

2024-2025

# Drug and Alcohol Abuse Prevention Program (DAAPP)



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## **MISSION STATEMENT**

Penn Commercial's mission is to provide the best available instruction for individual needs in the shortest time possible and at the lowest practical cost. Our training is aimed at men and women who desire to prepare themselves for careers as well as those who desire to reenter the job market. Our educational philosophy recognizes the need for students to develop a foundation of related skills that will make them adaptable to an ever-changing job market and provide support for our students in achieving their career goals. We strive to provide quality programs that will prepare our students for the best available careers.

## **STATEMENT OF NONDISCRIMINATION**

Penn Commercial Business/Technical School is committed to a policy of non-discrimination in compliance with federal and state regulations. This policy is enforced in our educational programs and in our school activities, which are available to all people, without regard to race, color, national or ethnic origin, sex, pregnancy, sexual orientation, gender identity and expression, religion, disability, age, veteran status, and marital status in its programs, activities, or employment.

## **HOW THIS PUBLICATION IS DISTRIBUTED**

Penn Commercial Business/Technical School can distribute this to all students, staff, and faculty in one of the following ways:

- United States Postal Service
- Campus Email & Printed Distribution
- Electronically via Flash Drives and/or Penn Commercial Website

This publication is provided to all incoming students and new employees. The school also distributes this publication to all students and employees in conjunction with the annual distribution of the school's annual Campus Safety and Security Report.

## **BIENNIAL REVIEW**

The Drug Free Schools and Communities Act requires, as a condition of receiving any federal funding or other financial assistance, that an institution of higher education certify it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol for students and employees on school premises and as part of its activities. Penn Commercial is in compliance with the Drug Free Schools and Communities Act and continues to conduct a biennial review on the effectiveness of its Drug and Alcohol Abuse Prevention Program. The biennial review determines the effectiveness of the DAAPP and if any changes to the program is warranted. Disciplinary sanctions imposed by the institution are analyzed to ensure that they are consistently enforced. A hard copy of the biennial report is maintained in the Campus Director's office and can be provided, as requested.

## **ALCOHOL AND OTHER DRUGS POLICY**

Penn Commercial Business/Technical School is committed to freedom from illegal drugs, abuse of legal drugs, alcohol use on School property, as well as alcohol and drug use outside the School which adversely affects learning and student performance. In its effort efforts to safeguard the workplace, school property, and students from the effects of drug abuse, Penn Commercial strives to respect the privacy of students and employees while offering assistance towards helping those who have problems. Studies have shown that use of illegal drugs and abuse of alcohol increases the potential for accidents, absenteeism, tardiness, unsatisfactory performance, poor moral and neurological damage.

Penn Commercial has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational presentations, counseling services, referrals, and school disciplinary actions.

## **AVAILABLE ASSISTANCE FOR ABUSE PROBLEMS**

The Campus Director and the Director of Student Services provides an overall coordination of the Drug and Alcohol Abuse and Prevention Program. Penn Commercial is here to assist students and staff by providing referrals to community agencies and health care facilities and to assist faculty and students in their learning about the many aspects of alcohol and other drug consumption and their effects in the classroom and educational outcome. The Director of Student Services is responsible for the enforcement of Disciplinary procedures on campus. Referral to appropriate community agencies and drug and alcohol treatment facilities are provided. See the Resources Section of this document.

## **DRUG FREE SCHOOL**

Penn Commercial is committed to protecting the safety, health and well-being of all students to ensure a drug and alcohol free learning environment. Penn Commercial prohibits the unlawful manufacture, distribution, dispensation, sale, possession or use of any drug by any of its students, employees in its workplace, on its premises or as part of any of its activities off campus. Penn Commercial recognizes that alcohol and drug use possesses a significant threat to student goals. In compliance with

the Drug Free Schools and Communities Act of 1989, we have established a drug-free school program that balances our respect for individuals with the need to maintain an alcohol and drug free environment. One of the goals of Penn Commercial Drug and Alcohol Abuse Prevention Program (DAAPP) is to encourage students to voluntarily seek help with alcohol and or drug problems. The Director of Student Services will work with student during this process, and a mandatory referral for treatment will be provided to the student as a requirement to return to class. Financial responsibility for recommended treatment belongs to the student. However, the ultimate decision to seek the recommended treatment belongs to the student. In addition, students found responsible for violating this policy are subject to suspension, termination, and/or the jurisdiction of the State of Pennsylvania as well as Federal Law. Penn Commercial reserves the right to require mandatory drug testing of any student who exhibits signs of being under the influence of alcohol or a controlled substance while attending classes or on Penn Commercial property. Students will be responsible for any costs associated with drug testing.

### **HEALTH RISKS**

All drugs, including alcohol, can cause marked changes in behavior and have side effects. Their influences can affect the safety and well-being of the users as well as those around them. Alcohol is a central nervous system depressant that is absorbed into the blood stream and transmitted to all parts of the body. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that a driver will be involved in an accident. Low to moderate doses reduce physical coordination and mental alertness, while increasing the incidence of aggressive behavior. Moderate to high doses of alcohol drastically impair an individual's ability to function, sometimes rendering a person unconscious. Long-term drinking of large quantities of alcohol can increase the risk of developing liver and heart disease, circulatory and stomach problems, various forms of cancer, and may cause irreversible brain damage.

Illicit drugs can interfere with important brain activities, including coordination, memory, and learning. They increase the risk of lung cancer, destroy liver cells, initiate severe weight loss, and may weaken the immune system. Users may also experience abdominal pain, nausea, vomiting, rapid heartbeat, and irregular breathing. Convulsions, coma, and death are also possible. Combining drugs can be fatal.

*See **Controlled Substances - Uses and Effects Appendix A** for more information.*

### **FINANCIAL AID IMPLICATIONS OF DRUG OFFENSES**

Effective July 1, 2000, a conviction in a state or federal court for a drug-related offense may result in a student losing eligibility for federal financial aid. If you, the student, are convicted of a drug-related offense after you submit your FAFSA, you might lose eligibility for federal student aid, and you, the student, might be liable for returning any financial aid you received during a period of ineligibility. The period of ineligibility is dependent upon the type of conviction (sale or possession) and if there were previous offenses. If the student was convicted of both selling and possessing illegal drugs, they will be ineligible for the longer period.

### **VIOLATIONS OF THE SAFETY SECTION REGARDING ALCOHOL AND DRUGS - STUDENT CODE OF CONDUCT POLICY**

Penn Commercial will impose disciplinary sanctions on faculty, staff, and students (consistent with local, state, and Federal laws described below) for violations of the DAAPP. Violations of the DAAPP will be referred to the Campus Director and the Director of Student Services for review, adjudication, and referral when appropriate. Disciplinary action may result from violations of this policy. All Penn Commercial students must follow the Student Code of Conduct as described herein and in the School Catalog while attending any Penn Commercial sponsored activity, class, or lab whether on campus or at an offsite field trip or externship.

### **STUDENT CODE OF CONDUCT**

Penn Commercial recognizes its students as responsible and dedicated men and women who are preparing for career employment. An integral part of their career and professional development is the expectation that they conduct themselves during the education process in the same manner as will be expected in all employment situations. As members of Penn Commercial, students have responsibilities and duties commensurate with their rights and privileges. In this policy, Penn Commercial provides guidance to students regarding those standards of student conduct and behavior that it considers essential to its educational mission. This policy also provides guidance regarding the types of conduct that infringe upon the fulfillment of Penn Commercial's mission. Any student who is found to have violated the Student Code of Conduct policy is subject to sanctions, as listed below.

**Computer-Related Violations** - Use of computer equipment and/or time for unethical, illegal, unsafe, or inappropriate activities. Any violation of the Internet Usage Policy constitutes a violation of the Student Code of Conduct policy.

**Damage to Property** - Purposefully and/or intentionally causing damage or destruction to school property, staff personal property or vehicles, vendor/guest property or vehicles, or student personal property or vehicles.

**Academic Dishonesty and Deception** - Examples of conduct that is prohibited includes but is not limited to:

- Plagiarizing or submitting the work of another as one's own.
- Cheating on any exam, quiz, or assignment, or collaborating with others on graded work without the clear, expressed consent of the relevant faculty member(s).
- Furnishing false information to any staff member at any time. This includes information provided during the application and enrollment process, throughout active enrollment, and at any time prior to completion of the intended degree.
- Furnishing false information on a resume, application (e.g., employment or externship application) or contract.
- Forging, altering or misusing any document, record or instrument of identification.

**Disorderly, Lewd, Indecent, or Obscene Conduct** - Conduct which causes a public alarm, annoyance, disruption or hazard on school premises or at a school-sponsored or school-supervised function, or externship/clinical site. Such activities also include, but are not limited to, inappropriate/obscene language and/or clothing, conduct which is intended to or results in the disruption or obstruction of teaching, daily school operations, disciplinary proceedings, or other school activities, on or off campus, or which prevents or obstructs school personnel from performing their duties.

**Firearms, Explosives and Weapons** - Possession or use of explosives, firearms or other weapons (including, but not limited to, knives, air pistols and air rifles), dangerous chemicals, or objects intended to be perceived as explosives, firearms, weapons or chemicals, or objects or devices designed to cause bodily harm in or upon school-owned or school-supervised property or

externship/clinical sites. Violations under this section also include the irresponsible possession or careless and dangerous use of any other object in such a way as to threaten or endanger any person or property.

**Harassment, Physical Harm, Violence or Threats of** - Causing physical harm to another person is assault, which is a crime. Threats, intimidation, harassment or engaging in any other conduct that threatens or endangers the physical, emotional and/or psychological health or safety of any person (staff, student, vendor/guest), or interferes with the education process, or which is intended to provoke violence by another, is prohibited. This includes but is not limited to threats of fighting/physical harm, verbal abuse or threat, sexual harassment, sexual assault, or sexual violence. Violation of the Campus Crime and Safety Report and harassment policies within are included.

**Safety Violations** - Conduct that violates any campus safety policy to include but limited to the Drug and Alcohol Abuse Prevention Program, possession or consumption of alcohol or illegal substances on or near school premises, setting fires or tampering with fire safety equipment, failure to exit during an emergency evacuation, bomb threats, or recurring dress code violations that are considered a safety hazard in the lab or at an externship/clinical site.

**Equal Opportunity** - Any violation of any section of the Student Code of Conduct policy that is motivated by the sex, race, color, religion, sexual orientation, ethnicity or national origin of another person is a violation of federal law. Acts of intimidation may be considered a hate crime under the Uniform Crime Code and subject to prosecution by federal authorities.

**Theft, Possession of Stolen Property and Extortion**- Theft is the unlawful taking of tangible school property or finances, or the property of staff, students, vendors/guests, externship/clinical property (facility or staff) with the intent to deprive the school or person of the property. Possession of stolen property includes taking possession of or receiving such property, knowing it to have been stolen.

**Trespassing** - Trespass is the entry or the attempt to enter any school facility, area, or room without permission or lawful authority or, except with such authority, against the will of the occupant or the individual in charge of the facility. Trespass also includes, but is not limited to, the unauthorized possession, duplication, or use of keys or key fobs to gain access to any school property.

**Failure to Comply** - Failure to comply with published School policies, disciplinary sanctions or directions of school officials authorized and acting pursuant to their prescribed duties.

**Violations of Law** - Violation of any federal, state, or local law is also a violation of the Student Code of Conduct policy.

**Sanctions** - The appropriate sanctions will be determined by school administration based on a number of factors including but not limited to severity of violation and recurrence and can include:

- Written warning
- Search of student property
- Suspension
- Termination

**Restitution** - Compensation for loss or damage to property leased, owned, or controlled by the school. This may take the form of monetary or material replacement.

## **DRUG-FREE WORKPLACE FOR EMPLOYEES**

### ***Purpose***

Penn Commercial is committed to protecting the safety, health and well-being of all employees and individuals in our workplace. We recognize that alcohol and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug free environment.

### ***Responsibilities***

A safe and productive drug free workplace is achieved through cooperation and shared responsibility. Both employees and supervisors have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on-or off-duty use of alcohol or other drugs. In addition, employees are encouraged to:

- Be concerned about working in a safe environment;
- Report dangerous behavior to their supervisor.

It is a supervisor's responsibility to:

- Inform employees of this policy;
- Investigate reports of dangerous practices;
- Document negative changes and problems in performance.

Communicating our Drug-Free Workplace Policy to both employees and supervisors is critical to our success. To ensure all employees are aware of their role in supporting this policy:

- All employees will receive a written copy of the policy;
- The policy will be reviewed in orientation sessions with new employees;
- Every supervisor will receive training to help him/her recognize and manage employees with alcohol and other drug problems.

### ***To Whom Does This Policy Apply?***

Any individual who conducts business for Penn Commercial, is applying for a position or is conducting business on Penn Commercial's property is covered by this policy. Penn Commercial's Drug-Free Workplace Policy is intended to apply whenever anyone is representing Penn Commercial or conducting business for Penn Commercial.

### ***Prohibited Conduct***

It is a violation of Penn Commercial's Drug-Free Workplace Policy to manufacture, use, possess, sell, trade, be under the influence of and/or offer for sale alcohol, illegal drugs or intoxicants while on Penn Commercial's property or while conducting business for Penn Commercial.

Employees taking prescribed medication under the direction of a physician are responsible for being aware of any effect such medication may have on the performance of their job duties and must promptly report to their immediate supervisor the use of any medication which might impair their ability to perform their job. Employees who are impaired due to such use which has not been reported will not be permitted to work and may be subject to discipline up to and including discharge. Any employee who is convicted of a criminal drug violation in the workplace must notify Penn Commercial in writing within five (5) calendar days of the conviction. Penn Commercial will take appropriate action within thirty (30) days of notification. Federal contracting agencies will be notified when appropriate. Entering Penn Commercial's property constitutes consent to searches and inspections. If an individual is suspected of violating the Drug-Free Workplace Policy, he/she may be asked to submit to a search or inspection at any time. Searches can be conducted of pockets and clothing; lockers, wallets, purses, briefcases and lunchboxes; desks and workstations; and vehicles. Participation in searches is a mandatory condition of employment.

### ***Drug Testing***

To ensure the accuracy and fairness of a testing program, all testing will be conducted according to DHHS/SAMHSA guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody. All drug-testing information will be done at Med Express and will be maintained in separate confidential records. An employee will be subject to the same consequences of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, refuses to sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test. Each employee, as a condition of employment, may be subject to reasonable suspicion drug and alcohol testing and random drug testing. The substances that will be tested for are

amphetamines, cannabinoids, cocaine, opiates, phencyclidine (PCP) and alcohol. Testing for the presence of alcohol will be conducted by analysis of breath. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine.

### ***Consequences for Violating the Drug-Free Workplace Policy***

Any employee who tests positive or who otherwise violates this policy will be discharged immediately. One of the goals of Penn Commercial's Drug-Free Workplace Policy is to encourage employees to voluntarily seek help with alcohol and/or drug problems through the Employee Assistance Program offered through the UPMC insurance plan. The phone number for assistance can be found on the back of the individual's provider card. If, however, an individual violates the policy, the consequences are serious. Treatment for alcoholism and/or other drug use disorders may be covered by the employee's health care benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee. Faculty and staff members may also be referred to the providers located in the resource section of this booklet and available county agencies.

### ***Discipline Policy for Employees***

Penn Commercial expects employees to maintain certain standards of performance, safety and conduct. Penn Commercial does not tolerate such behavior as stealing, dishonesty, insubordination, drinking alcoholic beverages during business hours, or use of a controlled substance during business hours. In addition, repeated tardiness, excessive absenteeism, and failure to comply with school policies are not acceptable. These examples are not all inclusive but are just a small sample of behavior that will not be tolerated by Penn Commercial.

Generally, these standards are recognized and observed by faculty and staff members without any need for action by supervisors. Penn Commercial has the right to discipline employees who do not abide by these standards.

The following steps cover the normal pattern of discipline for employees:

- A written warning will be issued to the employee. This warning will contain a statement of the problem, what corrections are necessary, and the date by which the improvements should occur. The employee will be asked to sign the form indicating that he/she has read it. A copy will be placed in the employee's personnel file, and a copy will be given to the employee.
- If the performance problem reoccurs after the written warning, disciplinary action up to and including discharge may occur.
- Written warnings will be removed from an employee's personnel file after two (2) years of active employment if there have been no subsequent warnings.

Penn Commercial reserves the right to deviate from the above guidelines and immediately terminate or discipline any employee as it considers necessary in the individual circumstances. Serious infractions that may result in immediate dismissal include, but are not limited to, violations of the Confidentiality Policy, Attendance Policy, Cell Phones/Personal Cell Phone Use Policy, Anti-Discrimination/Anti-Harassment Policy or Drug-Free Workplace Policy, stealing, insubordination, dishonesty, fraud, or clear cases where conflict of interest has been violated.

### ***Violations of Law***

If a student or employee is charged with a violation of Federal, state, or local laws or regulations occurring away from the school, disciplinary action may be instituted and sanctions imposed against the student or employee when the school has a reasonable belief that the health, safety, or welfare of the Penn Commercial community is threatened. Disciplinary procedures may be instituted against a student or employee charged with violation of a law that is also a violation of the student and employee conduct policies. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-school premises. Penn Commercial will cooperate fully with law enforcement and other agencies in the enforcement of criminal laws on school property.

## **LOCAL, STATE AND FEDERAL SANCTIONS**

### ***The Drug-Free Schools and Communities Act***

In 1989, the Federal government adopted the Drug-Free Schools and Communities Act. As a condition of receiving Federal grants, Penn Commercial must certify that it is in compliance with this law. This means that underage drinking is not only a violation of state law, but also a violation of school policy and will be sanctioned under Penn Commercial's student conduct system.

### ***Pennsylvania and Federal Laws***

All members of the Penn Commercial community must adhere to all applicable local, state, and federal laws related to the sale and use of alcoholic beverages and other drugs and controlled substances.

### ***Policy on Alcoholic Beverages***

Pennsylvania Act 31 governs all matters relating to alcohol. As a member of the Penn Commercial community, students, faculty, and staff are required to observe Pennsylvania law. No person under the age of 21 is permitted to purchase, consume, transport, or possess alcoholic beverages. Alcoholic beverages will be confiscated from students who are under 21 years of age. Failure to comply will result in further disciplinary action. Students, faculty and staff must abide by the terms of the policy. Furthermore, the Drug-Free Workplace Act of 1998 requires any employee to notify the Vice-President of Operations of any conviction under a criminal drug statute for violations occurring on or off campus premises while conducting Penn Commercial business. A report of the conviction must be made within five days following the conviction. Persons age 21 and over violate Pennsylvania law when they furnish alcohol to a minor. A fine of up to \$2,500.00, or imprisonment up to three months for failure to pay any fine, will be imposed. Repeat offenders will be fined at least \$300.00 and may be imprisoned for up to one year.

### ***Policy on Illegal Drugs***

Penn Commercial strictly adheres to the federal and state laws that prohibit the distribution, sale, or use of controlled substances. Students illegally possessing, distributing, or using any controlled substance or paraphernalia will be subject to immediate disciplinary action. Please note: the odor of marijuana is also grounds for disciplinary action.

## **LEGAL SANCTIONS - LAWS GOVERNING ALCOHOL AND DRUGS**

### ***Alcohol***

Under Pennsylvania state law, a person less than 21 years of age may not purchase, consume, possess, or transport alcohol. Any person convicted of violating this law will have her/his driver's license suspended for ninety (90) days. A second offense will result in a one-year suspension of driving privileges and a fine up to \$500. Additionally, any person who intentionally provides alcohol to a person less than 21 years of age is guilty of a misdemeanor of the third degree, which carries a fine of at least \$1,000 for the first (1st) offense.

Pennsylvania state law allows a driver to be considered intoxicated and charged with driving under the influence (DUI) if she/he has symptoms of intoxication and blood-alcohol content (BAC) greater than 0.08 percent. A BAC of 0.08 percent can be obtained by consuming a little less than one (1) drink per hour. A driver will be charged with DUI if her/his BAC exceeds 0.08 percent. Additionally, Pennsylvania state law penalizes public drunkenness and defines it as: "A person is guilty of a summary offense if he/she appears in any public place manifestly under the influence of alcohol to the degree he/she may endanger himself/herself or other persons or property, or annoy persons in his/her vicinity."

### ***Drugs***

Both Federal and state laws impose sanctions for the possession, use, and distribution of illegal drugs. The sanctions for any given offense depend on the type and quantity of the drug involved and whether the offense is possession, use, or distribution. Under federal law, simple possession of a controlled substance carries a penalty of imprisonment for up to one (1) year, plus a minimum fine of \$1,000. If the controlled substance contains a cocaine base and the amount exceeds five (5) grams, the first-time offender will be imprisoned for not less than five (5) years and not more than twenty (20) years and fined. Also under federal law, any person 18 or more years old who distributes drugs to anyone under age 21 will be imprisoned or fined, or both, up to twice what is otherwise provided by law, with a minimum prison sentence of one (1) year. This same penalty applies to any person who distributes or possesses with intent to distribute drugs to anyone within 1,000 feet of a college campus. Pennsylvania law imposes similarly strict sanctions on the unlawful use, possession, and distribution of drugs. In addition to imposing fines and imprisonment for violation of its drug laws, Pennsylvania will seize all of the violator's property that was used in committing the crime.

### **State and Federal Sanctions**

The following is a summary description of the legal sanctions under state and federal law for the unlawful possession or distribution of illicit drugs and alcohol.

#### ***State penalties and sanctions for illegal possession, sale, or delivery of a controlled substance:***

- The Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-101 et seq. sets up five schedules of controlled substances based on potential for abuse, dangerousness, and medical uses. The act prohibits, among other things, the manufacture, distribution, sale, or acquisition by misrepresentation or forgery of controlled substances except in accordance with the act, as well as the knowing possession of controlled substances unlawfully acquired. Penalties for first-time violators of the act range from thirty (30) days imprisonment, a \$500 fine, or both, for possession or distribution of a small amount of marijuana or hashish, but which was not for sale, to fifteen (15) years imprisonment, a \$250,000 fine, or both, for the manufacture or delivery of a Schedule I or Schedule II narcotic.
- Fines and terms of imprisonment may be doubled under certain circumstances, including the distribution of a controlled substance to a person under 18 years of age or a conviction for a second or subsequent offense.
- 18 Pa. C.S. §§ 6314, 6317. A person over 18 years of age who is convicted for violating the Controlled Substance, Drug, Device and Cosmetic Act shall be sentenced to a minimum of at least one (1) year total confinement if the delivery or possession with intent to deliver of the controlled substance was to a minor. If the offense is committed within 1,000 feet of the real property on which is located a public, private, or parochial school or a college or university or within 250 feet of the real property on which is located a recreation center or playground or on a school bus ("drug



free school zones"), the person shall be sentenced to an additional minimum sentence of at least two (2) years total confinement. Such offenses not involving minors in drug-free school zones are subject to a mandatory minimum of two (2) years of total confinement.

- The Pharmacy Act of 1961, 63 P.S. § 390-8 prohibits, among other things, procuring or attempting to procure drugs by fraud, deceit, misrepresentation, or subterfuge or by forgery or alteration of a prescription. The first offense is a misdemeanor, with a maximum penalty of one (1) year of imprisonment, a \$5,000 fine, or both. For each subsequent offense, the maximum penalty is three (3) years of imprisonment, a \$15,000 fine, or both.
- The Vehicle Code, 75 Pa. C.S. § 3802 et seq. prohibits driving, operating, or being in actual physical control of the movement of a vehicle while under the influence of alcohol or a controlled substance, or both, if the driver is thereby rendered incapable of safely driving, operating, or being in actual physical control of the movement of the vehicle or if the alcohol concentration in the individual's blood or breath exceeds the stated limits. Penalties for first-time violators of the act range from a mandatory term of six (6) months' probation, a \$300 fine, or both, to a maximum of seventy-two (72) hours' imprisonment, a \$5,000 fine, or both. Penalties for subsequent violations increase to a maximum of not less than one (1) year imprisonment, a \$10,000 fine, or both. In addition to the above penalties, the court has discretion to order any or all of the following: highway safety training, drug or alcohol treatment, community service, attendance at a victim-impact panel, use of an ignition interlock device, and/or suspension of operating privileges.

## Drugs

### Federal penalties and sanctions for illegal possession or trafficking of a controlled substance:

- 21 U.S.C.S. § 844(a). For the first conviction: up to one (1) year of imprisonment and fine of at least \$1,000, or both. After one (1) prior drug conviction: at least fifteen (15) days' imprisonment, not to exceed two (2) years, and fine of at least \$2,500. After two (2) or more prior drug convictions: At least ninety (90) days' imprisonment, not to exceed three (3) years, and fine of at least \$5,000. The special sentencing provisions for possession of flunitrazepam (the "date rape drug") include imprisonment not to exceed three (3) years and fine of at least \$1,000.
- The special sentencing provisions for possession of a mixture or substance that contains a cocaine base (i.e., crack) are: a mandatory minimum of at least five (5) years' imprisonment, not to exceed twenty (20) years, and fine of at least \$1,000, if: (i) this is a first (1st) conviction and the amount possessed exceeds five (5) grams; (ii) this is a second (2nd) conviction and the amount possessed exceeds three (3) grams; or (iii) this is a third (3rd) or subsequent conviction and the amount possessed exceeds one (1) Gram.

In addition to the above penalties, the court has discretion, upon conviction, to order a fine in the amount of the reasonable costs of the investigation and prosecution of the offense.

- 21 U.S.C.S. §§ 853(a) and 881(a). This statute allows for the forfeiture of personal and real property used, or intended to be used, to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one (1) year of imprisonment (see special sentencing provisions above for cocaine-based drugs, such as crack). Additionally, this allows for the forfeiture of money, controlled substances, drug paraphernalia, firearms, books and records, vehicles, boats, aircraft or any other conveyance used, or intended to be used, to transport or facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance or any raw materials, products, or equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance.
- 20 U.S.C.S. § 1091(f). A student who has been convicted of any offense under any federal or state law involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under federal law, 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 the interval specified as follows. If convicted of an offense involving the possession of a controlled substance: first (1st) offense, the student is ineligible for one (1) year; second (2<sup>nd</sup>) offense, the student is ineligible for two (2) years; third (3<sup>rd</sup>) offense, the student is ineligible indefinitely. If convicted of an offense involving the sale of a controlled substance, the penalty for the first (1st) offense is an ineligibility period of two (2) years; the penalty for a second (2<sup>nd</sup>) offense is ineligibility for an indefinite period.  
A student whose eligibility has been suspended under the above paragraph may resume eligibility before the end of the ineligibility period if (a) the student satisfactorily completes a drug rehabilitation program that (i) complies with such criteria as prescribed by regulations and (ii) includes two (2) unannounced drug tests; (b) the student successfully passes two (2) unannounced drug tests conducted by a drug rehabilitation program that complies with such criteria as prescribed by regulations; or (c) the conviction is reversed, set aside, or otherwise rendered not valid.
- 21 U.S.C.S. § 862 The following penalties are for possession of a controlled substance. Penalties are increased for trafficking.  
Denial of federal benefits, such as grants, contracts, loans, and professional and commercial licenses, up to one (1) year for the first (1st) offense and up to five (5) years for the second (2<sup>nd</sup>) and subsequent offenses
- 18 U.S.C.S. § 922(g). Under this statute, one who is on unlawful use of, or addicted to, controlled substances is ineligible to own or possess firearms or ammunition.

Miscellaneous statutes. Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

## **Alcohol**

### **State penalties and sanctions for illegal possession or other violations:**

The Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq., controls the possession and sale of alcoholic beverages within the commonwealth. The code (in conjunction with portions of the Pennsylvania statutes pertaining to crimes and offenses involving minors, 18 Pa. C.S.A. §6307 et seq.) provides as follows:

- It is a summary offense for a person under the age of 21 to attempt to purchase, consume, possess, or knowingly and intentionally transport any liquor or malt or brewed beverages. The penalty for a first (1st) offense is suspension of driving privileges for ninety (90) days, a fine up to \$300, and imprisonment for up to ninety (90) days; for a second (2nd) offense, suspension of driving privileges for one (1) year, a fine up to \$500, and imprisonment for up to ninety (90) days; and for a subsequent offense, suspension of driving privileges for two (2) years, a fine up to \$500, and imprisonment for up to ninety (90) days. Multiple sentences involving suspension of driving privileges must be served consecutively.
- It is a crime intentionally and knowingly to sell or intentionally and knowingly to furnish or to purchase with the intent to sell or furnish, any liquor or malt or brewed beverages to any minor (under the age of 21) "Furnish" means to supply, give, or provide to, or allow a minor to possess on premises or property owned or controlled by the person charged. The minimum fine for a first (1st) violation is \$1,000; \$2,500 for each subsequent violation; and imprisonment for up to one (1) year for any violation.
- It is a crime for any person under 21 years of age to possess an identification card falsely identifying that person as being 21 years of age or older, or to obtain or attempt to obtain liquor or malt or brewed beverages by using a false identification card. The penalty for a first (1st) offense is suspension of driving privileges for ninety (90) days, a fine up to \$300, and imprisonment for up to ninety (90) days; for a second (2nd) offense, suspension of driving privileges for one (1) year, a fine up to \$500, and imprisonment for up to one (1) year; and for a subsequent offense, suspension of driving privileges for two (2) years, a fine up to \$500, and imprisonment for up to one (1) year.
- It is a crime intentionally, knowingly, or recklessly to manufacture, make, alter, sell, or attempt to sell an identification card falsely representing the identity, birth date, or age of another. The fine is up to \$2,500 for the first (1st) violation; up to \$5,000 for subsequent violations; and imprisonment for up to two (2) years for any violation.
- It is a crime knowingly to misrepresent one's age to obtain liquor. Penalties are as stated in (c) above.
- It is a crime for any person to appear in any public place manifestly under the influence of alcohol to the degree that she/he may endanger herself/ himself or other persons or property, or annoy persons in her/his vicinity. The penalty is a fine up to \$300 and imprisonment for up to ninety (90) days.
- It is a crime knowingly, willfully, and falsely to represent that another is of legal age to obtain liquor or malt or brewed beverages. The penalty is a minimum fine of \$300 and imprisonment for up to one (1) year.
- It is a crime to hire, request, or induce any minor to purchase liquor or malt or brewed beverages. The penalty is a minimum fine of \$300 and imprisonment for up to one (1) year.
- Sales without a license or purchases from an unlicensed source of liquor or malt beverages are prohibited. It is unlawful to possess or transport liquor or alcohol within the commonwealth unless it has been purchased from a Pennsylvania State Liquor Store or in accordance with Liquor Control Board regulations.

**FEDERAL TRAFFICKING PENALTIES**

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life.	Cocaine 5 kilograms or more mixture	First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. 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 bodily 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.
II	Cocaine Base 28-279 grams mixture	Fine of not more than \$5 million if an individual, \$25 million if not an individual.	Cocaine Base 280 grams or more	
IV	Fentanyl 40-399 grams mixture	Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Fentanyl 400 grams or more	
II	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more	
II	Heroin 100-999 grams mixture		Heroin 1 kilogram or more	
II	LSD 1-9 grams mixture		LSD 10 grams or more	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture	PCP 100 grams or more pure or 1 kilogram or more mixture		
Substance/Quantity		Penalty		
Any Amount Of Other Schedule I & II Substances		First Offense: 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 not an individual.		
Any Drug Product Containing Gamma Hydroxybutyric Acid		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				
Any Amount Of Other Schedule III Drugs		First Offense: Not more than 10 yrs. If death or serious bodily 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.		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		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.		
Any Amount Of All Schedule V Drugs		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.		

## Controlled Substances – Uses and Effects

DRUGS CSA SCHEDULES	TRADE OR OTHER NAMES	MEDICAL USES	DEPENDENCE Physical Psychological		TOLER- ANCE	DURATIO N (Hours)	USUAL METHODS OF ADMINIS- TRATION	POSSIBLE EFFECTS	EFFECTS OF OVERDOSE	WITHDRAWAL SYNDROME	
<b>NARCOTICS</b>											
Opium	II III V	Dover's Powder, Paregoric, Parepectolin	Analgesic, Antidiarrheal	High	High	Yes	3-6	Oral, smoked	Euphoria, drowsiness, respiratory depression, constricted pupils, nausea	Slow and shallow breathing, clammy skin, convulsions, coma, possible death	Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating
Morphine	II III	Morphine, MS-Contin, Roxanol, Roxanol-SR	Analgesic, Antitussive	High	High	Yes	3-6	Oral, smoked, injected			
Codeine		Tylenol w/Codeine, Empirin w/Codeine, Robitussin A-C, Fiorinal w/Codeine	Analgesic, Antitussive	Moderate	Moderate	Yes	3-6	Oral, injected			
Heroin	I	Diacetylmorphine, Horse, Smack	None	High	High	Yes	3-6	Injected, sniffed, smoked			
Hydromorphone	II	Dilaudid	Analgesic	High	High	Yes	3-6	Oral, injected			
Meperidine (Pethidine)	II	Demerol, Mepergan	Analgesic	High	High	Yes	3-6	Oral, injected			
Methadone	II	Dolophine, Methadone, Methadose	Analgesic	High	High-Low	Yes	12-24	Oral, injected			
Other Narcotics	II III IV V	Numorphan, Percodan, Percocet, Tylox, Tussionex, Fentanyl, Darvon, Lomotil, Talwin	Analgesic, antidiarrheal, antitussive	High-Low	High-Low	Yes	Variable	Oral, injected			
<b>DEPRESSANTS</b>											
Chloral Hydrate	IV	Noctec	Hypnotic	Moderate	Moderate	Yes	5-8	Oral	Slurred speech, disorientation, drunken behavior without odor of alcohol	Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death	Anxiety, insomnia, tremors, delirium, convulsions, possible death
Barbiturates	II III IV	Amytal, Butisol, Florinal, Lotusate, Nembutal, Seconal, Tuinal, Phenobarbital	Anesthetic, anticonvulsant, sedative, hypnotic, veterinary euthanasic agent	High-Mod.	High-Mod.	Yes	1-16	Oral			
Benzodiazepines	IV	Ativan, Dalmane, Diazepam, Librium, Xanax, Serax, Valium, Tranxex, Verstran, Versed, Halcion, Paxipam, Restoril	Antianxiety, anticonvulsant, sedative, hypnotic	Low	Low	Yes	4-8	Oral			
Methaqualone	I	Quaalude	Sedative, hypnotic	High	High	Yes	4-8	Oral			
Glutethimide	III	Doriden	Sedative, hypnotic	High	Moderate	Yes	4-8	Oral			
Other Depressants	III IV	Equanil, Miltown, Noludar, Placidyl, Valmid	Antianxiety, sedative, hypnotic	Moderate	Moderate	Yes	4-8	Oral			

## Controlled Substances - Uses and Effects

DRUGS CSA SCHEDULES	TRADE OR OTHER NAMES	MEDICAL USES	DEPENDENCE Physical Psychological		TOLER- ANCE	DURAT ION (Hours )	USUAL METHODS OF ADMINIS- TRATION	POSSIBLE EFFECTS	EFFECTS OF OVERDOSE	WITHDRAWA L SYNDROME	
<b>STIMULANTS</b>											
Cocaine <sup>1</sup>	II	Coke, Flake, Snow, Crack	Local anesthetic	Possible	High	Yes	1-2	Sniffed, smoked, injected	Increased alertness, excitation, euphoria, increased pulse rate and blood pressure, insomnia, loss of appetite	Agitation, increase in body temperature, hallucinations, convulsions, possible death	Apathy, long periods of sleep, irritability, depression, disorientation
Amphetamines	II	Biphetamine, Delcobase, Desoxyn, Dexedrine, Obetrol	Attention deficit disorders, narcolepsy, weight control	Possible	High	Yes	2-4	Oral, injected			
Phenmetrazine	II	Preludin	Weight control	Possible	High	Yes	2-4	Oral, injected			
Methylphenidate	II	Ritalin	Attention deficit disorders, narcolepsy	Possible	Moderate	Yes	2-4	Oral, injected			
Other Stimulants	III IV	Adipex, Cylert, Didrex, Ionamin, Mellat, Plagine, Sanorex, Tenuate, Taperul, Prelu-2	Weight control	Possible	High	Yes	2-4	Oral, injected			
<b>HALLUCINOGENS</b>											
LSD	I	Acid, Microdot	None	None	Unknown	Yes	8-12	Oral	Illusions and hallucina- tions, poor perception of time and distance	Longer, more intense "trip" episodes, psychosis, possible death	Withdrawal syndrome not reported
Mescaline and Peyote	I	Mexc, Buttons, Cactus	None	None	Unknown	Yes	8-12	Oral			
Amphetamine Variants	I	2,5-DMA, PMA, STP, MDA, MDMA, TMA, DOM, DOB	None	Unknown	Unknown	Yes	Variabl e	Oral, injected			
Phencyclidine	II	PCP, Angel Dust, Hog	None	Unknown	High	Yes	Days	Smoked, oral, injected			
Phencyclidine Analogues	I	PCE, PCPy, TCP	None	Unknown	High	Yes	Days	Smoked, oral, injected			
Other Hallucinogens	I	Buloterine, Ibogaine, DMT, DET, Psilocybin, Psilocyn	None	None	Unknown	Possible	Variabl e	Smoked, oral, injected, sniffed			
<b>CANNABIS</b>											
Marijuana	I	Pot, Acapulco Gold, Grass, Reefer, Sinsemilla, Thai Sticks	None	Unknown	Moderate	Yes	2-4	Smoked, oral	Euphoria, relaxed inhibitions, increased appetite, disoriented behavior	Fatigue, paranoia, possible psychosis	Insomnia, hyperactivity, and decreased appetite occasionally reported
Tetrahydrocannabinol	I II	THC, Marinol	Cancer chemotherapy, antinauseant	Unknown	Moderate	Yes	2-4	Smoked, oral			
Hashish	I	Hash	None	Unknown	Moderate	Yes	2-4	Smoked, oral			
Hashish Oil	I	Hash Oil	None	Unknown	Moderate	Yes	2-4	Smoked, oral			
<sup>1</sup> Designated a narcotic under the GSA. <sup>2</sup> Not designated a narcotic under the GSA.											