

2021-2022

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 various pieces of 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, and available assistance, as well as disciplinary sanctions that might be imposed.

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

Tanya Winegard, Ph.D.
Vice Provost for Student Life

Alcohol and the Creighton Student

Creighton University recognizes that alcohol is a major influence on today's college campus and that it has a responsibility to educate 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 resulting from alcohol use, as 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 educational position, however, calls for a response to alcohol education that goes beyond legal consequences. At Creighton, we believe the response to alcohol education must also meet the health and wellbeing needs of our students, 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 it is important to know exactly what counts as a drink. In the United States, a standard drink is one that 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 4 drinks for women and 5 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 is the central nervous system,

and the greater 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 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 are 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, yet, 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 percent or above. This typically happens when men consume 5 or more drinks, and when women consume 4 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, it is the position of Creighton University to promote informed choices about the responsible use of alcohol on its campus by all members of the community. Since it is important that people 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 being intoxicated by demonstrating one or more of the following: impaired judgment, impaired reactions, decreased coordination, or unresponsiveness.

An assessment by Student Health Services (SHS) and field sobriety tests by 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-UCED.

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 normally results in a student status of behavioral probation; \$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 are compliant 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. For more information, contact the Office of Community Standards and Wellbeing (OCSW).

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 with a policy violation under Creighton's Standards of Conduct. The help seeker must actively seek medical assistance, give their name to the university official, and must 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 with the term "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 Office of Community Standards and Wellbeing to discuss the situation that occurred. At this point, the Office of Community Standards and Wellbeing staff member will determine the severity of the incident that took place. 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 risks in relation to severe alcohol intoxication incidents

6. On-Campus Alcohol Use

- a. Prior approval must be obtained from the Vice Provost for Student Life (or his/her 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 insuring that only those of legal drinking age possess and/or 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 quantities of food throughout the event. In addition, the group has the responsibility of 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 given permission 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 of any kind may not be used in the freshman and sophomore halls. Residents of the apartments (Opus Hall and Davis Square), if of legal drinking age, 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 legal drinking age. Alcohol is only to be used in a responsible manner by individuals over the age of 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: kegs, handles of liquor, and boxed wine(s), along with beer that contain 7 percentage 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 in violation of either the Standards of Conduct and/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, or deliver, or permit that sale, gift, or procuring of any 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 his or her possession or physical control any alcoholic liquor in any tavern or in 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 the purpose of sale or delivery of such form of identification to a person under the age of twenty-one shall be guilty of a Class I misdemeanor. Forms of identification are defined as any card, paper, or legal document that may be used to establish the age of the person named thereon for the purpose of purchasing 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 himself or herself or another person as soon as the emergency situation is apparent after such violation of section 53-180.02 was the first person to make a request for medical assistance under subdivision (b)(i) of this subsection as soon as the emergency situation 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 specifically targeted for students on campus must conform to the Creighton University code of student conduct and must 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 as to time and quantity. Principles of good hosting must be observed including 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 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 language "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 as well as 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 the performance of 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 buy, receive, possess, or consume 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 the morals, health, or welfare of a child.

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

- d. It is unlawful for a person under the age of 21 to drive or be in physical control of a motor vehicle while there is any spirituous liquor in the person's body.
- e. It is unlawful for a person to drive or be in actual physical control of a vehicle in this state while under the influence of intoxicating liquor, any drug, a vapor releasing substance containing a toxic substance, or any combination of liquor, drugs or vapor releasing substances if the person is impaired to the slightest degree.
- f. It is unlawful for a person to drive or be in actual physical control of a vehicle in this state if the person has an alcohol concentration of 0.08 or more within two hours of driving or being in actual physical control of the vehicle and the alcohol concentration results from alcohol consumed either before or while driving or being in actual physical control of the vehicle.
- g. It is unlawful for a person to drive or be in actual physical control of a vehicle in this state 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 control of the vehicle and the alcohol concentration results from alcohol consumed either before or while driving or being in actual physical control of the vehicle (Extreme DUI).
- h. It is unlawful for a person to drive or be in actual physical control of a vehicle in this state if the person has an alcohol concentration of 0.20 or more within two hours of driving or being in actual physical control of the vehicle and the alcohol concentration results from alcohol consumed either before or while driving or being in actual physical control of the vehicle (Super Extreme DUI).

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 be harmful to health for two reasons: the effect of the drug itself and the effect of by-products, which result from processing the illicit drug.

Almost all illicit drugs are used to change a person's mood, or the way s/he feels. Any drug that changes mood does so by affecting the central nervous system and changing its ability to react normally. For example, stimulants make the central nervous system overactive while narcotics and depressants decrease its ability to react.

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

There is no certain way to know who is most likely to develop dependence, but it is known that people who have developed dependence on alcohol or have family members who are dependent on alcohol or drugs are at greater risk. Those who are frequently depressed have suicidal thoughts, have hallucinated or delusions should avoid street drugs because using them could make the illness worse, 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 one that punishes. However, Creighton community members are subject to the same local, state and federal laws that govern all citizens, including those laws that concern the use, sale and possession of drugs. Therefore, persons engaging in such illegal actions will be subject to disciplinary procedure up to and including suspension and expulsion. Individuals cannot be protected by the University from the possible additional legal consequences of their acts.

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, narcotic, or hallucinogenic substance including marijuana is strictly prohibited on University property.

Students are responsible adult citizens, and as such, are subject to civil law. In accordance with federal as well as 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, 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 the treatment of these matters.

See also: [Creighton University Policy 2.2.15 on Drug and Alcohol Use](#) which 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 with the intent of growth of the whole person. After an incident involving the possession/use of illegal substances, it is important to see the students as individuals, and 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, and more 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, and 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 of 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, but 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 appropriate hearing body for review of 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 affect, 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.

Medical and Legal Marijuana Use: See the Arizona Department of Health Services

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, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not 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		

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.