



## Alcohol and Other Drugs

**Policy Type:** Board of Visitors

**Responsible Office:** Wellness Resource Center, Division of Student Affairs, Office of the Provost, Human Resources

**Initial Policy Approved:** 09/1991

**Current Revision Approved:** 03/22/2018

### Policy Statement and Purpose

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The purpose of this policy is to protect the health, safety and welfare of members of the Virginia Commonwealth University community and the public served by the university. VCU recognizes that substance use disorders are treatable medical conditions. As such, this policy balances the need for VCU to support individuals seeking recovery with the safety and health of the entire university population. This policy encourages help-seeking, while also outlining consequences for violation of the community standards for conduct, and specifically standards regarding unauthorized substance use. To support our students and employees, VCU's policy:

- a. Encourages individuals to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- b. Encourages individuals to use the services of qualified professionals in the community to assess the seriousness of substance use disorders and identify appropriate sources of help.
- c. Provides for a current list of qualified community professionals.
- d. Allows the use of accrued paid or unpaid leave for employees while seeking treatment for alcohol and other drug problems.

In accordance with the federal Drug Free Workplace Act of 1988, the federal Drug Free Schools and Communities Act of 1989, and the Commonwealth of Virginia's Policy on Alcohol and Other Drugs (AOD), VCU prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession or use of alcohol and illegal drugs on university property or as part of any university sponsored activity. Any employee or student who violates this policy is subject to disciplinary action up to and including termination of employment or expulsion from the university. In addition, to protect the safety of members of the University community, VCU may refer information related to such violation to appropriate law enforcement officials and/or require satisfactory participation in an appropriate evaluation or rehabilitation program.

In accordance with the law, VCU does not discriminate on the basis of disability in admission, employment or access to its programs and activities and provides reasonable accommodation for individuals with disabilities.

VCU supports an environment free from retaliation. Retaliation against any individual who brings forth a good faith concern, asks a clarifying question, or participates in an investigation is prohibited.

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## Who Should Know This Policy

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All VCU and VCU Health System faculty, staff and students are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

## Definitions

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### **Alcohol**

Any product, including spirits, wine, beer or other containing one-half of one percent or more of alcohol by volume and every consumable liquid or solid containing alcohol, or any products defined as “alcoholic beverages” in Code of Virginia Section 4.1-100 of “The Alcoholic Beverage Control Act”.

### **Conviction (Convicted)**

A finding of guilt or responsibility (including a plea of guilty or nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility of determining violations of federal or state criminal drug laws, alcoholic beverage control laws, or laws that govern driving while intoxicated.

### **Criminal Drug Law**

A criminal law prohibiting the unlawful manufacture, distribution, dispensation, use, or possession of any controlled substance.

**Employee**

Any full- or part-time employee of the university, including, but not limited to, classified, hourly, faculty, health care providers, house staff, adjunct faculty and student workers.

**Illegal Drug**

Any drug that is illegally in the possession of or is illegally being used by a person.

**Recovery**

A process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

**Student**

Any person enrolled at VCU for any type of academic credit or non-credit class (including auditing a class or English Language Program classes) regardless of the length of the student's program of study.

**University Property**

Any property owned, leased, or controlled by Virginia Commonwealth University.

**Workplace**

Any state-owned or -leased property or any site where official duties are being performed by a state employee.

**Contacts** 

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The VCU Wellness Resource Center (The Well) within the Division of Student Affairs officially interprets this policy. The Wellness Resource Center is responsible for obtaining approval for any revisions through the appropriate governance structures. Please direct general policy questions to The Wellness Resource Center at 804-828-9355.

**Policy Specifics and Procedures** 

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**1. Education**

- The Office of the Provost will distribute at least annually in writing to all employees and students this policy, together with information regarding alcohol and other drug counseling, treatment, and rehabilitation programs, descriptions of the health risks associated with alcohol and other commonly abused drugs, and descriptions of applicable legal sanctions under state and federal law for the unlawful possession or distribution of controlled substances, illegal drugs and alcohol.
- The provost-appointed Advisory Committee on Alcohol and Other Drugs will write a biennial report in even years reviewing the program's educational effectiveness and the consistency of enforcement sanctions.

**2. Accessing Support and Treatment for Recovery**

- VCU recognizes that substance use disorders are treatable illnesses. VCU also

- realizes that early intervention and support improve the success of rehabilitation.
- In accordance with the law, VCU does not discriminate on the basis of disability in admission, employment or access to its programs and activities and provides reasonable accommodation for individuals with disabilities. Current illegal drug use is excluded from the definition of disability under the Americans with Disabilities Act (ADA), but drug addiction and alcoholism are covered disabilities. An individual with a disability may include a person who is in or has completed a drug treatment program or has been otherwise rehabilitated and is no longer using drugs. Contact VCU's ADA Coordinator at (804) 828-8532 or [ADAservices@vcu.edu](mailto:ADAservices@vcu.edu).
  - APPENDIX I is updated annually with specific resources at the university and in the surrounding community for employees and students experiencing substance use disorder.
  - Additional procedural assistance for employees:
    - An employee eligible for family and medical leave (FMLA) shall be permitted to take a leave of absence to undergo treatment in an approved alcohol or drug treatment program. A request for leave by an employee who is ineligible for FMLA will be considered on a case by case basis. Regardless of FMLA designation, the leave of absence must be requested prior to:
      - the commission of any act subject to disciplinary action;
      - any alcohol or drug test sample already submitted for testing; or
      - the employee's notification to submit to testing.
    - Retention of the employee may be conditioned upon satisfactory completion of a mutually agreed upon recovery contract which may include inpatient and or outpatient treatment, ongoing therapy, drug testing, recovery meeting attendance, and other conditions as agreed upon.
    - The employee's work activities may be restructured if advisable in the opinion of the immediate supervisor.
    - Treatment for substance disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

### 3. Policy Enforcement for Employees

- Pursuant to the Commonwealth of Virginia Policy on Alcohol and Other Drugs (Department of Human Resources Management Policy 1.05), employees are prohibited from engaging in any of the following acts:
  - The unlawful or unauthorized manufacture, distribution, dispensation, possession or use of alcohol or illegal drugs in the workplace, on university property or as part of any university activity
  - Reporting to or remaining at work impaired by or under the influence of alcohol or illegal drugs
  - Violation of any criminal drug law, based upon conduct occurring either in or outside the workplace
  - Violation of any alcoholic beverage control law or law that governs driving while intoxicated based upon conduct occurring in the

workplace

- Employees are required to report to their supervisors in writing within five calendar days after conviction that they have been convicted of either of the following acts:
  - Violation of any criminal drug law, based upon conduct occurring either in or outside the workplace
  - Violation of any alcoholic beverage control law or law that governs driving while intoxicated based upon conduct occurring in the workplace
- Supervisors are required to immediately report such occurrences to Human Resources, Office of Employee Relations.
- Violation of any of the foregoing prohibitions may subject an employee to disciplinary action including, but not limited to termination or suspension, in accordance with the Commonwealth of Virginia's *Employee Standards of Conduct*, the university's *Rules and Procedures*, the *Faculty Promotion and Tenure Policies and Procedures*, the *University Policy for Administrative and Professional Faculty and Faculty Holding Administrative Appointments*, and/or any other applicable university policies. Convictions for unlawful conduct under local, state, or federal criminal drug laws may result in penalties such as fines, imprisonment, and loss of driver's license.
- As a result of any violation of this policy, an employee may be referred to an appropriate evaluation or rehabilitation program as a condition of continued employment. Satisfactory participation in any such program is to be determined by the appropriate university department or official after consultation with the individual or organization providing the evaluation or rehabilitation.

#### **4. Policy Enforcement for Students**

- Students are prohibited from the unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol or illegal drugs on or off university property or as a part of any university activity. Violation of any of the foregoing prohibitions subjects a student to disciplinary action up to and including expulsion from the university in accordance with university policies, including the *Student Code of Conduct* and applicable Residential Life and Housing policies. In addition, convictions for unlawful conduct under local, state, or federal criminal drug laws may result in penalties such as fines, imprisonment, and loss of driver's license.
- As a result of any violation of this policy, a student may be referred to an appropriate educational, evaluation or rehabilitation program or offered community service, in lieu of suspension or dismissal. Satisfactory participation in any such program is to be determined by the appropriate university official who may consult with the individual or organization providing the evaluation or rehabilitation program, coordinating the community service, and/or conducting the educational program. Participation in any such program may postpone completion of degree requirements.
- When students under the age of 21 are found responsible for violating alcoholic beverage and/or controlled substance laws or policies while on campus or at university activities, VCU may notify their parent or guardian of such violations at the time of the notification, in accordance with the Family Educational Rights and Privacy Act (FERPA).

#### **5. Procedures for University-Sponsored Events Where Alcohol Is Served**

- Students, employees, contractors and guests must conduct themselves in accordance with the laws of the Commonwealth of Virginia and assume full responsibility for their activities while sponsoring or attending university-sponsored events where alcohol is served.
- Sponsors who host or organize a VCU sponsored event where alcohol is served must:
  - Comply with federal law, state law and Virginia ABC regulations
  - In conducting an event, complete the following:
    - Request and complete the Alcohol Authorization Agreement form by emailing [uscaevents@vcu.edu](mailto:uscaevents@vcu.edu).
    - Execute an agreement with a third party vendor with an ABC license setting forth that the vendor is responsible for adhering to applicable laws and regulations. (Obtaining an ABC license rather than using a third party vendor requires special exemption from VP or designee).
    - Pay security costs incurred in connection with the event. For events on property owned or controlled by VCU, VCU Police determine the cost and the level of security required.
    - The event must be in accordance with the Office of Procurement Services Allowable Business Expenditure Chart and utilize only local or private funds to pay for the purchase of alcoholic beverages. There must be a clear business purpose for the function that supports the university's mission and is approved by the appropriate leadership (e.g., chair/director and vice provost/dean/designee). For more information, see <http://procurement.vcu.edu/i-want-to/make-a-purchase/know-what-you-can-and-cannot-buy/allowable-business-expenditure-chart/>.
- University sponsored events held off campus must also follow alcohol laws and regulations, address security issues and follow unit guidelines /purchasing procedures.
- Any publication, advertisement or announcement of any university sponsored event distributed or intended to be distributed primarily to persons under 21 years of age must not mention or depict alcoholic beverages. Distribution of any publication, advertisement or announcement that mentions or depicts alcoholic beverages must be limited primarily to persons 21 years of age or older and such publication, advertisement or announcement must contain a requirement of proof of age and VCU identification.

## Forms

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1. [Event request form](#)
2. Email [uscaevent@vcu.edu](mailto:uscaevent@vcu.edu) for Alcohol Authorization Agreement Form

## Related Documents

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1. Drug-Free Workplace Act of 1988  
<http://www.dol.gov/elaws/asp/drugfree/require.htm>
2. Drug-Free Schools and Communities Act  
<http://www.higheredcompliance.org/resources/resources/dfscr-hec-2006-manual.pdf>

3. Commonwealth of Virginia Policy on Alcohol and Other Drugs  
[http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/assets/pol1\\_05alcoholanddrugsummary.pdf?sfvrsn=2](http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/assets/pol1_05alcoholanddrugsummary.pdf?sfvrsn=2)
4. Virginia Alcohol Beverage Control Act  
<https://vacode.org/2016/4.1/>
5. VCU Policy: [Family and Medical Leave](#)
6. VCU Policy: [Accessibility and Reasonable Accommodation for Individuals with Disabilities](#)
7. Employee Standards of Conduct  
[http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1\\_60.pdf?sfvrsn=2](http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1_60.pdf?sfvrsn=2)
8. VCU Policy: [Rules and Procedures](#)
9. VCU Policy: [Faculty Promotion and Tenure Policies and Procedures](#)
10. VCU Policy: [Administrative and Professional Faculty and Faculty Holding Administrative Appointments](#)
11. VCU Policy: [Student Code of Conduct](#)
12. 20 U.S.C. § 1145g. Drug and alcohol abuse prevention  
<https://www.gpo.gov/fdsys/granule/USCODE-1997-title20/USCODE-1997-title20-chap28-subchapXII-sec1145g>
13. Complying with the Drug-Free Schools and Campuses Regulations [EDGAR Part 86]: A Guide for University and College Administrators  
<http://www.higheredcompliance.org/resources/resources/dfscr-hec-2006-manual.pdf>
14. Part 86 of the Education Department General Administrative Regulations (EDGAR)  
<https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>
15. [Policy for Residence Hall Students](#)
16. [Procedures for Parental Notification](#)

## Revision History

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This policy supersedes the following archived policies:

Initial Approval: 9/1991

Revised and Approved, 11/10/1999

*VCU Alcohol and Drug Policy*

*VCU Alcohol and Drug Policy*

## FAQ

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### **1. I'm a faculty or staff member who is concerned about my own use of alcohol or other drugs, who can I contact?**

The employer-sponsored health plans at VCU include an Employee Assistance Program (EAP) for covered employees and their families. An EAP is a confidential information, support, and referral service offering tools and resources designed to help maximize productivity and meet the challenges of modern life.

The EAP offers up to four visits at no cost to you or members of your household for counseling in such areas as mental health, substance abuse, work and family issues, and financial or legal matters. Additional visits may be covered by co-pays.

In general, care must be authorized in advance. You or your eligible dependent will speak confidentially to an EAP specialist who will assess you and coordinate assistance. Should you require mental health or substance abuse care, you will be referred to a provider, under your mental health and substance abuse benefit. Your EAP specialist or care manager will arrange a referral according to your specific needs. Contact your plan's Member Services department for more information.

For additional information on the specific plans and services provided, please visit:  
<http://www.dhrm.virginia.gov/employeeprograms/employeeassistance>

An employee without employer-sponsored health care may contact a Human Resource Employee Relations specialist for confidential assistance or directly contact your personal insurance provider directly using the mental health services number on the back of your insurance card. Confidential consultation with the Collegiate Recovery Program coordinator and/or University Counseling Services may also be a helpful resource. Email [recovery@vcu.edu](mailto:recovery@vcu.edu) or call 804-828-1264.

### **2. I'm a student who is concerned about my use of alcohol or other drugs, who do I contact?**

Students concerned with their alcohol or other drug use can explore these options:

- [Recovery & Community Support](#) - Rams in Recovery ([recovery@vcu.edu](mailto:recovery@vcu.edu) or 804-828-1264)
- [Substance Use Assessment & Education](#) – Substance Use Education Office (804-828-9355)
- [Individual Counseling](#) - University Counseling Center (804-828-6200 or 804-828-3964)
- [Free online self-assessment with immediate anonymous feedback](#)

### **3. I'm worried about a friend or family member, where can I get more information and support to deal with substance use disorder?**

For Employees: Explore treatment options with confidential help from a Human Resource Employee Relations specialist or referral to appropriate resources (e.g. EAP) or to the university's Employee Health Services physician. An employee or their family member may directly contact the EAP if eligible. You can



also contact your insurance provider directly using the mental health services number on the back of your insurance card.

For Students: Confidential support and resources are also available through [Rams in Recovery](#) [recovery@vcu.edu](mailto:recovery@vcu.edu) or 804-828-1264. The College Behavioral and Emotional Health Institute and Rams in Recovery also run an education program for families, which meets Thursdays at 6:30 pm at 563 Southlake Blvd. Email [recovery@vcu.edu](mailto:recovery@vcu.edu) or visit: <http://cobe.vcu.edu/families/> for more information.

#### **4. What is an allowable expense for alcohol at university functions on or off campus?**

An allowable expense for alcohol must have a clear business purpose for the function that supports the university's mission. See: [http://procurement.vcu.edu/i-want-to-make-a-purchase/know-what-you-can-and-cannot-buy/allowable-business-expenditure-chart/#.Upyp12Tk\\_r8](http://procurement.vcu.edu/i-want-to-make-a-purchase/know-what-you-can-and-cannot-buy/allowable-business-expenditure-chart/#.Upyp12Tk_r8)

#### **5. How do I have an event with alcohol properly authorized?**

Download and complete the Alcohol Authorization Agreement Form. To receive the required alcohol authorization form and for any questions, please email [uscaevent@vcu.edu](mailto:uscaevent@vcu.edu).

## APPENDIX I: University and Community Resources for Alcohol and Other Drugs

An annually updated resource list is provided below:

### I. UNIVERSITY RESOURCES FOR SUBSTANCE USE DISORDERS

#### A. For Staff/Faculty

##### **Employee Assistance Program (or other health care provider)**

Refer to <http://www.dhrm.virginia.gov/employeeprograms/employeeassistance> for links to options provided through state employee health care plans. If not covered by the state employee health benefits program, please contact your personal health care company for EAP options.

##### **Employee Health Services – 804-828-0584**

Resource and referral to employee assistance providers and community resources.

##### **Human Resources Employee Relations Office- 804-828-1510**

Resource and referral information

#### B. For Students

**Rams in Recovery –** Peer driven recovery support for students in recovery, referral to resources for students. Supports include study space, recovery meetings, peer monitoring, events and activities. Email [recovery@vcu.edu](mailto:recovery@vcu.edu), 804-828-1264.

**University Counseling Services –** 804-828-6200 (Monroe Park Campus), 804-828-3964 (MCV Campus)

- o Assessment, counseling, and referral services (Call 804-828-5069 for more information)
- o Consultation is available for other members of the university community and family who are concerned about a student.

**University Student Health Services –** 804-828-8828 (Monroe Park Campus), 804-828-9220 (MCV Campus), assessment education and referral information for students regarding the health effects of substance use and abuse.

##### **Wellness Resource Center – 804-828-9355**

Provides connection to resources for students both within VCU and in the broader community. Call for more information about support for recovering students.

### II. STUDENT DISABILITY ACCOMMODATION

To ensure access to its programs and services, VCU provides academic and other reasonable accommodations to students with disabilities, which may include disabilities related to substance use. For more information about services, required medical documentation, and to register with the office on your academic campus, contact the appropriate office below.

Disability Support Services (Monroe Park Campus), 804-828-2253

Division for Academic Success (MCV Campus), 804-828-9782

### III. EDUCATIONAL PROGRAMS

Credit and non-credit educational offerings are available to all members of the university community in the area of alcohol and other drug issues.

#### **Wellness Resource Center** – 804-828-9355

Provides several different types of educational programs for students and faculty

- [www.thewell.vcu.edu](http://www.thewell.vcu.edu)
- Free online self-assessment with immediate anonymous feedback at website
- Free alcohol drug education class which includes a three hour online module hosted on VCU's Blackboard platform followed by a 30 minute individual motivational enhancement session with a health educator or a clinician from University Counseling Services. This class, called [Pathways to Choices](#), is accepted by local courts for minor alcohol/drug infractions.
- Group education sessions available by calling or by submitting a request online
- Hosts events for “Rams in Recovery”
  - Individual meetings to enhance motivation for changing substance use
  - Referral to other resources

#### **University Counseling Center** – 804-828-6200

- Collaborates with The Well to provide Pathways to Choices, an alcohol drug education program.
- Provides individual and group therapy for students with substance use disorders, or students looking to change their substance use patterns.

#### **Disability Support Services** – 804-828-1944

- Facilitates accommodations for students with substance use disorders.

### IV. MUTUAL AID ORGANIZATIONS

Community groups based on non-professional mutual support offer individual sponsorship, group meetings, and membership to anyone interested in dealing with substance abuse problems. Check local phone listings for help. Several 12-step groups meet on campus. See local website for details.

**Alcoholics Anonymous (AA)**

[www.aarichmond.org](http://www.aarichmond.org)

**AlAnon Family Groups**

[www.alanonrichmondva.org](http://www.alanonrichmondva.org)

**Narcotics Anonymous (NA)**

[www.usrecovery.info/NA/Virginia.htm](http://www.usrecovery.info/NA/Virginia.htm)

**SMART Recovery**

[www.smartrecovery.org](http://www.smartrecovery.org)

**Refuge Recovery**

[refugerecovery.org](http://refugerecovery.org)

**Families Anonymous**

[familiesanonymous.org](http://familiesanonymous.org)

**Nar-Anon Family Group**

[nar-anon.org](http://nar-anon.org)

## APPENDIX II: Health Effects of Alcohol and Other Drugs

Below is a list of health effects for major categories of drugs:

**Alcohol** - Alcohol acts as a central nervous system depressant. Its initial effects include altered perception, judgment, motor coordination and abstract thinking/cognitive impairment. Continued use of alcohol results in physical and psychological dependence marked by increased tolerance, memory blackouts and the experience of withdrawal symptoms. The disease of alcoholism progresses in stages from an individual's early use, to being preoccupied with alcohol, to failing in controlling alcohol use, on to eventual loss of control and continued use despite negative consequences. Statistics show that alcohol use is involved in a majority of violent behaviors on university campuses including acquaintance rape, vandalism and assaults.

**Amphetamines** - Users experience euphoria, abundant energy, and decreased need for sleep. Other signs and symptoms may include irregular heartbeat, rapid breathing, irritability, anxiousness, restlessness, panic, paranoia, aggression and impulsive behavior.

**Anabolic Steroids** - Health effects may include high blood pressure, blood clotting, cholesterol changes, liver cysts and cancer, kidney cancer, hostility and aggression, acne; in adolescents, premature stoppage of growth; in males, prostate cancer, reduced sperm production, shrunken testicles, breast enlargement; in females, menstrual irregularities, abnormal hair growth.

**Cannabis (Marijuana)** - The user experiences slowed thinking and reaction time, time distortion, confusion, impaired balance and coordination, and impaired judgment.

**Cocaine** - The user experiences feelings of exhilaration, energy, increased mental alertness, rapid or irregular heartbeat, reduced appetite and weight loss. Users often have a stuffy, runny nose and nosebleeds. Immediate effects include dilated pupils, elevated blood pressure, heart rate, respiratory rate and body temperature. Withdrawal symptoms include strong cravings, depression, alterations in sleep patterns. Crack, the free-base use of cocaine, can produce hallucinations, blurred vision, chest pains, convulsions and even death.

**Designer Drugs:** These are chemically altered compounds, many of which are now illegal in Virginia including synthetic cannabinoids (e.g. spice), synthetic stimulants (e.g. bath salts) and other research chemicals. Please access NIDA (National Institute on Drug Abuse) website for further information on these and other substances of abuse at [www.drugabuse.gov](http://www.drugabuse.gov).

**GHB (Gammahydroxybutyrate)** – In low doses, GHB can cause euphoria. At higher doses it can cause electrolyte imbalance, decreased respiration, slow heart rate, vomiting, low blood pressure, confusion, unconsciousness, coma, and death.

**Hallucinogens** – Hallucinogens such as Lysergic Acid Diethylamide (LSD), mescaline, and psilocybin cause altered states of perception and feeling including delusions, hallucinations and illusions including body and time distortion. Physical effects include fever, rapid heartbeat, elevated blood pressure, blurred vision, and flushed face. Mood can range from euphoria to panic and depression.

**Heroin** - The opiate effect of heroin diminishes the sense of pain, inducing euphoria, drowsiness, and

confusion. Overdose results in death from stopping breathing.

**Inhalants** - Solvents (paint thinners, gasoline, glues, butane, propane aerosol propellants, nitrous oxides) produce stimulation, loss of inhibition, slurred speech, and loss of motor coordination. Inhalants can lead to negative health effects after both short term and long term use.

**Ketamine** - The user experiences increased heart rate and blood pressure, problems with control of movements, memory loss, numbness and nausea/vomiting. The user is at high risk for slowed breathing that may lead to brain damage or death.

**MDMA (Ecstasy)** - Methylenedioxyamphetamine produces mild hallucinogenic effects, amphetamine-like stimulation, and increased touch sensitivity. An increase in display of affection to others may occur.

**PCP** - Since Phencyclidine is relatively inexpensive, it is often used to enhance the effects of other drugs such as LSD, cannabis or cocaine. PCP users seek an altered state of bizarre perceptions, confusion, disorientation, impaired judgment and often delirium. Behavioral changes may range from hyperactivity to catatonic states.

## **APPENDIX III: Selected Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance**

Selected federal penalties are listed by code below. The following is a general summary or illustration of penalties that are likely for commission of a federal drug crime. The following is not intended as a substitute for sound, personalized legal advice.

For complete, current and accurate information regarding penalties, reference the code sections 21 U.S.C. 841 and following, which can be found on the Food and Drug Administration's website at <http://www.fda.gov/RegulatoryInformation/Legislation/ucm148726.htm#cntlsbd> (subject to updates by that agency).

Penalties include both civil and criminal and imprisonment for terms up to one year and minimum fines of \$1,000 for lesser offenses like simple possession. Penalties may also include imprisonment for 20 years to life imprisonment and fines up to \$10,000,000 or more for greater offenses.

### **21 U.S.C. 862**

Provides for forfeiture of federal benefits, defined as the issuance of any grant, contract, loan, professional license or commercial license provided by an agency of the United States or by appropriated funds of the United States but not any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility).

### **21 U.S.C. 881(a)(4)**

Provides for forfeiture of vehicles, boats, aircraft or any other conveyance used or intended for use to transport, conceal or facilitate possession of a controlled substance.

### **21 U.S.C. 881(a)(7)**

Provides for forfeiture of land, houses or buildings used to commit or to facilitate commitment of a violation of controlled substance laws that carry a penalty of more than 1 year imprisonment.

### **21 U.S.C. 860**

Provides enhanced penalties for distributing, or possessing with intent to distribute, or manufacturing a controlled substance in, on, or within 1000 feet of a public or private university, school, playground and other locations. The penalties generally include punishment and fine that is twice the maximum amount authorized in 21U.S.C. 841(b).

## **APPENDIX IV: Virginia Laws Pertaining to the Unlawful Possession or Distribution of Controlled Substances, Illegal Drugs and Alcohol**

The following is not intended as a substitute for sound, personalized legal advice. A summary of pertinent VA laws are listed below:

### **ALCOHOL**

Virginia's Alcoholic Beverage Control Act contains a variety of laws governing the possession, use and consumption of alcoholic beverages. The Act applies to students and employees of this institution. As required by the Federal Drug-Free Schools and Communities Act of 1989, some selected pertinent laws, including sanctions for their violation, are summarized below.

1. It is unlawful for any person under age 21 to consume, purchase or possess any alcoholic beverage. Violation of the law is a Class 1 misdemeanor, for which the punishment is confinement in jail for up to twelve months and a fine of at least \$500 or a minimum of 50 hours of community service. In addition, such person's Virginia driver's license shall be suspended for a period of six months to one year.
2. It is unlawful for any person to sell alcoholic beverages to persons under the age of 21 years of age. Violation of the law exposes the violator to a Class 1 misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and fine up to \$2,500, either or both.
3. It is unlawful for any person to purchase alcoholic beverages for another when he knows or has reason to know that the person for whom the alcohol is purchased is under age 21. The criminal sanction for violation of the law is the same as #2 above. In addition, a violator shall have his or her license suspended for a period of not more than one year.
4. It is unlawful for any person to consume alcoholic beverages in unlicensed public places. A violation of the law is a misdemeanor for which the punishment is a fine up to \$250.
5. It is unlawful for any person under the age of 21 to use or attempt to use an altered or fictitious I.D. to purchase alcoholic beverages. Violators are subject to the same punishment as #1 above.
6. It is unlawful for any person under 21 to operate any motor vehicle after illegally consuming alcohol. Violation of the law is a misdemeanor for which the punishment is forfeiture of driver's license for one year and a fine of at least \$500 or a minimum of 50 hours of community service.

### **CONTROLLED SUBSTANCES AND ILLEGAL DRUGS**

The unlawful possession, distribution, and use of controlled substances and illegal drugs, as defined by the Virginia Drug Control Act, are prohibited in Virginia. Controlled substances are classified under the Act into "schedules", ranging from Schedule I through Schedule VI, as defined in sections 54.1-3446 through 54.1-3456 of the Code of Virginia (1950), as amended. As required by the Federal Drug-Free Schools and Communities Act of 1989, some of the pertinent laws, including sanctions for their violation, are summarized below.

1. Possession of a controlled substance classified in Schedules I or II of the Drug Control Act, upon conviction, exposes the violator to a felony conviction for which the punishment is a term of imprisonment ranging from one to ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for up to twelve months and a fine up to \$2,500, either or both.
2. Possession of a controlled substance classified in Schedule III of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and a fine up to \$2,500, either or both.
3. Possession of a controlled substance classified in Schedule IV of the Drug Control Act, upon conviction,

exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to six months and a fine up to \$1,000, either or both.

4. Possession of a controlled substance classified in Schedule V of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is a fine up to \$500.
5. Possession of a controlled substance classified in Schedule VI of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is a fine up to \$250.
6. Possession of a controlled substance classified in Schedules I or II of the Drug Control Act with the intent to sell or otherwise distribute, upon conviction, exposes the violator to a felony conviction for which the punishment is a term of imprisonment from five to forty years and a fine up to \$500,000. Upon a second conviction, the violator must be imprisoned for not less than five years but may suffer life imprisonment, and fined up to \$500,000. For a third or subsequent offense, a mandatory minimum sentence of ten years is imposed.
7. Possession of a controlled substance classified in Schedules III, IV, or V of the Drug Control Act with the intent to sell or otherwise distribute, upon conviction, exposes the violator to the possible following punishments. For Schedule III, the violator is exposed to a felony conviction with a term of imprisonment of one to ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for up to twelve months and a fine up to \$2,500, either or both. For Schedule IV, the violator is exposed to a felony with a term of imprisonment from one to five years or in the discretion of the jury or the court trying the case without a jury, the violator can be confined in jail for up to 12 months and a fine not more than \$2,500, either or both. For Schedule V or VI, the violator is exposed to a misdemeanor conviction for which the punishment is confinement in jail for up to 12 months and a fine up to \$2,500, either or both.
8. Conviction for possession of anabolic steroids with intent to distribute carries a mandatory minimum jail term of 6 months.
9. Possession of marijuana, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to thirty days and a fine up to \$500, either or both. Upon a second conviction, punishment is confinement in jail for up to 12 months and a fine up to \$2,500, either or both.
10. Possession of less than one-half ounce of marijuana with intent to sell or otherwise distribute, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to 12 months and a fine up to \$2,500, either or both. If the amount of marijuana involved is more than one-half ounce to five pounds, the crime is a felony with a sanction of imprisonment from one to ten years, or in the discretion of the jury or the court trying the case without jury, confinement in jail for up to 12 months and a fine up to \$2,500, either or both. If the amount of marijuana involved is more than five pounds, the crime is a felony with a sanction of imprisonment from five to thirty years.