



2022-2023

Dear Student:

In 1989, the U.S. Congress passed the Drug-Free Schools and Communities Act. This Act requires Creighton to provide enrolled students with information regarding the unlawful use of drugs or alcohol on University property or at any University-sponsored event. The following information describes health risks, Creighton policies, legal sanctions, available assistance, and disciplinary sanctions that might be imposed.

Should you have any questions about these policies, please contact my office.

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Vice Provost for Student Life

Alcohol and the Creighton Student

Creighton University recognizes that alcohol is a significant influence on today's college campus and that it is responsible for educating students and their families on University expectations regarding alcohol. Furthermore, Creighton recognizes that it must go beyond simply informing students and their families about the legal consequences of alcohol use. Creighton's response must also address the social realities of our students while continuing to promote and educate students about the benefits of living a healthy lifestyle. The following details Creighton's approach to alcohol education, the effects of alcohol on the human body, and the University's alcohol policies.

Creighton's Approach to Alcohol Education

Creighton's alcohol policies are straightforward and enforce state and federal law. The University's academic position, however, calls for a response to alcohol education beyond legal consequences. At Creighton, we believe the answer to alcohol education must also meet our students' health and well-being needs while also considering the decisions they may choose to make because of their need to socialize.

Creighton University expects its students to abandon high-risk drinking. "To avoid binge drinking and its consequences, college students (and all people who drink) are advised to track the number of drinks they consume over a given period." That is why knowing precisely what counts as a drink is essential.

In the United States, a standard drink contains about 14 grams of pure alcohol, which is found in:

- 12 ounces of beer with 5 percent alcohol content
- 5 ounces of wine with 12 percent alcohol content
- 1.5 ounces of distilled spirits with 40 percent alcohol content

Many college alcohol problems are related to binge drinking. Binge drinking is a pattern of drinking that brings blood alcohol concentration (BAC) levels to 0.08 g/dL. This typically occurs after four drinks for women and five drinks for men—in about 2 hours.

Drinking this way can pose serious health and safety risks, including car crashes, drunk-driving arrests, sexual assaults, and injuries.

Over the long term, frequent binge drinking can damage the liver and other organs." <https://pubs.niaaa.nih.gov/publications/CollegeFactSheet/CollegeFact.htm>

Alcohol and the Body

Every person reacts differently to alcohol; some people are affected only slightly and others severely. Alcohol is a central nervous system depressant, which means the brain and spinal cord are affected and react more slowly when there is alcohol in a person's system. The more alcohol in the system, the more depressed the central nervous system, and the more significant effect. There are increased incidences of falls, accidents, vandalism, destruction of property, arguments, fights, sexual assault, other violence, and risk-taking behavior when a person is under the influence of alcohol. There is a diminished performance for 24-72 hours after having had too much to drink because of the by-products produced from the metabolism of alcohol.

Some people are more susceptible to becoming addicted to alcohol than others. This addiction is more likely to occur if a person drinks alcohol regularly at a young age (before 18) and/or if a parent, grandparent, aunt, uncle, brother, or sister has a history of alcohol abuse. There is no way to know who is most susceptible to developing alcoholism or any other adverse health effects from alcohol.

Creighton University's Alcohol Policies

Creighton University defines misuse or abuse of alcohol as:

“Any alcohol or drug-related behavior that adversely affects or strains a person’s life regarding physical health; feelings of self-esteem; personal or family relationships; the campus community and its members; educational and occupational goals; or standing regarding local, state or federal laws. Students regardless of age are held accountable to this policy if they come to the attention of University officials.”

[The National Institute on Alcohol Abuse and Alcoholism](#) defines binge drinking as: “A pattern of drinking that brings a person’s blood alcohol concentration (BAC) to 0.08 grams or above. This typically happens when men consume five or more drinks, and women consume four or more drinks in about 2 hours.

Most people who binge drink are not [alcohol dependent](#).

The University is committed to developing and sustaining University-wide health norms to facilitate preventing problems related to drinking, providing resources for intervention and assistance, and maintaining a safe environment free of coercion for those who choose not to drink.

Thus, Creighton University’s position is to promote informed choices about the responsible use of alcohol on its campus by all community members. Since people must be aware of their responsibilities and University expectations, the following guidelines are set forth.

Track to Recovery from Alcohol Abuse at Creighton (TRAAC)

Creighton has developed TRAAC to care for intoxicated students who could be in danger. TRAAC provides students with proper University support and, in cases where students are reasonably at risk, the appropriate medical attention from the CHI-University Campus Emergency Department (UCED).

TRAAC Standard procedures:

A student is identified as potentially intoxicated by demonstrating one or more of the following: impaired judgment, impaired reactions, decreased coordination, or unresponsiveness.

An assessment by Student Health Education and Compliance health aids (SHEC) and field sobriety tests by the Department of Public Safety (PS) are administered. The student is transported by PS to CHI-UCED if determined appropriate by the SHS assessment.

1. A student with a blood alcohol content (BAC) equal to or above 0.15 will be transported to the CHI-University Campus Emergency Department.
2. A student with a BAC below the 0.15 threshold may also be transported to the CHI-UCED because of other medical findings.
 - c. Parents are notified.
 - d. Student is seen in the CHI-UCED to determine if further medical care is needed.
 - e. If requested, PS will transport the discharged student from the CHI-UCED to their residence hall at Creighton University. PS will not transport the student to any other location.
 - f. If the student fails to comply with the TRAAC standard protocol, the student may be immediately suspended or expelled from the University.
 - g. The incident is documented and referred for a Community Standards meeting (non-academic misconduct), which usually results in a student status of behavioral probation, a \$100 alcohol intoxication fine, and additional educational sanctions.

Alcohol Intervention Education: The Alcohol Intervention Education program is in response to concerns that students who have been to the TRAAC face perceived severe and long-lasting disciplinary consequences. The Office of Community Standards and Wellbeing has developed an Alcohol Intervention Education program. This program is an option for students who comply with University officials during the documentation of their TRAAC incident. Any student who is in failure to comply during an incident is not eligible for the program. Any student who has previously been to TRAAC is not eligible for the program. Contact the Office of Community Standards and Wellbeing (OCSW) for more information.

Good Samaritan Provision

As a part of this responsibility to others, students are expected to immediately report conduct or activity which poses a danger to the community or its members. This is most important in medical emergencies due to alcohol use. Students should not hesitate to seek help because of fear of disciplinary action. The welfare of everyone in this community is paramount, and Creighton University encourages students to offer healing and assistance to others in need, even under the effects of alcohol. In most cases, the help seeker will not be held responsible for a policy violation under Creighton’s Standards of Conduct. The help seeker must seek medical assistance, give their name to the university official, and remain cooperative at the scene.

In such cases where a help seeker would be present, the following actions will take place:

The help seeker will be documented and titled “help seeker” next to their name in the report (as reported by RA, RD, Public safety, or other university officials to whom the help seeker sought out).

The help seeker will meet with the Office of Community Standards and Wellbeing to discuss the situation. At this point, the Office of Community Standards and Wellbeing staff member will determine the severity of the incident. In most cases, the help seeker will not be held responsible; however, in the case of other policy violations (vandalism, sexual assault, violence, etc.), the student may be held to different standards and practices when outside the scope of this policy.

The risks of being a help seeker include:

Potential for documentation of policy violation

Potential to go through the TRAAC. program

Potential for other repercussions as deemed appropriate by OCSW when outside the scope of this policy.

The risks of NOT being a help seeker include:

Lack of adequate medical assistance when needed

Risk for medical emergencies

Potential for University violations and documentation

Potential for many other dangers of severe alcohol intoxication incidents

6. On-Campus Alcohol Use

a. Prior approval must be obtained from the Vice Provost for Student Life (or their designee) for any activity where alcohol is present. It will be necessary to complete and adhere to an alcohol contract obtainable from the Student Leadership & Involvement Center.

b. Any sponsoring organization or group which serves alcohol at their events must use trained servers from University Dining Service. Students must present a valid ID and their student ID.

c. Sponsoring organizations or groups assume responsibility for their social events. This responsibility includes ensuring that only those of legal drinking age possess and consume alcoholic beverages, refusing to serve people who appear, act, or behave in an intoxicated manner; providing sufficient quantities of non-alcoholic beverages as dictated by the event and the crowd; and, finally, providing sufficient amounts of food throughout the event. In addition, the group is responsible for restricting alcohol to the designated area.

d. Advertisement for any event on campus shall be in good taste and conform to the posting policy. Those events involving alcohol shall conform to the "Creighton University Guidelines for Promotion of Events Where Alcohol Will Be Served."

e. Public advertising or open access to social events where alcoholic beverages are being served are not in the best interest of the sponsoring group or of Creighton University. Therefore, any event open to the general public will not be permitted to serve alcohol.

f. For those on-campus social events where students are present and alcoholic beverages are being served, Public Safety personnel shall be notified of the event by the sponsoring group or organization to determine whether an officer should be present. The sponsoring group is responsible for any expenses that might result.

g. Alcohol use may not be used in the first- and second-year halls. If of legal drinking age, residents of the apartments (Opus Hall and Davis Square) may possess alcohol within the confines of their room or apartment but may not use/consume it when minors are present.

h. Irresponsible Alcohol Use: Students living in the residence halls and student organizations shall not possess irresponsible amounts of alcohol, nor should they provide irresponsible amounts of alcohol to members, residents, or guests of the legal drinking age. Alcohol is only to be used responsibly by individuals over 21. Large amounts of alcoholic beverages are prohibited in the residence halls, and at events, a reasonable outsider would associate with student organizations. This includes but is not limited to keg handles of liquor, boxed wine(s), and beer that contains seven percent or more alcohol percentage by volume. Games, behaviors, or devices that promote the rapid consumption of alcohol are similarly prohibited.

i. Consuming or possessing open containers of alcoholic beverages is prohibited in hallways, bathrooms, stairwells, general lounges, lobbies, study rooms, and all public areas.

7. Off-Campus Alcohol Use

Student organizations holding off-campus events where alcohol is present are responsible for full compliance with the appropriate state law. In cases where a student organization is reportedly violating either the Standards of Conduct or Student Organizational Guidelines, each case will be referred to the appropriate hearing body. Additionally, individual members, including the organization's officers, may be held accountable for their personal behavior as well as the behavior of their guests.

Fraternity/Sorority organizations, governed by Interfraternity and Panhellenic Councils, have implemented specific [alcohol guidelines](#) that must be adhered to by all fraternity and sorority organizations.

Violations

a. Violations of the Alcohol Policy will be referred to the Office of Community Standards and Wellbeing for the appropriate action.

b. Violations of the policy will be subject but not limited to:

i. suspension of the organization's alcohol use privileges.

ii. fines.

iii. suspension of University approval for the sponsoring organization or group.

iv. other University disciplinary action.

9. Douglas County (Omaha) and Nebraska State Laws Regarding Alcohol

a. No person shall sell, give away, dispose of, exchange, deliver, or permit that sale, gift, or procuring of alcoholic liquors to any person under the age of twenty-one. Any person violating this law is guilty of a Class I misdemeanor.

b. No one under the age of twenty-one shall obtain, or attempt to obtain, alcoholic liquor by misrepresentation of age. Any person violating this law is guilty of a Class III misdemeanor.

c. No one under the age of twenty-one may sell or dispense or have in their possession or physical control any alcoholic liquor in any tavern or any other place, including public streets, alleys, roads, highways, or inside any vehicle. Any person violating this law is guilty of a Class III misdemeanor.

d. Any person who knowingly manufactures, creates, alters any form of identification for sale or delivery of such identification to a person under the age of twenty-one shall be guilty of a Class I misdemeanor. Forms of identification are any card, paper, or legal document that may be used to establish the age of the person named thereon to purchase alcoholic liquors.

e. [Good Samaritan Provision of Nebraska Underage Drinking Law](#): Subsection of this 53-180.02 shall apply if the person; Requested emergency medical assistance in response to the possible alcohol overdose of themselves or another person as soon as the emergency is apparent after such violation of section 53-180.02 was the first person to request medical assistance under subdivision (b)(i) of this subsection as soon as the emergency is apparent after such violation of section 53-180.02; and when emergency medical assistance was requested for the possible alcohol overdose of another person:

(A) Remained on the scene until the medical assistance arrived; and

(B) Cooperated with medical assistance and law enforcement personnel.

(C) A person shall not initiate or maintain an action against a peace officer, or the employing state agency or political subdivision based on the officer's compliance with subdivision (b) of this subsection.

10. Guidelines for the Promotion of Events Where Alcohol Will be Served

a. Marketing programs targeted explicitly for students on campus must conform to the Creighton University code of student conduct and avoid demeaning sexual, racial, or other discriminatory references.

b. Promotion materials must neither encourage any form of alcohol abuse nor refer to the amount of alcoholic beverage (such as the number of beer kegs available or expressions like "all you can drink.")

c. Alcoholic beverages (such as kegs or cases of beer) must not be provided as free awards to individual students or campus organizations.

d. No uncontrolled sampling as part of campus marketing programs shall be permitted, and no sampling, or other promotional activities, shall include "drinking contests."

e. Where controlled sampling is allowed by law and institutional policy, it must be limited to time and quantity. Principles of good hosting must be observed, including the availability of alternative beverages, food, and planned programs. The consumption of alcohol must not be the sole purpose of any promotional activity.

f. Promotional activities must not be associated with otherwise existing campus events or programs without the prior knowledge and consent of the Associate Vice Provost of the Student Life Office.

g. Display or availability of promotional materials must follow the poster policy developed by Creighton University. All marketing programs must have educational value and subscribe to the philosophy of responsible and legal use of the products represented. All promotional materials will include the following: "Alcohol will only be available to those of age and with proper photo identification."

h. Alcohol advertising on campus or institutional media, including that which promotes events and product advertising, must not portray drinking as a solution to personal or academic problems of students or as necessary to social, sexual, or academic success.

i. Advertising and other promotional campus activities must not associate the consumption of alcohol with performing tasks that require skilled reactions, such as the operation of motor vehicles or machinery.

j. Local off-campus promotional activities, primarily directed to students, must be developed in cooperation with the Associate Vice Provost for Student Life.

11. Maricopa County (Phoenix) and Arizona State Laws Regarding Alcohol

a. The crime of a minor in possession of alcohol occurs when a person is under the legal drinking age (for example, under 21) and buys, receives, possesses, or consumes an alcoholic beverage.

b. It is a crime for a person to consume spirituous liquor in a public place, thoroughfare, or gathering.

"Spirituous liquor" includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor or malt beverage, absinthe, a compound or mixture of any of them or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one percent of alcohol by volume.

c. It is a crime for a person to cause, encourage, or contribute to the delinquency of a child.

"Delinquency" means any act that tends to debase or injure a child's morals, health, or welfare.

While minor in possession affects those under the age of 21, this statute applies to those under 18.

Minor in possession is punished as a class 1 misdemeanor. There are two main types of crimes in Arizona: misdemeanors and felonies. Misdemeanors are the lesser of the two crimes, but a conviction for a misdemeanor will still appear on a person's criminal record. Class 1 misdemeanors are the most seriously punished of misdemeanor crimes. The following are the maximum penalties for this class of crime:

Legal penalties for minor in possession:

- a. Up to 6 months' jail
- b. Up to \$2500 in fines
- c. Up to 3 years' probation
- d. Court-ordered alcohol counseling & classes.

Misdemeanor DUI Violations:

- a. It is unlawful for a person under 21 to drive or be in physical control of a motor vehicle while there is any spirituous liquor in the person's body.
- b. It is unlawful for a person to drive or be in actual physical control of a vehicle while under the influence of intoxicating liquor, any drug, a vapor releasing substance containing a toxic substance, or any combination of booze, drugs, or vapor releasing substances if the person is impaired to the slightest degree.

- c. It is unlawful for a person to drive or be in actual physical control of a vehicle if the person has an alcohol concentration of 0.08 or more within two hours of driving or being in actual physical possession of the car and the alcohol concentration results from alcohol consumed either before or while going or being in real physical control of the vehicle.
- d. It is unlawful for a person to drive or be in actual physical control of a vehicle if the person has an alcohol concentration of 0.15 or more but less than 0.20 within two hours of driving or being in actual physical possession of the vehicle and the alcohol concentration results from alcohol consumed either before or while going or being in real physical control of the vehicle (Extreme DUI).
- e. It is unlawful for a person to drive or be in actual physical control of a vehicle if the person has an alcohol concentration of 0.20 or more within two hours of driving or being in actual physical possession of the vehicle and the alcohol concentration results from alcohol consumed either before or while driving or being in real physical control of the vehicle (Super Extreme DUI).

Consequences for DUI

- a. First offense: Jailed for not less than 10 consecutive days and fined not less than \$1,250. Alcohol screening/education/treatment and to equip any vehicle operated with a certified ignition interlock device and be ordered to perform community service.
- b. Second and subsequent offenses: Jailed for not less than 90 days and fined not less than \$3,000, and license will be revoked for 12 months. Alcohol screening/education/treatment and to equip any vehicle operated with a certified ignition interlock device and be ordered to perform community service.

Extreme DUI

This category of DUI applies to a person with an alcohol concentration of 0.15 or higher.

- a. First offense: Jailed for not less than 30 consecutive days with no probation or suspended sentence eligibility and fined less than \$2,500. Alcohol screening/education/treatment and be ordered to perform community service and to equip any vehicle you operate with a certified ignition interlock device.
- b. Second and subsequent offenses: Jailed for not less than 120 days, fined not less than \$3,250, and license will be revoked for 12 months. Alcohol screening/education/treatment and to equip any vehicle operated with a certified ignition interlock device and be ordered to perform community service.

Aggravated DUI

This category of DUI applies to a person who commits a DUI while suspended, revoked, or canceled; commits a third DUI in 84 months; commits a DUI while a person under 15 is in the vehicle, or commits a DUI or refuses to submit a blood alcohol content test while under an ignition interlock device requirement.

- a. Imprisoned for not more than two years and, in addition to any other penalty required by law, the license will be revoked for one year. Alcohol screening/education/treatment and to equip any vehicle operated with a certified ignition interlock device and be ordered to perform community service.

A certified ignition interlock device is a breath alcohol testing instrument connected to the ignition and power system of the vehicle. The driver blows into the device before attempting to turn the ignition. If the driver's alcohol level is above a certain level, the vehicle will not start. While the vehicle is operating, the driver must blow into the device at random intervals.

Drugs and the Creighton Student

1. Health Effects

Every person reacts differently to drugs; some people are affected only slightly, and others are severely affected. There is no completely safe drug. Illicit drugs can harm health for two reasons: the drug's effect and the impact of by-products that result from processing the illegal drug.

Almost all illicit drugs are used to change a person's mood or how s/he feels. Any drug that changes perspective affects the central nervous system and alters its ability to react normally. For example, stimulants make the central nervous system overactive, while narcotics and depressants decrease its ability to respond.

Illicit drugs also carry a high risk of psychological or physical dependence, i.e., the user starts to count on the drug to regulate their mood and cannot perform routine activities without using the drug when the body develops a tolerance for and dependence on a drug, physical dependence (addiction) results. The body cannot function without an adequate drug supply and will have withdrawal symptoms when the supply is insufficient. Withdrawal may be as minor as discomfort (headache, restlessness, and irritability) or result in significant symptoms such as grand mal seizures, coma, and death.

There is no sure way to know who will likely develop dependence. Still, it is known that people who have developed an alcohol dependence or have family members who are dependent on alcohol or drugs are at greater risk. Those who are frequently depressed and have suicidal thoughts, hallucinations, or delusions should avoid street drugs because using them could worsen the illness or cause a relapse.

2. Creighton Policy

As an academic institution, Creighton University's goal is to alleviate the problem of illegal drug use, preferably in a manner that educates rather than punishes. However, Creighton community members are subject to the same local, state, and federal laws that govern all citizens, including those that concern drug use, sale, and possession. Therefore, persons engaging in such illegal actions will be subject to disciplinary procedures, including suspension and expulsion. The University cannot protect individuals from their acts' possible additional legal consequences.

The University policy concerning illegal drugs is as follows:

Creighton University considers the use, possession, cultivation, sale, distribution, or transfer of any unlawful drug, including marijuana, unacceptable behavior incompatible with the university's educational goals.

Students are responsible adult citizens and, as such, are subject to civil law. In accordance with federal, state, and local laws, the illegal use, possession, cultivation, sale, distribution, or transfer of any drug, narcotic, or hallucinogenic substance, including marijuana, is strictly prohibited on University property.

Knowledgeable association in an environment where illegal substances are being used constitutes grounds for disciplinary action. Misconduct resulting from the illegal possession, consumption, sale, or transfer of drugs or narcotics renders the person subject to action ranging from rehabilitation, probation, and dismissal from the residence halls, up to and including suspension or dismissal from the University.

The University's disposition of individual cases does not preclude criminal prosecution in accordance with federal and/or state laws. Due process guaranteeing fundamental fairness, as determined by the University community, shall be adhered to in treating these matters.

See also: [Creighton University Policy 2.2.15 on Drug and Alcohol Use](#) complies with the Drug-Free Schools and Communities Act.

Marijuana 101: Drug Use/Possession Course - In response to concerns that students who have been through the Community Standards process for drug use multiple times without effective sanctioning, the Office of Community Standards and Wellbeing has researched and found a course to continue the education of students and foster critical thinking skills. In alignment with the Jesuit values and tenants of Cura Personalis, Magis, and the Creighton Student Credo, this program was researched to grow the whole person. After an incident involving the possession/use of illegal substances, it is important to see the students as individuals. This process aims to lead all its members in discovering and embracing the challenging responsibilities of their intelligence, choices, and future. We believe this program is a valuable tool to combat attitudes and choices concerning drug use, specifically marijuana use.

3. Douglas County (Omaha) and Nebraska State Laws Regarding Controlled Substances

- a. It is unlawful to knowingly or intentionally:
 - i. Manufacture, distribute, deliver, dispense, or possess with intent to manufacture, distribute, deliver, or dispense a controlled substance; or
 - ii. to create, distribute, or possess with intent to distribute a counterfeit controlled substance
- b. Any person who violates subsection (1) with respect to cocaine or any mixture or substance containing a detectable amount of cocaine in a quantity of:
 - i. At least 28 grams but less than 140 grams shall be guilty of a Class IC felony.
 - ii. At least 10 grams but less than 28 grams shall be guilty of a Class ID felony.
- c. Any person knowingly or intentionally possessing marijuana weighing more than one ounce but not more than one pound shall be guilty of a Class III misdemeanor.
- d. Any person knowingly or intentionally possessing marijuana weighing more than one pound shall be guilty of a Class IV felony.
- e. Any person knowingly or intentionally possessing marijuana weighing one ounce or less shall:
 - i. For the first offense, be guilty of an infraction, receive a citation, be fined \$300, and may be assigned to a drug abuse course.
 - ii. For the second offense, be guilty of a Class IV misdemeanor, receive a citation, be fined \$400, and may be imprisoned not to exceed 5 days.
 - iii. For the third and all subsequent offenses, be guilty of a Class IIIA misdemeanor, receive a citation, be fined \$500, and be imprisoned for not more than 7 days.
- f. Concentrated cannabis is a highly potent extract of tetrahydrocannabinol, or THC. This deviation from traditional marijuana is considered a controlled substance and is treated differently than marijuana.

It is unlawful for any person to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings. In a prosecution under Nebraska's controlled substance laws, it is not necessary for the state to prove that the respondent was under the influence of any specific controlled substance. Still, it shall be sufficient for a conviction for the state to prove that the respondent was under the influence of some controlled substance by proving that the respondent manifested physical and physiological symptoms or reactions caused by the use of any controlled substance.

Any person who violates this section shall be guilty of a Class III misdemeanor.

4. Off-Campus Drug Use

Student organizations holding off-campus events are responsible for full compliance with the appropriate state law. If illegal drugs are present at the event, the organization will be referred to the relevant hearing body to review the reported violations of the Standards of Conduct and/or Student Organization Guidelines. Additionally, individual members, including the organization's officers, may be held accountable for their personal behavior as well as the behavior of their guests.

Violations:

Violations of the Drug Policy will be referred to the Office of Community Standards and Wellbeing for the appropriate action. Violations of the policy will be subject but not limited to:

- i. fines.
- ii. suspension of University approval for the sponsoring organization or group.
- iii. other University disciplinary action.

5. Use and Possession of Mind-Altering Substances

It is a violation to use or possess mind-altering substances that may be intended to create a hallucinogenic effect, as such substances represent a potential risk to the health and safety of students. Anyone found to use or possess hallucinogenic substances not otherwise covered by this policy will be reported and referred to the Office of Community Standards and Wellbeing for discipline.

Maricopa County (Phoenix) and Arizona State Laws Regarding Controlled Substances

Possession, use, administration, acquisition, sale, manufacture, or transportation of narcotic drugs is a crime.

A. A person shall not knowingly:

1. Possess or use a narcotic drug.
2. Possess a narcotic drug for sale.
3. Possess equipment or chemicals, or both, for the purpose of manufacturing a narcotic drug.
4. Manufacture a narcotic drug.
5. Administer a narcotic drug to another person.
6. Obtain or procure the administration of a narcotic drug by fraud, deceit, misrepresentation, or subterfuge.
7. Transport for sale, import into this state, offer to transport for sale or import into this state, sell, transfer, or offer to sell or transfer a narcotic drug.

It is unlawful for a person to drive or be in actual physical control of a vehicle in this state while there is any drug defined in Section 13-3401 or its metabolite in the person's body.

According to Arizona Revised Statutes § 13.3408, drug possession offenses can involve any of the following:

- a. Possess or use a narcotic drug – Punishable as a class 4 felony, 2.5 years in jail and/or at least \$750 in fines
- b. Possess a narcotic drug for sale - Punishable as a class 2 felony, 5 years and/or at least \$750 in fines
- c. Possess equipment or chemicals, or both, for the purpose of manufacturing a narcotic drug - class 3 felony, 3.5 years and/or at least \$750 in fines
- d. Manufacture a narcotic drug - Punishable as a class 2 felony, 5 years and/or at least \$750 in fines
- e. Administer a narcotic drug to another person - Punishable as a class 2 felony, 5 years and/or at least \$750 in fines
- f. Obtain or procure the administration of a narcotic drug by fraud, deceit, misrepresentation, or subterfuge - Punishable as a class 3 felony, 3.5 years, and/or at least \$750 in fines
- g. Transport for sale, import into this state, offer to transport for sale or import into this state, sell, transfer, or offer to sell or transfer a narcotic drug - Punishable as a class 2 felony, 5 years and/or at least \$750 in fines
Anything related to having "intent to sell" can result in harsher felony charges. The lower the class number of a felony, the tougher the sentence. This means a class 1 or class 2 felony will generally lead to much more severe penalties than class 3 or 4 felonies. A drug possession with intent to sell criminal offense will almost always be punishable as a class 2 felony, which can result in the following penalties, depending on how many prior offenses the alleged offender may have on their record:
- h. No Prior Record – Minimum 4 years, Maximum 10 years in prison; probation eligible
- i. One Prior Conviction – Minimum 6 years, Maximum – 18.5 years in prison; probation eligible in special cases
- j. Two Prior Convictions – Minimum 14 years, Maximum 28 years in prison; not eligible for probation

People who are 21 or older may legally possess up to one ounce of marijuana, five grams of concentrated marijuana, or six plants under [ARS 36-2852](#).

The following amount restrictions apply:

- a. If you possess between one and 2.5 ounces of marijuana as a first offense, it is a civil offense under [ARS 36-2853](#) that is punishable by a \$100 fine.
- b. A second offense is a petty offense for which you could be ordered to attend eight hours of drug education.

- c. Finally, a third offense is a class 1 misdemeanor.
- d. The rules are more relaxed for medical marijuana.
- e. Legally grown marijuana must be kept in an enclosed, locked area out of the public's view. If there is more than one adult over age 21 in a home, they can grow a maximum of 12 plants inside.

Arizona has the Good Samaritan law, which prohibits an individual who has sought medical assistance related to an overdose from being charged or prosecuted for possession of a controlled substance if the evidence for the charge or prosecution of the drug-related crime resulted solely from seeking medical assistance; however, individuals can be prosecuted for other non-drug related crimes at the scene and arrested.

FEDERAL TRAFFICKING PENALTIES

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500-4999 grams mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28-279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40-399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10-99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100-999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1-9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5-49 grams pure or 50-499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10-99 grams pure or 100-999 grams mixture		100 gm or more pure or 1 kg or more mixture	
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount			
Flunitrazepam (Schedule IV)	Other than 1 gram or more	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
All Schedule V drugs	Any amount			
		First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

FEDERAL TRAFFICKING PENALTIES—MARIJUANA

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants;	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		