



Alcohol and Drug Policy

POLICY INFORMATION

Policy#:

Original Issue Date: 11/19/2014

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Initial Adoption Date: 11/19/2014

RESPONSIBLE OFFICE

Title	Department
Associate VP and Dean of Student Affairs	Student Affairs
Chief of Staff	President's Office

SCOPE

Constituency	Campus Locations X Copia
(Select all that apply)	(Select all that apply)
<input checked="" type="checkbox"/> Staff	<input checked="" type="checkbox"/> Hyde Park
<input checked="" type="checkbox"/> Faculty	<input checked="" type="checkbox"/> Greystone
<input checked="" type="checkbox"/> Students	<input checked="" type="checkbox"/> San Antonio
<input checked="" type="checkbox"/> Contractors	<input type="checkbox"/> Singapore
<input checked="" type="checkbox"/> Visitors	

(Select a Policy Type)

Organization Policy

Legal Policy

Education Policy

Marketing Policy

Finance Policy

Technology Policy

Compliance Policy

HR Policy

Enrollment Policy

Advancement Policy

Operations Policy

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A. PURPOSE

The Culinary Institute of America is committed to the prevention of alcohol and drug abuse. In addition, the CIA is committed to supporting and adhering to local, state and federal laws regarding alcohol consumption and the prohibition on the use of illicit or controlled drugs and other substances.

B. POLICY STATEMENT

The Culinary Institute of America is committed to creating and maintaining a campus and work environment that is free of drug and alcohol abuse and complies with all federal, state and local laws governing the service and consumption of alcohol and the use and possession of illegal substances.

The CIA prohibits:

- The unlawful use, manufacture, distribution, dispensation, sale, transportation, purchase, or possession of any non-prescription drugs or controlled substances on its owned, operated, or controlled property or any other location;
- Possession of Drug Paraphernalia;
- The unlawful service, distribution, sale, possession, consumption, or other unlawful use of alcoholic beverages;
- Unlawful behaviors involving alcohol, drugs or controlled substances including, but not limited to, underage drinking, public intoxication which impacts the CIA, driving under the influence of alcohol or drugs, and manufacturing, distributing, and using false identification;
- The unlawful use, purchase and distribution of medication, including but not limited to, prescription and over-the-counter medications.
- The reckless or intentional a) acts that endanger mental or physical health, or b) conduct which creates a substantial risk of injury, to a person in the course of initiation or affiliation with any organization, club or institution.
- Any activities involving the forced consumption of alcohol or drugs, including activities encouraging consumption of large amounts of alcohol or repeated consumption of Alcohol in a confined amount of time.

The CIA imposes sanctions for illegal alcohol or drug use and violation of this policy. In addition, individuals violating the law with the use of alcohol and drugs may be subject to criminal charges as applicable under local, state, or federal law. The CIA will cooperate fully with all civil authorities and enforcement agencies.

C. AUTHORITY

Federal, state and local laws governing the use and possession of alcohol products, and the prohibition of use and possession of illegal drugs and substances, are required to be adhered to by The Culinary Institute of America.

D. DEFINITIONS

Alcohol –An intoxicating substance, usually found in wine, beer and spirits.

Alcohol and Drug Abuse – The consumption of alcohol, drugs or other substances in amounts or with methods that is harmful to an individual or others in their vicinity.

Campus Community – All students, faculty, staff, visitors and other individuals who are temporarily or permanently on campus grounds.

Common Area—Any space in a residential building to which all residential students have access and is not a specific student room. This includes, but is not limited to, kitchens, bathrooms, lounges, stairwells, hallways, computer labs, or laundry rooms.

Drug Paraphernalia – Equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or ingesting, inhaling or otherwise introducing into the human body, any controlled substance.

Hazing- Reckless or intentional acts that endanger mental or physical health or conduct which creates a substantial risk of injury to a person in the course of initiation or affiliation with any organization.

Illicit or Controlled Drugs and Other Substances – This term refers to illegal substances which can be introduced to the body in any way including, but not limited to: marijuana, cocaine, LSD, PCP, amphetamines, heroin, methamphetamines, “molly”, lookalikes, “roofies”, and any substances commonly referred to as “designer” or “synthetic” drugs.

Possession and Use of Alcohol – The choosing by those legally allowed by state law to possess or consume alcohol to do so, and the campus restrictions which apply to approved locations for possession and consumption.

Possession and Use of Illegal Drugs and Substances – the possession or use of all drugs and substances that are illegal under federal and state laws is absolutely prohibited on all CIA campuses.

Shared Area-- Any living space within an apartment, suite, or house to which only assigned students have access. This includes, but is not limited to, the kitchen, living room, dining area, and bathrooms.

E. PROCEDURES

1. General Rules Governing Campus Alcohol Use

New York, California and Texas States and the campus alcohol policy limit possession and consumption to those persons twenty-one (21) years of age or older.

- a) Members of the Campus Community may not give or serve alcoholic beverages to anyone under the legal drinking age. This includes purchasing alcoholic beverages for underage persons, or in any way allowing them to take, have, or help themselves to alcoholic beverages.
- b) Members of the Campus Community may not engage in any public consumption of alcoholic beverages in or on CIA-owned facilities or properties. The exceptions to this regulation are when consumption is part of the legal, accepted course work within the CIA's classrooms, laboratories and public restaurants, during approved school functions, in the public restaurants, at a CIA-sanctioned event, and at the Student Recreation Center in designated areas.
- c) Members of the Campus Community may not produce or manufacture alcohol in any CIA contracted or controlled housing.
- d) Open containers of any alcoholic beverage are prohibited in any indoor or outdoor public area of the CIA, including parking areas, athletic fields, gazebos, outdoor patios, sidewalks and walkways, wooded areas on CIA property, or in the Common Areas.
- e) Beer kegs are not permitted anywhere on campus, except in approved campus restaurants. Excessive amounts of alcohol are not permitted in student residence hall rooms (not to exceed a dozen 12 ounce containers of beer or pre-mixed beverage alcohol (totaling 144 oz), or two 750ml bottles of wine, or one fifth of distilled alcohol per assigned resident of legal drinking age. Guests may not bring additional amounts.

- f) At any given time, alcohol present or stored in a Shared Area may not exceed twenty-four 12-ounce containers of beer or pre-mixed beverage alcohol (totaling 288 oz), four 750 ml bottles of wine, or one-fifth of distilled spirits pending all assigned residents and/or guests are (21) years of age or older.
- g) Beer or other Alcohol-related drinking games (e.g., beer pong, funneling, and flip cups) are strictly prohibited anywhere on campus. Also prohibited are “all-you-can-drink” activities.
- h) Any member of CIA administration can terminate an activity involving Alcohol at any time at their discretion if the activity is believed to be in violation of campus Alcohol guidelines.
- i) Students are prohibited from providing any identification or evidence of age that is false, fraudulent, or not actually his or her own, for any purpose including that of obtaining or attempting to obtain Alcohol.
- j) Alcohol possessed in violation of campus Alcohol restrictions will be confiscated and disposed of by designated CIA administration. Confiscation of Alcohol will take place under the following conditions:
 - i. If those individuals are in possession or consuming Alcohol under the state legal drinking age of 21 years;
 - ii. If the individuals are deemed by a CIA official to be endangering themselves or others by continuing to possess or consume Alcohol, even if the individual is of legal drinking age;
 - iii. If the individual has an open container of Alcohol or is consuming alcohol in a public area outlined in Section 1 (c) above;
 - iv. If the individual is of 21 years or older and has any open container(s) of alcohol in a residence hall room where a minor is present. The only exception is when the minor is the roommate, and they are the only two people in the room;
 - v. If the individual is found in possession of Alcohol, in an open or closed container, in any designated Alcohol-free environment, such as Metz Hall on the Hyde Park campus; or
 - vi. If the individual is in possession of amounts greater than those previously specified in Section 1 (d) above.

2. Rules Governing the Use of Illegal Drugs and Substances

The CIA will not tolerate the possession, use, or sale of illegal drugs and substances.

- a) No one may use, possess, sell, distribute, or be in the presence of illegal drugs or substances, or Drug Paraphernalia anywhere on CIA grounds or at CIA-sponsored events on or off campus.
- b) Individuals who are arrested by civil authorities for illegal drug use or possession, or who fail drug tests for or at an externship site or other employment will also be subject to CIA sanctions.
- c) No one may use, possess, sell, distribute or be in the presence of the use of any prescription drugs or other medications that are not specifically prescribed to the user. The inappropriate use of prescription and over-the-counter drugs, even by those to whom the medication is prescribed, is also prohibited.
- d) The CIA's drug policy remains in effect for students on externship since this is an integral part of the academic program.
- e) A student who has been convicted of any offense under federal or state law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance during the period beginning on the date of such conviction and ending after an interval specified by the federal government.
- f) Any student requiring medical treatment for a drug overdose may be prevented by the CIA from continuing in classes pending further evaluation and treatment that may involve an extended leave of absence.
- g) The use, possession, cultivation, or being under the influence of marijuana whether or not for medical purposes is not permitted in or on any CIA campus, facility or property; nor is it permitted at any CIA-Sponsored event or activity that takes place in an off-campus environment.

3. Alcohol Use at Approved Student Functions

- a) To serve alcoholic beverages at functions which involve students, individuals must receive prior approval from the:
 - a. Hyde Park- Associate Dean of Student Activities / Recreation,
 - b. Greystone- Managing Director
 - c. San Antonio- Managing Director

- b) Supervising members of CIA administration must be present for the full duration of any student function where alcohol is served.
- c) The quantities of Alcohol allowed to be served will be limited to a specific amount, at the discretion of the office authorizing the function.
- d) Members of the Campus Community are not permitted to consume alcoholic beverages at student functions while wearing a chef's or table service uniform.
- e) Students are required to carry a valid CIA student ID card at all locations and student functions where Alcohol is being served. Individuals under twenty-one (21) years of age will not be permitted to order, purchase or consume alcoholic beverages. At certain functions, as determined by the supervisor(s) of the event, individuals under twenty-one (21) years of age may not be permitted to enter the function area.
- f) Individuals who appear to be intoxicated, as determined by the supervising staff, will not be permitted into the location or student function.
- g) The possession and consumption of Alcohol will be limited to beverages sold or served at the approved event or location. Individuals may not bring additional alcoholic beverages to, or take Alcohol from, the designated function area.

4. Use of CIA Vehicles

Employees and students who are authorized drivers of CIA vehicles are prohibited from being under the influence of drugs or Alcohol while operating the CIA vehicle. The CIA reserves the right to test employees for the use of drugs or Alcohol following any accident while in a CIA vehicle. The use of drugs or Alcohol while operating a CIA vehicle will result in immediate suspension of the driver's ability to operate CIA vehicles, in addition to penalties for policy violations as specified in section 7 below.

5. Service of Alcohol at CIA-Sanctioned Events

The CIA is committed to the responsible and safe service of alcoholic beverages at CIA-sanctioned events.

- a) Alcohol may only be dispensed by CIA employees or student employees at events. Student volunteers, under the direct supervision of a CIA staff manager, may occasionally be utilized to assist in serving Alcohol.
- b) All Alcohol will be dispensed under the supervision of a member of the CIA administration.
- c) Employees and student employees of the CIA who are dispensing Alcohol must do so under the direct supervision of a staff supervisor who is certified by TIPS, ServSafe or an equivalent program.
- d) Employees and student employees of the CIA are required to immediately notify a member of management should they believe that a patron or guest has reached the limit of safe Alcohol consumption. The manager will limit further Alcohol consumption if appropriate.
- e) Employees who over serve a patron or guest, serve Alcohol to a minor, improperly offer free or complimentary Alcohol, or who serve a guest that has had their consumption limited by management will be subject to disciplinary action, up to and including termination of employment.
- f) Student employees who over serve a patron or guest, serve Alcohol to a minor, improperly offer free or complimentary Alcohol, or who serve a guest that has had their consumption limited by management will be subject to termination of their student employment and may face further sanctions.

6. Drug and Alcohol Abuse Prevention Programs

a) Students

The CIA offers a Drug and Alcohol Abuse prevention program to its students that includes an annual notice to all students including the following information:

- i. The standards of conduct outlined under this policy;
- ii. A description of the local, state and federal legal sanctions for the unlawful possession or distribution of illicit drugs and alcohol;
- iii. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;

- iv. A description of the available drug or alcohol counseling, treatment, or rehabilitation or re-entry programs for students; and
- v. A copy of the disciplinary sanctions that can be issued under this Policy.

For full details on the Student Drug and Alcohol Abuse Prevention program, students should refer to the Student Handbook.

b) **Employees**

The CIA offers a Drug and Alcohol Abuse prevention program to its employees that includes an annual notice to all employees including the following information:

- i. The standards of conduct outlined under this policy;
- ii. A description of the local, state and federal legal sanctions for the unlawful possession or distribution of illicit drugs and alcohol;
- iii. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- iv. A description of the available drug or alcohol counseling, treatment, or rehabilitation or re-entry programs for students; and
- v. A copy of the disciplinary sanctions that can be issued under this Policy.

For full details on the Employee Drug and Alcohol Abuse Prevention program, employees should refer to the Employee Handbook.

- c) The CIA conducts a biennial review of its prevention programs to determine their effectiveness and implement changes to the programs if they are needed. As a part of this review, the CIA will ensure that the disciplinary sanctions described in section 7 of this policy are consistently enforced.
- d) The CIA will submit a written certification of its drug and alcohol abuse prevention programs to the office of the Secretary, Department of Education, as required by law on a regular basis.

7. Penalties for Policy Violations

a) **Students**

CIA sanctions may be imposed in addition to sanctions applicable under local, state, or federal law. The CIA will cooperate fully with all civil authorities and enforcement agencies.

Students who violate the alcohol and drug policy will receive a sanction, under the direction of the Associate Vice President and Dean of Student Affairs or their designee, ranging from written warnings, fines, demerits, community service, and suspension from the CIA and/or loss of campus housing privileges. Serious violations may also result in immediate suspension or expulsion from the CIA. The severity of penalties will increase with repeated violations of CIA policy. In addition to sanctions, students may be expected to complete individualized educational sessions, assessment by a licensed counselor or medical doctor that may include drug testing, and/or completion of specified drug/alcohol rehabilitation programs.

In addition to the sanctions indicated above, a Student who possesses or uses illegal drugs or substances will be subject to sanctions including, but not limited to probation, suspension, or expulsion as determined by the conduct officer. When suspension is applied it will typically be for the following length of time:

First offense: 15 – 24 weeks.

Second offense: Two years.

A student suspended for a drug violation may not be eligible to reside on campus upon return to classes based on the severity of the violation as determined by the conduct officer. If a student loses the ability to reside on campus following their first drug offense, a Student may petition to the Associate Vice President and Dean of Student Affairs in writing to reside on campus, but is not guaranteed housing. A student found responsible for a second drug offense is not eligible to reside on campus. If the CIA determines that a student is found responsible for the sale of illegal drugs through the conduct process, that student will be permanently expelled from the CIA.

Charges and sanctions for all violations are given in writing. Students charged with violations have three (3) business days from receipt of their letter to request an appeal of their sanction, other than written warnings, through the process outlined in the Student Code of Conduct found in the Student Handbook and specific to each of the branch campuses.

b) **Employees**

Employees who violate the alcohol and drug policy will be subject to disciplinary action, up to and including termination of employment. Specific disciplinary action will be based upon the severity of the policy breach as well as the employee's past disciplinary record.

c) **Visitors to Campus**

Visitors found in violation of the alcohol and drug policy will be subject to immediate removal from the campus, and face possible arrest and prosecution by civil authorities.

F. RESPONSIBLE CABINET MEMBER

Associate Vice President and Dean of Student Affairs
Vice President – Administration & Shared Services

G. RELATED INFORMATION

Employee Handbook
Student Handbook & Planner
Higher Education Act, Section 34 C.F.R. Part 86

POLICY HISTORY

Policy Editorial Committee & Responsible Cabinet Member Approval to Proceed: 5/23/19

Policy Advisory Committee (PAG) Approval to Proceed: 5/30/19

Board Approval to proceed (if required): N/A

Cabinet Approval to Proceed: 6/18/19

Policy Revision Dates: 6/19/19

Scheduled Review Date:

APPENDIX A

Description of Health Risks of Alcohol and Drugs

Alcohol Health hazards associated with the excessive use of alcohol or with alcohol dependency include dramatic behavioral changes, retardation of motor skills, and impairment of reasoning and rational thinking. Alcohol alters judgment, vision, speech, and coordination, and severely impairs your ability to function. These factors result in a higher incidence of vehicular and other accidents and accidental death for such persons compared to nonusers of alcohol. Nutrition also suffers and vitamin and mineral deficiencies are frequent. Prolonged alcohol abuse can cause any or all of the following: bleeding from the intestinal tract, damage to nerves and the brain, impotence, psychotic behavior, loss of memory and coordination, damage to the liver often resulting in cirrhosis, severe inflammation of the pancreas, and damage to the bone marrow, heart, testes, ovaries and muscles. Damage to the nerves and organs is usually irreversible. Cancer is the second leading cause of death in alcoholics and is ten times more frequent than in non-alcoholics. Sudden withdrawal of alcohol from persons dependent on it will cause serious physical withdrawal symptoms. Drinking during pregnancy can cause fetal alcohol syndrome. Overdoses of alcohol, often from the result of binge drinking, can result in alcohol poisoning, respiratory arrest and death.

Drugs The use of illicit drugs usually causes the same general types of physiological and mental changes as alcohol, though frequently those changes are more severe and more sudden. Death or coma resulting from overdose of drugs is more frequent than from alcohol.

Marijuana (Cannabis) Marijuana is usually ingested by smoking. Smoking marijuana causes disconnected ideas, alteration of depth perception and sense of time, impaired judgment and impaired coordination. Prolonged use can lead to psychological dependence. Marijuana contains THC, a psychoactive chemical which alters the sensory activities of the brain, including long-term damage to memory capabilities. Inhaling marijuana smoke can cause lung cancer, and chronic use can adversely affect reproductive ability in women.

Cocaine Cocaine is a stimulant that is most commonly inhaled as a powder. It can be dissolved in water and used intravenously. The cocaine extract (“crack”) is smoked. Users can progress from infrequent use to dependence within a few weeks or months. Psychological and behavioral changes that can result from such use include over-stimulation, hallucinations, irritability, sexual dysfunction, psychotic behavior, social isolation, and memory problems. An overdose produces convulsions and delirium and may result in death from cardiac arrest. Cocaine dependency requires considerable assistance, close supervision, and treatment.

Amphetamines Patterns of use and associated effects are similar to cocaine. Severe intoxication may produce confusion, rambling or incoherent speech, anxiety, psychotic behavior, ringing in the ears, and hallucinations. Intense fatigue and depression resulting from use can lead to severe depression. Large doses may result in convulsions and death from cardiac or respiratory arrest.

MDA and MDMA (XTC, Ecstasy) These amphetamine-based hallucinogens are sold in powder, tablet, or capsule form and can be inhaled, injected, or swallowed. They cause similar, but usually milder, hallucinogenic effects than those of LSD. Because they are amphetamines, tolerance can develop quickly and overdosing can occur. Exhaustion and possible liver damage can occur with heavy use. In high doses, these drugs can cause anxiety, paranoia and delusions. While rare, these drugs have been associated with deaths in users with known or previously undiagnosed heart conditions.

Rohypnol (Rophies, Roofies, Rope) This drug is similar to the drug Valium, a benzodiazepine, but it is more potent than Valium. Initially, it causes a sense of relaxation and a reduction of anxiety. At higher doses, light-headedness, dizziness, lack of coordination, and slurred speech occur. The drug affects memory and, in higher doses or if mixed with other drugs or alcohol, can result in amnesia for the time period the user is under the influence. Because of its amnesiac effect, Rohypnol has been given intentionally to others to facilitate sexual assault and other crimes. Combining this drug with other sedating drugs, including alcohol, will increase the intensity of all effects of the drug and, in sufficient doses, can cause respiratory arrest and death. Dependency can occur.

Heroin and Other Opiates Addiction and dependence can develop rapidly. Use is characterized by impaired judgment, slurred speech, and drowsiness. Overdose is manifested by coma, shock, and depressed respiration, with the possibility of death from respiratory arrest. Withdrawal problems include sweating, diarrhea, fever, insomnia, irritability, nausea, vomiting, and muscle and joint pains.

Hallucinogens or Psychedelics These include LSD, mescaline, peyote, and phencyclidine or PCP. Use impairs and distorts one's perception of surroundings, causes mood changes and results in visual hallucinations that involve geometric forms, colors, and persons or objects.

Solvent Inhalants (e.g., glue, lacquers, plastic cement) Fumes from these substances cause problems similar to alcohol. Incidents of hallucinations and permanent brain damage are more frequent with chronic use.

Damage from Intravenous Drug Use In addition to the adverse effects associated with the use of a specific drug, intravenous drug users who use unsterilized needles or who share needles with other drug users can develop HIV, hepatitis, tetanus (“lock jaw”), and infections in the heart. Permanent damage or death can result.

Alcohol and drug use increase the risk of sexual assault and other violence.

APPENDIX B

Availability of Counseling, Treatment and Rehabilitation

Use of alcohol or other substances may be the way one has learned to cope with personal stress. Yet, students may experience decreased academic performance, relationship dissatisfaction, health concerns, anxiety, and other negative side effects from the misuse of alcohol and other drugs. Counseling, treatment and rehabilitation resources are available at or through each of the CIA campuses. Counseling & Psychological Services (CAPS) on the Hyde Park and Greystone campuses can provide a confidential assessment to better understand patterns of use and the role alcohol or drugs are playing in an individual's life. The staff therapists can assist the individual with planning a broad approach to deal with substance misuse and related personal matters. As needed, the CAPS staff works in collaboration with community-based treatment centers and self-help resources. Personal counseling is also available for individuals who have been affected by a family member's or friend's alcohol or drug use. Please note that CAPS does not provide court-ordered assessment or treatment, but can refer the individual to appropriate providers for those situations.

Hyde Park:

- CAPS may be contacted at 845-905-4241, or at the CAPS office, Roth Hall Room E-371.
- Alcoholics Anonymous and Narcotics Anonymous groups in the Hyde Park area can be located online at: www.ny-aa.org or at www.newyorkna.org

Greystone:

- CAPS may be contacted at 707-967-2443, or at the CAPS office in the main entryway of the Greystone building in the Rhodes Room.
- The Napa County help line for substance abuse may be reached at 707-253-4771; and the Napa County Crisis Hotline may be reached at 707-253-4711.
- Alcoholics Anonymous and Narcotics Anonymous groups in the St. Helena area can be located online at: www.aanapa.org or at www.sonomacountyaa.org

San Antonio:

- Bexar County Mental Health may be contacted at 210-207-2581, 24 hours a day. Individuals should check with their insurance provider for a list of therapists and psychiatrists in Bexar County who accept your insurance.

- Alcoholics Anonymous and Narcotics Anonymous groups in the San Antonio area can be located online at: www.aasanantonio.org or at www.eanaonline.org

APPENDIX C

Sanctions Under Applicable Laws

New York:

The following is not a comprehensive list of all state and municipal statutes and penalties. This is an overview summary of some statutes and attendant penalties for violation of such statutes. Statutes may also have enhanced penalties for subsequent offenses. The penalties described below are based on applicable New York State statutes and are subject to change at any time by the Legislature and the Governor.

Alcohol:

- Anyone engaged in the illegal manufacture or sale of alcoholic beverages, without obtaining the necessary and proper permits from federal alcohol authorities, is subject to fines of up to \$1,000.
- Anyone who acquires alcoholic beverages for someone under 21 years old is subject to a fine and imprisonment.
- Anyone under 21 years old who purchases or attempts to purchase alcoholic beverages through fraudulent means is subject to a fine, community service, and/or loss of driver's license.
- Anyone under 21 who possesses any alcoholic beverage with the intent to consume such beverage is subject to a fine.

Controlled Substances:

- Articles 220 and 221 of the New York State Penal Law are directly aimed at unlawful traffic in mind-affecting drugs. These articles set criminal penalties for possession or sale of drugs considered harmful or subject to abuse. The seriousness of the offense and penalty imposed upon conviction depend upon the individual drug or amount held or sold.
- Section 220.45 makes criminal possession of a hypodermic instrument a Class A misdemeanor.
- Section 220.46 makes criminal injection of another person with a narcotic drug with consent of that person a Class E felony.
- Section 220.50 makes possession or sale of Drug Paraphernalia, the use of substances that dilute drugs (like dextrose or mannite), and the use of commercial drug preparation

materials (such as gelatin capsules or plastic envelopes) or scales/balances used for drug weighing a Class A misdemeanor.

- Section 220.60 makes criminal possession of certain “precursors” of controlled substances used in their preparation and manufacture (such as ergot or diethyl amide), without possession of the drugs themselves, a Class E felony.
- Under the Penal Law, a gift of drugs, including marijuana, is treated as a sale.

New York State Penal Law defines a misdemeanor as a crime punishable by imprisonment for more than 15 days but not more than one year. A felony is a crime punishable by imprisonment for more than one year.

- *Section 220 Controlled Substance Offenses and Sentences:*

- *Criminal Possession of a Controlled Substance:*

- 7th degree: Class A misdemeanor (up to one year in prison)

- *Criminal Possession or Sale of a Controlled Substance:*

- 5th degree: Class D felony (up to seven years)
 - 4th degree: Class C felony (up to 15 years)
 - 3rd degree: Class B felony (up to 25 years)
 - 2nd degree: Class A II felony (minimum/maximum set by court)
 - 1st degree: Class A I felony (minimum/maximum set by court).
 - The degree of possession or sale depends on the amount of the controlled substance provided. All sentences are for first-time offenders.

California:

Alcohol:

The following is not a comprehensive list of all state and municipal statutes and penalties. This is an overview summary of some statutes and attendant penalties for violation of such statutes. Statutes may also have enhanced penalties for subsequent offenses. The penalties described below are based on applicable California statutes and are subject to change at any time by the Legislature and the Governor.

- California Business & Professions Code, Section 23301. – It is illegal to sell alcohol without a valid license or permit. Penalty: Violator is guilty of a misdemeanor or a felony.

- California Business & Professions Code, Section 25658. – It is illegal to sell, furnish or give any alcoholic beverage to anyone under 21 or to anyone who is obviously intoxicated. Anyone who sells or gives any alcoholic beverage to a person under age 21 is guilty of a misdemeanor. Penalty: Violator is assessed a \$1,000 fine and shall perform a minimum of 24 hours of community service. Penalty increases if injuries or death result from a person under age 21 drinking alcoholic beverages
- Anyone under the age of 21 who purchases or who consumes any alcoholic beverages in any on-sale premises is guilty of a misdemeanor. Penalty: First offense: Violator shall pay \$250 fine or perform 24–32 hours of community service.
- California Business & Professions Code, Section 25661. – It is illegal to sell or provide false evidence of age or identity and to anyone under age 21. Anyone under 21 who presents false evidence of age and identity is guilty of a misdemeanor. Penalty: First Offense: Punishment shall include a minimum fine of \$250 and/or performance of 24–32 hours of community service.
- California Business & Professions Code, Section 25662. – Any person under 21 years of age who has any alcoholic beverage in their possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor. Penalty: First Offense: Fine of \$250 or 24–32 hours of community service.
- California Business & Professions Code, Section 26665. – It is illegal for anyone under age 21 to enter or stay in a place licensed to sell liquor without a lawful reason to be there. Penalty: Violation of this statute constitutes a misdemeanor and is punishable by a minimum fine of \$200.
- California Vehicle Code, Section 23140. – It is illegal for anyone under 21 who is intoxicated (blood alcohol level of .05) to drive a vehicle. Penalty: First Offense: In addition to penalties listed for Vehicle Code Section 23152, the court may order the individual to participate in the Youthful Drunk Driver Visitation Program.
- California Vehicle Code, Section 23152. – It is unlawful to drive a vehicle while under the influence of alcohol (.08 blood alcohol level) or drugs or under the combined influence of alcohol and drugs. Penalty: First Offense: Imprisonment in the county jail for a minimum of 96 hours, with at least 48 of those hours served continuously, with a maximum of 6 months in jail, and a fine of \$390–\$1,000, suspension of driving privileges, surrender or driver’s license to the court. The individual shall enroll in and successfully complete a driving under the influence program and to participate in a licensed program of education and counseling for a minimum of three months. The court may order an ignition locking system be installed on the individual’s vehicle.
- Second Offense: A second offense within 10 years shall result in imprisonment from 90 days to one year, a penalty of \$390–\$1,000, suspension of driving privileges, surrender

of driver's license, enrollment in a minimum 10–30 month driving under the influence and counseling program. The court may order an ignition locking system be installed on the individual's vehicle.

- California Vehicle Code, Section 23221. – No driver or passenger shall drink any alcoholic beverage while in a motor vehicle upon a highway.
- California Vehicle Code, Section 23222, 23223. – It is illegal for a driver or passenger to possess an open container of alcoholic while in a motor vehicle upon a highway or on any lands.

Controlled Substances:

All controlled substances drug possession crimes in California are classified as infractions, misdemeanors, or felonies. Infractions are the least serious and do not include jail-time; misdemeanors can result in up to a year in jail. Unless the article states otherwise, all drug possession crimes are felonies. California divides possession of controlled substances into six schedules.

- Schedule I drugs (such as opiates or marijuana).
- Schedule II drugs (such as raw opium and morphine).
- Schedule III drugs (such as hallucinogens, pentobarbital and anabolic steroids).
- Schedule IV drugs (such as diazepam and zolpidem).
- Schedule V drugs (such as low doses of codeine).

Possession of any amount of the following drugs is punishable by 16 months, two, or three years of incarceration in the county jail:

- Schedule I, II or III drugs
- Schedule III, IV or V narcotics without a valid prescription.

The possession for personal use of Schedule 1 depressants is punished by one year, 16 months, two years, or three years of incarceration. A defendant who is a first offender and who is given probation will also incur a fine of at least \$1,000 or community service hours. Subsequent convictions will result in a fine of at least \$2,000, or community service.

Possession of Marijuana

- Under limited circumstance possession of marijuana is legal. The unlawful possession of marijuana is punished based on the amount involved.

- Possession of any amount of concentrated cannabis is punishable by incarceration of up to 1 year, a fine of up to \$500, or both.
- Possession of not more than 28.5 grams of marijuana, other than concentrated cannabis, is an infraction and is punishable by a fine of not more than \$100.
- Possession of more than 28.5 grams of marijuana, other than concentrated cannabis, is punishable by incarceration of up to 6 months, a fine of not more than \$500, or both.
- A person over the age of 18 who possesses less than 28.5 grams of marijuana, other than concentrated cannabis, on the grounds of an elementary, middle, or high school during school hours is guilty of a misdemeanor and is subject to incarceration of up to ten days, a fine of \$500, or both.
- A person under the age of 18 who possesses less than 28.5 grams of marijuana, other than concentrated cannabis, on the grounds of an elementary, middle, or high school during school faces a fine of up to \$250 for the first offense. Subsequent offenses are punishable by a fine of up to \$500 and commitment to a juvenile facility for up to ten days.

Texas:

The following is not a comprehensive list of all state and municipal statutes and penalties. This is an overview summary of some statutes and attendant penalties for violation of such statutes. Statutes may also have enhanced penalties for subsequent offenses. The penalties described below are based on applicable Texas statutes and are subject to change at any time by the Legislature and the Governor.

Alcohol:

- Driving While Intoxicated (includes intoxication from alcohol, drugs, or both). The minimum penalty is confinement in jail for a term of not more than 180 days nor less than 72 hours, and a fine of not more than \$2,000. The maximum penalty is imprisonment for a term of not more than ten years nor less than two years, and a fine not to exceed \$10,000.
- Public Intoxication. The minimum penalty is a fine not to exceed \$500. The maximum penalty varies with age and number of offenses.
- Purchase of Alcohol by a Minor. The minimum penalty is a fine not to exceed \$500. The maximum penalty varies with age and number of offenses.

- Consumption or Possession of Alcohol by a Minor. The minimum penalty is a fine not to exceed \$500. The maximum penalty varies with number of offenses.
- Purchasing for or Furnishing of Alcohol to a Minor. The minimum penalty is a fine not to exceed \$4,000 or confinement in jail for a term not to exceed one year, or both. The maximum penalty is a fine not to exceed \$4,000 or confinement in jail for a term not to exceed one year, or both.

Controlled Substances:

- Manufacture of Delivery of Controlled Substances (Drugs). The minimum penalty is confinement in jail for a term of not more than two years or less than 180 days, and a fine not to exceed \$10,000. The maximum penalty is confinement in Texas Department of Corrections (“TDC”) for life or for a term of not more than 99 years nor less than fifteen years, and a fine not to exceed \$250,000.
- Possession of Controlled Substances (Drugs). The minimum penalty is confinement in jail for a term of not more than two years or less than 180 days, and a fine not to exceed \$10,000. The maximum penalty is confinement in TDC for life or for a term of not more than 99 years nor less than fifteen years, and a fine not to exceed \$250,000.
- Delivery of Marijuana. The minimum penalty is confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both. The maximum penalty is imprisonment for life or for a term of not more than 99 nor less than ten years, and a fine not to exceed \$100,000.
- Possession of Marijuana. The minimum penalty is confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both. The maximum penalty is confinement in TDC for life or for a term of not more than 99 nor less than five years, and a fine not to exceed \$250,000.

Penalties Under Federal Law

- Manufacture, Distribution, or Dispensing of Drugs (including marijuana). The minimum penalty is a term of imprisonment for up to three years and a fine of \$250,000, or both. The maximum penalty is a term of life imprisonment without release (no eligibility for parole) and a fine not to exceed \$8,000,000 for an individual or \$20,000,000 (if other than an individual).
- Possession of Drugs (including marijuana). The minimum penalty is imprisonment for up to one year and a fine of not less than \$1,000, or both. The maximum penalty is

imprisonment for not more than 20 years nor less than five years and a fine of not less than \$5,000 plus costs of investigation & prosecution.

- Distribution of Drugs to a Person Under 21 Years of Age. The minimum penalty is double the federal penalty for distribution of drugs. The maximum penalty is triple the federal penalty for distribution of drugs.

The federal penalties described above are based on applicable federal statutes and are subject to change at any time by Congress and the President. There are additional factors in the federal sentencing guidelines, including various enhancement provisions for prior offenses. Title 21 U.S.C. Section 860 provides that the federal statutory penalties double (and in some cases triple) when a controlled substance is distributed (or even possessed with intent to distribute) within 1,000 feet of a school or a public university.