

Drug & Alcohol Policy

NORTHWOOD UNIVERSITY

Reviewed September 2013

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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 statue 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 the Adult Degree Program. All other students will notify the Dean of Students on their campus. You can use the table below to contact the appropriate person either by telephone or email.

- DeVos Graduate
 - 989.837.4143

fairbair@northwood.edu

• Florida Campus 561.478.5551

cabellor@northwood.edu

• **Michigan Campus** 989.837.4398

larryl@northwood.edu

• Texas Campus 972.293.5408

anguianm@northwood.edu

• Adult Degree Programs 989.837.4453 rca@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, the Campus President 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 listed in local and other area telephone directories. Look under the heading of 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
2603 W Wackerly, Suite A, Midland 989.631.2320

Palm Beach County

Northwood University – Student Services 561.478.5551 Northwood University – Student Assistance Campus Office, Health Center 561.478.5551 Alcoholics Anonymous 561.655.5700 Florida Alcohol and Drug Abuse Association 850.878.2196

Texas Campus

Northwood University Student Support Center 972.293.4075 Northwood University Health Facility – 972.746.7915 Northwood University Student Services – 972.293.5408 Alcoholics Anonymous 972.224.6930 or 972.709.8553 Department of State Health Services - 1.800.832.9623 Mental Health America of Greater Dallas - 214.828.4192

Adult Degree Program - California

Northwood University – *Student Services* -- 562.653.7852 *Alcoholics Anonymous* – 714.522.7649

Adult Degree Program - Illinois

Northwood University – *Student Services* – 630.620.9488 *Alcoholics Anonymous* – 630.833.7897

Adult Degree Program - Kentucky

Northwood University – *Student Services* 502.261.1977 *Alcoholics Anonymous* – 502.582.1849

Adult Degree Program - Louisiana

Northwood University - Student Services 504.392.3025

Alcoholics Anonymous - 504.838.3399

National Resources

- National Council on Alcoholism and Drugs Information Line 1.800.NCA.CALL
- Federal Substance Abuse and Mental-Health Services Administration 1.800.662.HELP
- Northwood's Employee Assistance Program EAR 1.800.854.1446

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.

- Alcohol (Beer, wine, liquor, distilled spirits)
 Brain damage, addiction, liver damage, neuralgic damage
- Caffeine
 - May aggravate health problems
- Hallucinogens (LSD, Mescaline, PCP, Magic Mushrooms, Peyote)
 Panic reactions, psychotic behavior, may intensify existing psychosis, violent acts
- Inhalants (Solvents, glue, whiteout, solvent impurities)
- Impaired perceptions, judgments, and coordination: toxicity
- Marijuana (Pot, grass, hash, Thai sticks)
 - Bronchitis, brain damage, lethargy, conjunctivitis, possible birth defects
- Nicotine (Cigarettes, snuff, chewing/pipe tobacco, cigars)
 - Loss of appetite, lung cancer, addiction
- Opiates (Narcotics) (Heroine, Morphine, Codeine, Paregoric)
 - Addiction, impaired, perception, judgment, and coordination; brain damage, depression, withdrawal
- Barbiturates (sedative) (Phenobarbital, pentobarbital, secobarbital amorbarbital)
 - Severe withdrawal symptoms, depression, convulsions, addiction
- Anabolic Steroid (Steroids)
 - Acne, cancer, liver disease, heart disease, fetal damage, shrunken testicles, baldness, aggressive combative behavior
- Stimulants (Speed, diet pills, uppers, cocaine, ice, crack)
 Loss of appetite, delusions, heart damage, hallucinogens, withdrawal, convulsions, nasal deterioration

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:

- Family history of alcoholism or drug abuse
- Favorable attitudes toward use
- Friends who use drugs
- Low self-esteem & self-worth
- Academic or work related failures
- Weak intra & interpersonal skills
- Inadequate bonding
- Incest, sexual abuse victim
- Inadequate coping skills
- Stress
- 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 your 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

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
- Up to 6 months in county jail
- \$390-\$1,000 in fines
- 3 or 9 month alcohol and/or drug education program
- 6-10 month driver's license suspension; may be converted to a "restricted license" (enables you to drive to work or school)

Second Offense (Misdemeanor)

For a second DUI within 10 years

- Summary probation for 3-5 years
- No less than 96 hours and no more than 1 year in a county jail
- \$390-\$1,000 in fines
- 18 or 30 month DUI education program
- 2 year driver's license suspension; after 12 months, suspension may be converted to restricted license

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-\$1,000 in fines
- 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

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 in fines
- 3, 18, or 30 month alcohol program
- 1-3 years driver's license restriction
- Restitution to all injured parties

DUI with Injury (Felony)

- No less than 16 months and up to 10 years in the California State Prison
 - o 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
- No refusal to submit to a chemical test of blood, breath, or urine
- No committing of any other crimes
 - o 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
- Driving at excessive speeds
- Having children under age 14 in the car
- Being under 21 at the time of DUI offense

Other Common Alcohol Offenses and Penalties

56.54 (B) SDMC

Consumption or Possession of an Open Alcoholic Beverage Container in Public

• Penalty: \$150 fine

647 (f) Penal Code

Disorderly Conduct Under the Influence

• Penalty: At least one day in county jail and possible fine

Business and Profession Code 25662

A person under the age of 21 who has any alcoholic beverage in his/her possession in any place open to the public

• Penalty: Fine of \$250 and loss of driver's license for 1 year

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

Vehicle Code 23136 (a)

It is unlawful for a person under the age of 21 years who has a blood alcohol level of anything above .02 to drive a vehicle.

Penalty: Suspension of driver's license for up to 1 year and the vehicle may be impounded

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 2, 4, or 6 years.

Drug Penalties (Marijuana)

Possession

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

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

Over 25 grams, over 18 years of age, on school grounds

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

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

Paraphernalia

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

- Penalty: Misdemeanor
- 15 days-6 months in jail
- Up to \$500 fine

Miscellaneous

Using a minor in sale/transport of marijuana

- Felony
- 3-7 years in jail

Controlled substance conviction can result in suspension of driving privileges

Any violation of the California Uniform Controlled Substances Act

• Up to \$150 fine

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

DUI (Driving Under the Influence) Penalties

Under Florida law, it is illegal for anyone to operate a vehicle with a Blood Alcohol Content (BAC) of .08 or higher.

First Offense (Misdemeanor)

Found to have BAC of .08 or higher while driving

- Probation for 1 year or less
- \$500-\$1,000 fine
- 6 months or less imprisonment
- Impoundment of vehicle for 10 days
- Monthly reporting probation
- DUI Program with psychosocial evaluation

Second Offense (Misdemeanor)

Within 5 years after the date of prior conviction

- \$1,000-\$2,000 fine
- No less than 10 days or more than 9 months imprisonment
- Impoundment or immobilization of all vehicles owned by defendant for 30 days
- Monthly reporting probation
- DUI Program with psychosocial evaluation
- Ignition Interlock Device in place for at least 1 year

Third Offense (3rd Degree Felony)

Within 10 years after a prior conviction

- Punishable as provided in s. 775.082, s. 775.083, or 775.084 for 3rd degree felonies
- \$2,000-\$5,000 fine
- No less than 30 days and no more than 1 year imprisonment
- Impoundment or immobilization of all vehicles owned by defendant for 90 days
- Monthly reporting probation
- DUI Program with psychosocial evaluation
- Ignition Interlock Device implemented on vehicle for no less than 2 years on all vehicles owned by the convicted person

Fourth Offense (3rd Degree Felony)

Regardless of when any prior conviction for a violation occurred

- Punishable as provided in s. 775.082, s. 775.083, or 775.084 for 3rd degree felonies
- \$2,000+ fine
- Monthly reporting probation
- DUI Program with psychosocial evaluation
- Ignition Interlock Device

Custody

A person arrested for a DUI may not be released from custody until one of the following conditions are met

- The person is no longer under the influence of alcoholic beverages or controlled substances
- The person's blood-alcohol level or breath alcohol level is less than .05
- 8 hours have elapsed from the time the person was arrested

Aggravating Factors that May Increase DUI Sentence

First Offense (with BAC of .15+ or When Accompanied by Minor [18-under])

- \$1,000-\$2,000 fine
- No more than 9 months imprisonment
- Penalties that only apply when BAC is .15+
 - o Ignition Interlock Device implemented on vehicle for no less than 6 months

Second Offense (with BAC of .15+ or When Accompanied by Minor [18-under])

- \$2,000-\$4,000 fine
- 1 year or less imprisonment
- Penalties that only apply when BAC is .15+
 - o Ignition Interlock Device implemented on vehicle for no less than 2 years

Third Offense (with BAC of .15+ or When Accompanied by Minor [18-under])

• \$4,000+ fine

While Under the Influence Causes or Contributes to Causing

- (1) Damage to a person or their property
 - a. 1st Degree Misdemeanor
- (2) Serious bodily injury to another
 - a. 3rd Degree Felony
- (3) Death of any human being or unborn child
 - a. DUI Manslaughter
 - b. 2nd Degree Felony
 - c. 1st Degree Felony if:
 - i. At the time of the crash, the person knew, or should have known the crash occurred
 - ii. The person failed to give information and render aid

Details of Misdemeanors and Felonies

S. 775.082 (Penalties)

http://www.flsenate.gov/Laws/Statutes/2011/775.082

S. 775.083 (Fines)

http://www.flsenate.gov/Laws/Statutes/2011/775.083

S. 775.084 (Habitual Felony Offenders and Violent Offenders)

http://www.flsenate.gov/Laws/Statutes/2011/775.084

Under 21 Alcohol Laws

Possession / Attempt to Purchase Alcohol by a Person Under 21

- First offense Penalties
 - o \$180 fine
 - o 10 hours community service program
 - Maximum Penalties
 - 60 days jail
 - \$500 fine

Using False ID or Allowing Someone Else to Use Your ID

- First offense Penalties
 - o \$180 fine
 - o 10 hours community service program
 - Maximum Penalties
 - 60 days jail
 - \$500 fine

Providing Alcohol to a Person Under 21

- First offense Penalties
 - o \$180 fine
 - o 10 hours community service program
 - Maximum Penalties

- 60 days jail
- \$500 fine

Drug Penalties (Marijuana)

Possession

20 grams or less

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

Over 20 grams

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

Sale or Delivery

Within 1,000 feet of a school, college, park, or other specified areas

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

Paraphernalia

Possession of any paraphernalia

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

Miscellaneous

Conviction causes a driver's license suspension for a period of 2 years

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

Driving Under the Influence (DUI) Penalties

Under Illinois 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

- Class A Misdemeanor
- Revocation of driving privileges for minimum of 1 year
 - o 2 years if driver is under 21
- Suspension of vehicle registration

Additional First Conviction Penalties

- If committed with BAC of .15 or more
 - o \$500+ fine
 - o 100+ hours community service
- If committed while transporting a child under age 16
 - o Up to 6 months imprisonment
 - o \$1,000+ fine
 - o 25 days of community service in a program benefiting children
- If committed while transporting a child under age 16 and involved in a crash that resulted in bodily harm to the child (Aggravated DUI)
 - Class 4 felony

- o \$2,500 fine
- o 25 days community service in a program benefitting children

Second Conviction

Within 20 years of first conviction

- Class A Misdemeanor
- Minimum imprisonment of 5 days or 240 hours community service
- Revocation of driving privileges for 5+ years
- Suspension of vehicle registration

Additional Second Conviction Penalties

- If committed with a BAC of .15 or more
 - o 2 days imprisonment
 - o \$1,250+ fine
- If committed while transporting a child under age 16
 - Class 4 Felony
- If committed while transporting a child under age 16 and involved ina crash that resulted in bodily harm to the child (Aggravated DUI)
 - o Class 2 Felony
 - o \$5.000 fine
 - o 25 days of community service in a program benefitting children

Third Conviction (Aggravated DUI)

- Class 2 Felony
- Revocation of driving privileges for 10+ years
- Suspension of vehicle registration

Additional Third Conviction Penalties

- If committed with a BAC of .15 or more
 - o 90 days imprisonment
 - o \$2,500+ fine
- If committed while transporting a child under age 16
 - o \$25,000 fine
 - o 25 days of community service in a program benefitting children

Fourth Conviction (Aggravated DUI)

• Revocation of driving privileges for life with no relief available

Additional Fourth Conviction Penalties

- If committed with a BAC of .15 or more
 - o \$5,000+ fine
- If committed while transporting a child under age 16
 - o \$25,000 fine
 - o 25 days community service in a program benefitting children

Fifth Conviction (Aggravated DUI)

- Class 1 Felony
- Revocation of driving privileges for life with no relief available
- Suspension of vehicle registration

Sixth or Subsequent Conviction (Aggravated DUI)

- Class X Felony
- Revocation of driving privileges for life with no relief available
- Suspension of vehicle registration

Additional Consequences of DUI

- Permanent part of driving record
- Requirement of alcohol/drug evaluation & remedial education course on drugs/alcohol or substance abuse treatment program before driving privileges reinstated
- Breath Alcohol Ignition Interlock Device may be instated
- Required to carry high-risk auto insurance for 3 years

Failing Chemical Testing

- First Offense
 - O Suspension of driving privileges for 6 months
- Second Offense
 - O Suspension of driving privileges for 1 year

Refusing to Submit to Chemical Testing

- First Offense
 - O Suspension of driving privileges for 1 year
- Second or Subsequent Offense
 - Suspension of driving privileges for 3 years

Penalties for Other DUI/Alcohol-Related Offenses

Possession of Drugs in a Vehicle

Illegal possession of a controlled substance by the driver

- All violations must be reported to the Secretary of State
- First Conviction
 - o Suspension of driving privileges for 1 year
- Second Conviction (Within 5 years)
 - Suspension of driving privileges for 5 years

Knowingly Permitting a Driver under the Influence to Operate a Vehicle

- Class A Misdemeanor
- Up to 1 year imprisonment
- Up to \$2,500 in fines

Illegal Transportation/Open Container

It is illegal to transport, carry, possess or have any alcoholic beverages in the passenger compartment of a vehicle, except in the original container with the seal unbroken

- Up to \$1,000 in fines
- Points on driver's license
- Suspension of driving privileges for 1 year
 - o Revocation for a second conviction within 1 year
- If the offender is under 21
 - o First offense: Mandatory suspension of driving privileges for 1 year
 - o Second offense: Mandatory revocation of driving privileges

Fraudulent IDs and Driver's Licenses

It is illegal to assist in obtaining or to fraudulently obtain, distribute, use, or possess a fraudulent state ID card or driver's license. Driving privileges may be suspended or revoked for up to 1 year in the following offenses.

- Class A Misdemeanors
 - Possessing, attempting to obtain, or assisting another n obtaining a fraudulent driver's license or permit (first offense)

- o Allowing another person to use your driver's license or permit
- o Displaying or representing as one's own any driver's license or permit issued to someone else
- o Allowing any unlawful use of one's driver's license or permit
- Class 4 Felonies
 - Possessing, attempting to obtain or assisting another in obtaining a fraudulent driver's license or permit (second or subsequent offense)
 - o Issuing or assisting in the issuance of a fraudulent driver's license
 - Manufacturing, possessing, or providing any document for the purpose of obtaining a fraudulent driver's license
 - O Possessing a driver's license-making or permit-making implement

Drug Penalties (Marijuana)

Possession

2.5 grams or less

- Penalty: Misdemeanor
- 30 days in jail
- 2.5-10 grams
 - Penalty: Misdemeanor
 - 6 months in jail
- 10-30 grams (First Offense)
 - Penalty: Misdemeanor
 - 1 year in jail

10-30 grams (Subsequent Offenses)

- Penalty: Felony
- 1-3 years in jail
- Up to \$25,000 fine

Sale or Trafficking

- 2.5 grams or less
 - Penalty: Misdemeanor
 - 6 months in jail
- 2.5-10 grams
 - Penalty: Misdemeanor
 - 1 year in jail

10-30 grams

- Penalty: Felony
- 1-3 years in jail
- Up to \$25,000 fine

Paraphernalia

Possession of Paraphernalia

Penalty: Misdemeanor

- Up to 1 year in jail
- Up to \$750 fine

Miscellaneous

Property is subject to forfeiture

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
 - o 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
 - o 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
 - o 60 days-12 months for an aggravated DUI
- \$500-\$1,000 fine
- 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
 - o 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
 - o Minimum 30 day license revocation
 - o 2 days jail time
 - 4 if aggravating circumstances are present

- o If convicted of DUI after refusing to take test, jail penalty is doubled
- Second offense
 - o Minimum 1 year license revocation
 - o 7 days jail time
 - o If convicted of DUI after refusing to take test, jail penalty is doubled
- Third offense
 - o Minimum 2 years license revocation
 - o 30 days jail time
 - o If convicted of DUI after refusing to take test, jail penalty is doubled

Drug Penalties (Marijuana)

Possession

8 ounces or les

- 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

Paraphernalia

Possession of Paraphernalia

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

Subsequent Conviction

- Penalty: Felony
- 6 months-3 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)

- \$300-\$1,000 fine
- 10 days-6 months in jail (can be suspended)
 - o If BAC over .15: minimum 48 hours jail time
- 32 hours community service
- Substance abuse evaluation
- Driver improvement school
- 90 day license suspension

Second Offense (Misdemeanor)

- \$750-\$1,000 fine
- 30 days-6 months in jail (all but 48 hours can be suspended)
 - o If BAC over .15: minimum 96 hours jail time
- 240 hours community service
- Substance abuse evaluation
- Driver improvement school
- 1 year license suspension

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 (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

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

- 2-20 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
- 90 days license suspension
 - o 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
 - o 10 days in jail
- Second offense
 - o 30 days in jail
- Third offense
 - o 1 year in jail
- Fourth offense
 - o 10 years in jail

Underage DUI

A person under the age of 21 cannot operate a vehicle with a BAC of .02 or over

- First offense misdemeanor
 - o \$100-250 fine
 - o Substance abuse evaluation & Driver improvement school
- Second offense misdemeanor
 - o \$150-\$500 fine
 - o 10 days-3 months in jail (all may be suspended)
 - o 80 hours community service
 - o Substance abuse evaluation and Driver improvement school
- Anyone under the age of 21 who has a BAC of .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

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

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

Public Possession of Alcoholic Beverages by Persons under 21

- \$100 fine
- Up to 6 months in prison

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

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

Public Drinking Where Prohibited

Carrying or drinking open alcoholic beverage container on public street, sidewalk, or any "alcohol free zone"

- \$500 fine
- Up to 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 \$2,500 fine

Less than 60 pounds (Subsequent Offenses)

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

Distribution or Cultivation

Any Amount (First Offense)

- 5-30 years in jail
- Up to \$50,000 fine

Any Amount (Subsequent Offense)

- 10-60 years in jail
- Up to \$100,000 fine

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 for Violations of a Controlled Substance/Alcohol

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
- Up to 360 hours of community service
- 30 day driver's license suspension
 - 150 days driver's license restriction afterward
- Vehicle immobilization possible
- Ignition interlock device possible
- 6 points added to driving record
- Driver responsibility fees
 - o \$1,000 for 2 consecutive years for OWI
 - o \$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
 - o 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
- 6 points added to driving record
- Driver responsibility fee of \$1,000 for 2 consecutive years

Third Offense OWI

Within lifetime of other offenses

- \$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 and denial for a minimum of 1 year
 - o 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
- \$200-\$700 fine
- Up to 360 hours of community service
- Driver's license suspension for 1 year
 - o 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
 - o 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
 - o 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
 - o 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:
 - o Up to 15 years imprisonment
 - o \$2,500-\$10,000 fine

- <u>Injury:</u>
 - o Up to 5 years imprisonment
 - o \$1,000-\$5,000 fine
- Emergency Responder Death:
 - o Up to 20 years imprisonment
 - o \$2,500-\$10,000 fine
- Driver's license revocation and denial for a minimum of 1 year
 - o 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

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

- Death:
 - Up to 15 years imprisonment
 - o \$2,500-\$10,000 fine
- Injury:
 - O Up to 5 years imprisonment
 - o \$1,000-\$5,000 fine
- Emergency Responder Death:
 - o Up to 20 years imprisonment
 - o \$2,500-\$10,000 fine
- Driver's license revocation and denial for a minimum of 1 year
 - o 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:
 - o Driver's license is suspended for 30 days
 - Restricted for 60 days following suspension
- Third offense:
 - o 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

Preliminary Breath Test (PBT)

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

Under 21 Alcohol Laws

Zero Tolerance (Under Age 21)

BAC of .02 or over

• First offense:

- o Up to \$500 fine
- o Up to 360 hours community service
- o Driver's license restricted for 30 days
- o 4 points on driving record
- o Driver responsibility fee of \$500 for 2 consecutive years

• Second offense:

- o Up to \$500 fine
- o Up to 60 days community service
- o Up to 93 days in jail
- o Drivers license suspension for 90 days
 - If prior conviction, revocation and denial for a minimum of 1 year
- o 4 points added to driving record
- o Driver responsibility fee of \$500 for 2 consecutive years

Person under 21 Purchase/Consume/Possess Alcohol

- First offense:
 - o \$100 fine
- Second offense:
 - o \$200 fine
 - o Driver's license suspended for 30 days
 - Restricted for 60 days after suspension
- Third offense:
 - o \$500 fine
 - o 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:
 - o First offense—no driver's license sanction
 - Second offense—driver's license suspension for 30 days
 - Restricted for 60 days after suspension
 - o 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 \$100 fine
- Up to 93 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

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

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

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
- 1-2 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

Refusal to Submit to Chemical Testing

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

Under 21 Alcohol Laws

Zero Tolerance DUI

- Up to \$500 fine
- 20-40 hours of community service
- 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

Sale or Cultivation

7 grams or less

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

7 grams to 5 pounds

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