of vehicle.
- 4 weeks in an inpatient substance abuse program, and another 4 weeks in an outpatient substance abuse program

Fourth Offense (Felony)

- \$5,000 fine
- 10-30 years in jail (all but 2 years can be suspended)
- Mandatory seizure and sale of the vehicle being operated at the time of arrest
 - Proceeds forfeited to the State
- 2 years license suspension

Vehicular Homicide

Killing a human being while operating a motor vehicle, watercraft, etc. while under the influence of alcohol

- \$15,000 fine
- 5-30 years in prison
- Substance abuse evaluation
- Driver improvement school

Vehicular Negligent Injuring

Injuring a person by operating a motor vehicle, watercraft, etc. under the influence of alcohol

- \$1,000 fine
- 6 months in prison
- Or a combination of both
- 90 days license suspension
 - 180 days license suspension if under 21

Child Endangerment Law

DUI when a child 12 or under was a passenger in the vehicle

- First offense
 - 30 days in jail
- Second offense
 - 30 days in jail
 - Perform thirty eight-hour days of court-approved community service activities
 - Complete a court-monitored domestic abuse intervention program
- Third offense
 - 1 – 5 year in jail with or without hard labor
 - \$2000 fine
- Fourth offense
 - 10 – 30 years in jail with hard labor
 - \$5000 fine

Underage DUI

A person under the age of 21 cannot operate a vehicle with a BAC of 0.02% or over

- First offense misdemeanor
 - Maximum \$1000 fine
 - 2 days – 6 month of imprisonment
 - 90 day license suspension
 - Substance abuse evaluation & Driver improvement school
- Second offense misdemeanor

- \$1000 fine
- 30 days-6 months in jail (all may be suspended)
- 1 year license suspension
- 80 hours community service
- Substance abuse evaluation and Driver improvement school
- **Anyone under the age of 21 who has a BAC of 0.08% or higher is charged under “regular” DUI statute**

Other Alcohol Related Laws

False Identification

Using a fake ID to gain entry to a bar, liquor store, etc. to purchase alcohol

- \$200 fine
- 30 hours of community service or 90 day driver’s license suspension

Unlawful Purchase of Alcohol by Persons on Behalf of Persons under 21

Purchasing alcohol for someone who is under 21 and you are not that person’s spouse, parent, or legal guardian

- \$500 fine
- Up to 30 days in prison
- Or both

Public Possession of Alcoholic Beverages by Persons under 21

- \$100 fine
- Up to 6 months in prison
- 180 day driver’s license suspension

Unlawful Consumption of Alcoholic Beverages by Persons under 21

Consuming any alcoholic beverage without the knowledge, presence, and consent of a parent or guardian

- \$300 fine
- Up to 6 months in prison

Possession of Alcohol in Motor Vehicles

Open alcoholic beverage in car by driver or passengers

- \$100 fine
- Loss of driver’s license

Refusal to Submit to Chemical Testing

Refusing to take a chemical test while under arrest for operating a vehicle while intoxicated

First Offense and Second Offense

- 6 month license revocation

Third offense

- 2 days minimum in Jail
- \$300-\$1,000 fine
- 10 days-6 months in prison

Drug Penalties (Marijuana)

Possession

Less than 60 pounds (First Offense)

- Up to 6 months in jail
- Up to \$500 fine

Less than 60 pounds (Second Offense)

- Up to 5 years in jail
- Up to \$2,000 fine

Less than 60 pounds (Subsequent Offenses)

- Up to 20 years in jail
- Up to \$5,000 fine

Penalties for

- over 60 pounds but less than 2000 pounds : 10 – 60 years in jail
- Over 2000 pounds but less than 10000 pounds : 20 – 80 years in jail
- Over 10000 pounds : 50 – 80 years

Distribution or Cultivation

Any Amount (First Offense)

- Any amount
 - o 5-30 years in jail
 - o Up to \$50,000 fine
- To a minor
 - o 5 – 45 years in jail
 - o Up to \$100,000

Any Amount (Subsequent Offense)

- Any amount
 - o 10-60 years in jail
 - o Up to \$100,000 fine
- To a minor
 - o 10 – 90 years in jail
 - o Up to \$200,000

Miscellaneous

Possession, distribution, or cultivation of marijuana within 2,000 feet of a drug free zone is punishable by 1.5 times the maximum sentence

Staying in a public place with the purpose to distribute marijuana is a crime punishable by a fine of \$100-\$1,000, and/or up to 6 months in jail, and/or 120 hours of community service

State of Michigan Legal Sanctions

Operating While Intoxicated (OWI) Penalties

Operating With Any Presence of a Schedule 1 Drug or Cocaine (OWPD)

Determined to have even a trace of drugs in body as a result of chemical testing

Operating While Intoxicated (OWI)

Under Michigan law, it is illegal for anyone to operate a vehicle with a Blood Alcohol Content (BAC) of .08 or higher. It is also illegal for anyone under 21 to operate a vehicle with a BAC of .02 or higher.

First Offense OWI or OWPD

- \$100-\$500 fine
- Up to 93 days in jail
- Vehicle immobilization possible
- Ignition interlock device possible
- 6 points added to driving record
- Up to 6 months f License suspension
- Driver responsibility fees

- \$1,000 for 2 consecutive years for OWI
- \$500 for 2 consecutive years for OWPD

Second Offense OWI

Within 7 years of first offense

- \$200-\$1,000 fine
- 5 days-1 year in jail
- 30-90 days community service
- Driver's license revocation and denial for a minimum of 1 year
 - Minimum of 5 years if there was a prior revocation within 7 years
- License plate confiscation
- Vehicle immobilization for 90-180 days
- Possible vehicle forfeiture
- Ignition interlock device
- 6 points added to driving record
- Driver responsibility fee of \$1,000 for 2 consecutive years

Third Offense OWI

Within lifetime of other offenses

- \$200-\$1,000 fine
- 30days - 5 years imprisonment
- Probation with 30 days-1 year in jail
- 60-180 days community service
- Driver's license revocation and denial for a minimum of 1 year
 - Minimum of 5 years if there was a prior revocation within 7 years
- License plate confiscation
- Vehicle immobilization for 1-3 years
- Possible vehicle forfeiture
- Vehicle registration denial
- 6 points added to driving record
- Driver responsibility fee of \$1,000 for 2 consecutive years

OWI with BAC of .17 or higher

- Up to 180 days in jail
- Up to \$700 fine
- Up to 360 hours of community service
- Driver's license suspension for 1 year
 - Eligible for restrictions after 45 days if an ignition interlock device is installed on all vehicles
- Possible license plate confiscation
- Vehicle immobilization
- 6 points added to driving record
- Driver responsibility fee of \$1,000 for 2 consecutive years

Operating While Visibly Impaired (OWVI)

Ability to operate a motor vehicle was visibly impaired because of alcohol or drugs

First Offense OWVI

- Up to a \$300 fine
- Up to 93 days in jail
- Up to 360 hours of community service
- Driver's license restrictions for 90 days
 - 180 days if impaired by a controlled substance
- Possible vehicle immobilization

- 4 points added to driving record
- Driver responsibility fee of \$500 for 2 consecutive years

Second Offense OWVI

- \$200-\$1,000 fine
- 5 days-1 year in jail
- 30-90 days of community service
- Driver's license revocation and denial for a minimum of 1 year
 - Minimum of 5 years if there was a prior revocation within 7 years
- License plate confiscation
- Vehicle immobilization for 90-180 days
- Possible vehicle forfeiture
- 4 points added to driving record
- Driver responsibility fee of \$500 for 2 consecutive years

Third Offense OWVI

- \$500-\$5,000 fine
- 1-5 years imprisonment
- Probation with 30 days-1 year in jail
- 60-180 days community service
- Driver's license revocation for a minimum of 1 year
 - Minimum of 5 years if there was a prior revocation within 7 years
- License plate confiscation
- Vehicle immobilization for 1-3 years
- Possible vehicle forfeiture
- Vehicle registration denial
- 4 points added to driving record
- Driver responsibility fee of \$500 for 2 consecutive years

First Offense: Cause of Death or Serious Injury OWI, OWVI, or OWPD

- Death:
 - Up to 15 years imprisonment
 - \$2,500-\$10,000 fine
- Injury:
 - Up to 5 years imprisonment
 - \$1,000-\$5,000 fine
- Emergency Responder Death:
 - Up to 20 years imprisonment
 - \$2,500-\$10,000 fine
- Driver's license revocation and denial for a minimum of 1 year
 - Minimum of 5 years if there was a prior revocation within 7 years
- License plate confiscation
- Vehicle immobilization for up to 180 days
- Possible vehicle forfeiture
- 6 points added to driving record
- Driver responsibility fee of \$1,000 for 2 consecutive years
- Property damage penalty
 - \$500 fine
 - 360 hour community service
 - 93 days of imprisonment
 - 30 day suspension of driver's license followed by 150 days of license restrictions
 - 6 points on your Michigan state driving record
 - Driver Responsibility fee of \$1,000 for 2 consecutive years

Second Offense: Cause of Death or Serious Injury OWI, OWVI, or OWPD

- Death:
 - Up to 15 years imprisonment
 - \$2,500-\$10,000 fine
- Injury:
 - Up to 5 years imprisonment
 - \$1,000-\$5,000 fine
- Emergency Responder Death:
 - Up to 20 years imprisonment
 - \$2,500-\$10,000 fine
- Driver's license revocation and denial for a minimum of 1 year
 - Minimum of 5 years if there was a prior revocation within 7 years
- License plate confiscation
- Vehicle immobilization for 180 days
- Vehicle forfeiture
- 6 points added to driving record
- Driver responsibility fee of \$1,000 for 2 consecutive years

Open Intoxicants in a Vehicle

- Up to \$100 fine
- First offense:
 - No action taken against driver's license
- Second offense:
 - Driver's license is suspended for 30 days
 - Restricted for 60 days following suspension
- Third offense:
 - Driver's license is suspended for 60 days
 - Restricted for 305 days following suspension
- Alcohol screening may be required
- Points added to driving record

Refusal to Submit to Chemical Testing

Refusal to take tests

- 1st offense : 1 year license suspension
- 2nd offense : 2 year license suspension
- 3rd offense : 5 year license suspension

Preliminary Breath Test (PBT)

- \$150 fine
 - If under 21 receive adds 2 points to driving record

Under 21 Alcohol Laws

Zero Tolerance (Under Age 21)

BAC of 0.02% - 0.08%

- First offense:
 - Up to \$250 fine
 - Up to 15 days of community service
 - 93 day imprisonment
 - Driver's license restricted for 30 days – 6 months
 - 4 points on driving record
 - Driver responsibility fee of \$500 for 2 consecutive years
- Second offense:
 - Up to \$500 fine

- Up to 60 days community service
- 5 days – 1 year in jail
- Driver’s license suspension for 90 days
 - If prior conviction, revocation and denial for a minimum of 1 year
- 4 points added to driving record
- Driver responsibility fee of \$500 for 2 consecutive years

Person under 21 Purchase/Consume/Possess Alcohol

- First offense:
 - \$100 fine
- Second offense:
 - \$200 fine
 - Driver’s license suspended for 30 days
 - Restricted for 60 days after suspension
- Third offense:
 - \$500 fine
 - Driver’s license suspended for 60 days
 - Restricted for 305 days after suspension
- Alcohol screening may be required
- Community service may be required

Person under 21 Transporting or Possessing Alcohol in a Motor Vehicle

- Up to \$100 fine
- Driver’s license sanctions:
 - First offense—no driver’s license sanction
 - Second offense—driver’s license suspension for 30 days
 - Restricted for 60 days after suspension
 - Third offense—driver’s license suspension for 60 days
 - Restricted for 305 days after suspension
- Alcohol screening may be required
- Community service may be required
- Vehicle may be impounded for up to 30 days
- 2 points added to driving record

Using Fraudulent ID to Purchase Alcohol

- Up to \$1000 fine
- Up to 90 days in jail
- Driver’s license suspended for 90 days
- Alcohol screening may be required

Drug Penalties (Marijuana)

Possession

Any amount

- Penalty: Misdemeanor
- Up to 1 year in jail
- Up to \$2,000 fine

In a Park

- Penalty: Misdemeanor or Felony
- Up to 2 years in jail
- Up to \$2,000 fine

Use

- Penalty: Misdemeanor
- Up to 90 days in jail
- Up to \$100 fine

Sale

Sale without remuneration

- Penalty: Misdemeanor
- Up to 1 year in jail
- Up to \$1,000 fine

Less than 5 kilograms

- Penalty: Felony
- Up to 4 years in jail
- Up to \$20,000 fine

5-45 kilograms

- Penalty: Felony
- Up to 7 years in jail
- Up to \$500,000 fine

45 kilograms or more

- Penalty: Felony
- Up to 15 years in jail
- Up to \$10,000,000 fine

Cultivation

Less than 20 plants

- Penalty: Felony
- Up to 4 years in jail
- Up to \$20,000 fine

Less than 20 plants

- Penalty: Felony
- Up to 7 years in jail
- Up to \$500,000 fine

Less than 20 plants

- Penalty: Felony
- Up to 15 years in jail
- Up to \$10,000,000 fine

Paraphernalia

Sale of Paraphernalia

- Penalty: Misdemeanor
- Up to 90 days in jail
- Up to \$5,000 fine

Miscellaneous

Any conviction will result in a driver's license suspension for 6 months
In Ann Arbor there will be a maximum fine of \$100

State of Texas Legal Sanctions for Violations of a Controlled Substance/Alcohol

Texas Driving Under the Influence (DUI) Penalties

Under Texas law, it is illegal for anyone to operate a vehicle with a Blood Alcohol Content (BAC) of .08 or higher. It is also illegal for anyone under 21 to operate a vehicle with a BAC of .02 or higher.

First Offense (Misdemeanor)

- Up to \$2,000 fine
- 72 hours-6 months in jail
- 90 days-1 year license suspension
- Possible ignition interlock restriction
- Annual fee of \$1,000 for 3 years to retain driver's license

First Offense (If BAC is .15 or more)

- Up to \$4,000 fine
- Up to 1 year in jail
- Annual fee of \$2,000 for 3 years to retain driver's license

Second Offense (Misdemeanor)

- Up to \$4,000 fine
- 30 days-1 year in jail
- 1-2 year license suspension
- Possible ignition interlock restriction
- Annual fee of \$1,500 for 3 years to retain driver's license

Third / Subsequent Offense (Felony)

- Up to \$10,000 fine
- 2-10 years in jail
- 2 year license suspension
- Possible ignition interlock restriction
- Annual fee of \$2,000 for 3 years to retain driver's license

Driving With a Child

Felony with immediate license suspension

2 years in jail

Up to \$10,000 fine

Refusal to Submit to Chemical Testing

- First offense:
 - 6 month driver's license suspension
- Second offense:
 - 2 years driver's license suspension

Under 21 Alcohol Laws

Zero Tolerance DUI

- Up to \$500 fine
- 8-40 hours of community service
- 30 - 60 day driver's license suspension
- Alcohol awareness classes

Zero Tolerance DUI (BAC .08 or higher)

Get same DUI penalties as adults, as well as those for underage drinking

Drug Penalties (Marijuana)

Possession

2 ounces or less

- Penalty: Misdemeanor
- Up to 180 days in jail
- Up to \$2,000 fine

2-4 ounces

- Penalty: Misdemeanor
- Up to 1 year in jail
- Up to \$4,000 fine

4 ounces-5 pounds

- Penalty: Felony
- 180 days-2 years in jail
- Up to \$10,000 fine

5 - 50 pounds

- Penalty: Felony
- 2 - 10 years in jail
- Up to \$10,000 fine

50 - 2000 pounds

- Penalty: Felony
- 2 - 20 years in jail
- Up to \$10,000 fine

More than 2000 pounds

- Penalty: Felony
- 5 – 99 years in jail
- Up to \$50,000 fine

Sale or Cultivation

7 grams or less for no remuneration

- Penalty: Misdemeanor
- Up to 180 days in jail
- Up to \$2,000 fine

7 grams or less

- Penalty: Misdemeanor
- Up to 1 year in jail
- Up to \$4,000 fine

7 grams to 5 pounds

- Penalty: Felony
- 180 days - 2 years in jail
- Up to \$10,000 fine

4 ounces-5 pounds

- Penalty: Felony
- 180 days-2 years in jail
- Up to \$10,000 fine

5 - 50 pounds

- Penalty: Felony
- 2 - 20 years in jail
- Up to \$10,000 fine

50 - 2000 pounds

- Penalty: Felony
- 5 - 99 years in jail
- Up to \$10,000 fine

More than 2000 pounds

- Penalty: Felony
- 10 – 99 years in jail
- Up to \$10,000 fine

To a minor

- Penalty: Felony
- 2 – 20 years in jail
- Up to \$100,000 fine

Paraphernalia

Possession of Paraphernalia

- Penalty: Misdemeanor
- Up to \$500 fine

Miscellaneous

Falsifying a drug test

- Penalty: Misdemeanor
- Up to 180 days in jail
- Up to \$2,000 fine