

## **DRUG AND ALCOHOL-FREE CAMPUS PROGRAM**

Inver Hills Community College

### **Goals of Alcohol and Other Drug Program**

The Alcohol and Other Drug (AOD) program at IHCC strives to eliminate the illegal or abusive use of alcohol and other drugs by students and employees, and to minimize to the greatest extent possible the harmful effects of alcohol and other drugs on users as well as those impacted by the user's actions. The goal is to heighten student awareness of the problems created by both legal and illegal alcohol and substance abuse. This is accomplished through ongoing education efforts utilizing multiple didactic strategies and modes of communication. Emphasis is placed on students and employees assuming responsibility for their own actions.

In addition to the educational goals, the college's AOD program also incorporates a proactive referral system. Students and employees are referred for appropriate diagnosis treatment and follow-up in a timely and confidential manner. Doing so promotes the concept that education and health care intervention are crucial in the fight against alcohol and drug abuse.

Another goal of the program is comprehensive communication and uniform enforcement of policies. Students or employees who violate college policies, state or federal laws are subject to well-defined college procedures which are implemented consistently and fairly.

### **AOD Program Elements**

#### **Distribution of Policy and Related Printed Materials**

- Information about the AOD Program and policy is distributed and discussed during the required new student orientation. The policy is also included in the College Policies section of the college catalog. The policy is also posted on the IHCC website at <https://www.inverhills.edu/Policies/index.aspx>
- The AOD program and policy information is dispersed annually through the Student Bulletin campus newsletter.
- The AOD program and policy information is communicated annually by the Chief Human Resources Officer to all employees through an "Official" email communication. Human Resources staff provides a brochure on the program to employees at new employee orientation.
- In addition to the college's drug and alcohol policy, the presence of alcohol and drugs on campus is also prohibited by the IHCC Student Code of Conduct. Violation of the following would constitute grounds for disciplinary action: "The use, sale, possession or presence on campus of alcoholic beverages or controlled substances or the state of being under the influence of alcohol or a controlled substance on college-controlled property or at college-sponsored functions where the use of such substances would be illegal". The Code of Conduct is disseminated to all entering students at new student orientation and is also posted on the IHCC website at <https://www.inverhills.edu/Policies/index.aspx>

## Referral Resources

- IHCC is one of only a handful of MNSCU institutions that operates a Health Service staffed by a nurse with prior certification as a chemical dependency counselor. The Health Service also contracts with a physician who has extensive experience in substance abuse issues and who can provide timely assessment and referral if indicated. Referrals of students and employees to appropriate community agencies for AOD issues are handled in a confidential manner by Health Service staff. The IHCC physician is certified to provide court ordered drug and alcohol dependency evaluations. The IHCC Nurse provides follow up services as needed. Students and employees can access local alcohol and drug addiction resources from a link on the Health Service website <https://www.inverhills.edu/CampusResources/HealthService/index.aspx>
- Students and employees are encouraged to refer themselves and others to AOD resources in the community. Online resources addressing alcohol and drug abuse concerns are available through the Inver Hills Health Service office and website. Instructors routinely refer students to the IHCC Counseling Center, which has master-degreed counselors who are also trained in AOD issues. Counselors provide referral services to community agencies when indicated.
- Human Resources and supervisors refer employees who have, or about whom there is a drug or alcohol use concern, to the Employee Assistance Program (EAP), and the employee's own health plan if they are insurance-eligible. Drug/alcohol treatment qualifies for Family Medical Leave use.
- A student Behavior Intervention Team (BIT) exists on campus and meets bi-weekly. The BIT will investigate referrals and coordinate Inver Hills Community College's resources to address the needs of students who are exhibiting persistent or significant behavioral disturbances in order to recommend collaborative and purposeful interventions aimed at helping students achieve success. The BIT process is also designed to provide members of the College community, who have concerns regarding students' behavior, with an easily-accessible avenue to report these concerns.

## Educational Programming

- IHCC offers a one credit Alcohol and College Life course. This course offers a practical guide for how to succeed socially and academically in a society that accepts alcohol use as a normal social behavior.
- IHCC offers a three credit course, Health 1130, *Drug Use/Abuse*, every Fall and Spring Semester. The course focuses on ways that all types of drugs affect the human body, especially the nervous system. Various treatment therapies and strategies to prevent drug/alcohol abuse are discussed. The course is offered in on campus and online formats.
- IHCC has a comprehensive Student Life program that offers a wide range of programming for students. As part of the annual Health Fair held on campus each spring, community providers from the local police department and the MN Safety Council provide information and referral resources to students. "Drunk Goggle" and other interactive displays educated students about the physical effects of inebriation and the dangers of abuse.

- The college nurse is frequently invited by faculty teaching specific courses (Health, Human Services, College Success Strategies) to give classroom presentations on healthy lifestyles, including alcohol and drug abuse topics.
- While not an illicit drug, tobacco use among IHCC students has been an ongoing concern. In August, 2011, Inver Hills Community College revised its tobacco policies and became a smoke-free campus. The Health Service provided referrals for students seeking smoking cessation, as well as physician-related services such as prescriptions and counseling for some. The Health Service annually promotes the Kick Butts Campaign in partnership with Dakota County Public Health and provides written literature on the health risks of smoking. In the past, IHCC received a grant to purchase a carbon monoxide Smokerlyzer system and other educational materials to augment its formal smoking cessation program. Skills acquired in managing tobacco abuse are related to other types of substance abuse that students and employees may be encountering.

### Resources for Assistance

In its commitment to provide a healthy and responsible campus environment, IHCC offers the following resources:

- College Counseling Department (for students) 651-450-3508
- College Human Resources Office (for employees) 651-450-3670.
- College Health Services 651-450-3524
- State Employee Assistance Program 651-296-0765.

In addition to campus resources, contact the Counseling, Advising and Career Planning Office for a current listing of local resources and treatment centers. Comprehensive sources of alcohol and drug treatment programs may be found at:

- [Alcoholics Anonymous](#)
- [National Institute on Alcohol Abuse and Alcoholism](#)
- [National Institute on Drug Abuse](#)
- [Substance Abuse Treatment Facility Locator](#)

### **Procedures for Policy Violations**

#### Students

Individuals with specific information about a student violation of the policy are encouraged to report the information to a Student Affairs administrator. Students who violate the drug and alcohol-free campus policy are also in violation of the IHCC Student Code of Conduct. If an instructor or other college employee believes a student has violated these policies, the student is immediately referred to the Dean of Students. The Dean of Students provides the student with hard copies of the IHCC Code of Conduct, formal disciplinary process, and a listing of Minnesota and federal penalties and sanctions for the violation of alcohol and drug laws.

After meeting with the student, Dean of Students determines whether to (1) initiate a formal investigation of the charge by the institution; (2) refer the matter to local law enforcement authorities; and/or (3) issue a sanction in accordance with the violation. Sanctions include, but are not limited to, warning, restitution, probation, suspension, mandated course withdrawal, expulsion, counseling or referral.

If necessary, the Dean of Students initiates the college's formal judicial process, in which the case is heard by a committee of students and faculty. The college judicial process also includes a provision for Summary Suspension, if a student's actions indicate that their continued presence on campus poses a danger to persons or property.

### Employees

Individuals with specific information about an employee violation of the policy are encouraged to report the information to an Inver Hills supervisor or the Human Resources Director. Supervisors who suspect drug and alcohol issues with staff should discuss the situation with Director of Human Resources. Employees are required to notify their supervisor when taking medications which may result in an inability to perform job duties. Employees who are found to be in violation of the policies are subject to the appropriate disciplinary action under the applicable bargaining unit agreement.

### External Sanctions

Students and employees are formally notified that sanctions imposed under college policies do not diminish or replace the penalties available under generally applicable civil or criminal laws. Students and employees are reminded that many alcohol and other drug-related violations may also violate various state and federal laws.

### **Drug and Alcohol Policy Links**

[Drug and Alcohol-Free Campus Policy and Program](#)

[Student Code of Conduct](#)

[MnSCU Policy 5.18 Alcoholic Beverages or Controlled Substances on Campus](#)

[MnSCU Procedure 5.18.1 Alcoholic Beverages or Controlled Substances on Campus](#)

[MnSCU Procedure 1C.0.1 Employee Code of Conduct](#)

[State of Minnesota Policy on Alcohol and Other Drug Use by State Employees](#)

**Inver Hills Community College  
Drug and Alcohol-Free  
Campus Policy and Statement**

**Minnesota State Colleges and Universities  
Board Policies**

**Chapter 5 – Administration**

**5.18 Alcoholic Beverages or Controlled Substances on Campus**

**Part 1. Policy Statement.** It is the policy of the Board of Trustees that any college or university using alcohol and/or controlled substances will do so only in accordance with this policy.

**Part 2. Use or Possession of Alcohol and Controlled Substances at Minnesota State Colleges and Universities and System Office.**

**Subpart A. Compliance with Federal Law.** In order to comply with Federal law, including, but not limited to, the Drug-Free Schools and Communities Act (34 CFR Part 86), the Drug-Free Workplace Act (34 CFR Part 85) and the Campus Security Act, the Minnesota State Colleges and Universities and the system office will adopt and implement a policy which is designed to prevent abuse of alcohol and the use of controlled substances.

**Subpart B. Compliance with State Law.** Minnesota State Colleges and Universities prohibit unlawful use, possession, production, manufacture, and distribution of alcohol and other drugs and controlled substances.

**Subpart C. Policy.** Except as provided in this policy, the possession, use, sale or distribution of alcoholic beverages and 3.2% malt liquor at Minnesota State Colleges and Universities and institution-sponsored events on or off campus is prohibited.

**Subpart D. Exception for Instructional Purposes.** Use of alcohol in laboratory and classroom instruction/experiments is not prohibited.

**Part 3. Responsibilities.** The chancellor for the system office and the president for the college or university are delegated authority to approve use of alcohol at specific special events on campus or college or university sponsored events off campus. Approval shall be consistent with the system office or campus drug and alcohol policy and with system procedures. The procedures shall address the following: compliance with local ordinances and state law relating to sale, possession or consumption of alcohol; providing adequate dram shop/public liability insurance; and any other matters deemed necessary by the chancellor.

**Part 4. Accountability/Reporting.** Records regarding approval of the use of alcohol at specific events shall be maintained by the college or university in accordance with approved records retention schedules.

## **APPENDIX 1**

### **Effects of Alcohol**

#### **Alcohol Effects**

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

**Inver Hills Community College  
Drug and Alcohol-Free  
Campus Policy and Statement**

**APPENDIX 2**

**Health Risks Associated with the Use of Illicit Drugs and Alcohol**

<b>Drugs</b>	<b>Physical Dependence</b>	<b>Psychological Dependence</b>	<b>Possible Effects</b>	<b>Effects of Overdose</b>	<b>Withdrawal Syndrome</b>
<b>Narcotics</b>					
<b>Heroin</b>	High	High	<ul style="list-style-type: none"> <li>• Euphoria</li> <li>• Drowsiness</li> <li>• Respiratory depression</li> <li>• Constricted pupils</li> <li>• Nausea</li> </ul>	<ul style="list-style-type: none"> <li>• Slow and shallow breathing</li> <li>• Clammy skin</li> <li>• Convulsions</li> <li>• Coma</li> <li>• Possible death</li> </ul>	<ul style="list-style-type: none"> <li>• Yawning</li> <li>• Loss of appetite</li> <li>• Irritability</li> <li>• Tremors</li> <li>• Panic</li> <li>• Cramps</li> <li>• Nausea</li> <li>• Runny nose</li> <li>• Chills and sweating</li> <li>• Watery eyes</li> </ul>
<b>Morphine</b>	High	High			
<b>Codeine</b>	Moderate	Moderate			
<b>Hydrocodone</b>	High	High			
<b>Hydromorphone</b>	High	High			
<b>Oxycodone</b>	High	High			
<b>Methadon and LAAM</b>	High	High			
<b>Fentanyl and Analogs</b>	High	High			
<b>Other Narcotics</b>	High-Low	High-Low			
<b>Depressants</b>					
<b>Chloral Hydrate</b>	Moderate	Moderate	<ul style="list-style-type: none"> <li>• Slurred speech</li> <li>• Disorientation</li> <li>• Drunken behavior without odor of alcohol</li> </ul>	<ul style="list-style-type: none"> <li>• Shallow respiration</li> <li>• Clammy skin</li> <li>• Dilated pupils</li> <li>• Weak and rapid pulse</li> <li>• Coma</li> <li>• Possible death</li> </ul>	<ul style="list-style-type: none"> <li>• Anxiety</li> <li>• Insomnia</li> <li>• Tremors</li> <li>• Delirium</li> <li>• Convulsions</li> <li>• Possible death</li> </ul>
<b>Barbiturates</b>	High-Moderate	High-Moderate			
<b>Benzodiazepines</b>	Low	Low			
<b>Glutethimide</b>	High	Moderate			
<b>Other Depressants</b>	Moderate	Moderate			

APPENDIX 2 (cont.)

Health Risks Associated with the Use of Illicit Drugs and Alcohol

Drugs	Physical Dependence	Psychological Dependence	Possible Effects	Effects of Overdose	Withdrawal Syndrome
<b>Stimulants</b>					
Cocaine	Possible	High	• Increased alertness	• Agitation	• Apathy
Amphetamine/ Methamphetamine	Possible	High	• Euphoria • Increased pulse rate and blood pressure • Excitation	• Increased body temperature • Hallucinations • Convulsions	• Long periods of sleep • Irritability • Depression
Methylphenidate	Possible	High	• Insomnia	• Possible death	• Disorientation
Other Stimulants	Possible	High	• Loss of appetite		
<b>Cannabis</b>					
Marijuana	Unknown	Moderate	• Euphoria • Relaxed inhibitions	• Fatigue • Paranoia	• Occasional reports of insomnia
Tetrahydrocannabinol	Unknown	Moderate	• Increased appetite	• Possible Psychosis	• Hyperactivity
Hashish and Hashish Oil	Unknown	Moderate	• Disorientation		• Decreased appetite
<b>Hallucinogens</b>					
LSD	None	Unknown	• Illusions and hallucinations	• Longer	• Unknown
Mescaline and Peyote	None	Unknown	• Altered perception of time & distance	• More intense "trip" episodes	
Amphetamine Variants	Unknown	Unknown		• Psychosis	
Phencyclidine & Analogs	Unknown	High		• Possible death	
Other Hallucinogens	None	Unknown			
<b>Anabolic Steroids</b>					
Testosterone (Cypionate, Enanthate)	Unknown	Unknown	• Virilization • Acne	• Unknown	• Possible depression
Nandrolone (Decanoate, Phenpropionate)	Unknown	Unknown	• Testicular atrophy • Gynecomastia • Aggressive behavior		
Oxymetholone	Unknown	Unknown	• Edema		



**Inver Hills Community College  
Drug and Alcohol-Free  
Campus Policy and Statement**

**APPENDIX 3**

**Federal Penalties and Sanctions for Illegal Trafficking and Possession of a Controlled Substance**

Federal Trafficking Penalties  
January 1,1996)

(As of

<b>Controlled Substances Act Schedule*</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>Quantity</b>	<b>Drug</b>	<b>Quantity</b>	<b>1st Offense</b>	<b>2nd Offense</b>
<b>I and II</b>	<ul style="list-style-type: none"> <li>• Not less than 5 years. Not more than 40 years</li> <li>• If death or serious injury, not less than 20 years or more than life</li> <li>• Fine of not more than \$2 million individual, \$5 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 10 years. Not more than life</li> <li>• If death or serious injury, not less than life</li> <li>• Fine of not more than \$4 million individual, \$10 million other than individual</li> </ul>	10-99 gm pure or 100-999 gm mixture	Methamphetamine	100gm or more pure of 1 kg or more mixture	<ul style="list-style-type: none"> <li>• Not less than 10 years. Not more than life</li> <li>• If death or serious injury not less than 20 years or more than life</li> <li>• Fine of not more than \$4 million individual, \$10 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 20 years. Not more than life</li> <li>• If death or serious injury, no less than life</li> <li>• Fine of not more than \$8 million individual, \$20 million other than individual</li> </ul>
			100-999 gm mixture	Heroin	1 kg or more mixture		
			500-4.999 gm mixture	Cocaine	5 kg or more mixture		
			5-49 gm mixture	Cocaine Base	50 gm or more mixture		
			10-99 gm pure or 100-999 gm mixture	PCP	100 gm or more pure or 1 kg or more mixture		
			1-9 gm mixture	LSD	10 gm or more mixture		
			40-399 gm mixture	Fentanyl	400 gm or more mixture		
10-99 gm mixture	Fentanyl Analogue	100 gm or more mixture					

\*The Controlled Substances Act (1970) places all substances regulated under federal law into one of five schedules based on the substance's medical use, potential for abuse, and safety or dependence liability.

**APPENDIX 3 (cont.)**

**Federal Penalties and Sanctions for Illegal Trafficking and Possession of a Controlled Substance**

Federal Trafficking Penalties  
1996)

(As of January 1,

<b>Controlled Substances Act Schedule</b>	<b>Drug</b>	<b>Quantity</b>	<b>1st Offence</b>	<b>2nd Offence</b>
<b>1 and 11</b>	Others (law does not include marijuana, hashish, or hash oil)	Any	<ul style="list-style-type: none"> <li>• Not more than 20 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine \$1 million individual, \$5 million not individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 30 years</li> <li>• If death or serious injury, life</li> <li>• Fine \$2 million individual, \$10 million not individual</li> </ul>
<b>III</b>	All (included in Schedule III are anabolic steroids, codeine and hydrocodone with aspirin or Tylenol®, and some barbiturates)	Any	<ul style="list-style-type: none"> <li>• Not more than 5 years</li> <li>• Fine not more than \$250,000 individual, \$1 million not individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years</li> <li>• Fine not more than \$500,000 individual, \$2 million not individual</li> </ul>
<b>IV</b>	All (included in Schedule IV are Darvon®, Talwin®, Equanil®, Valium®, and Xanax®)	Any	<ul style="list-style-type: none"> <li>• Not more than 3 years</li> <li>• Fine not more than \$250,000 individual, \$1 million not individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 6 years</li> <li>• Fine not more than \$500,000 individual, \$2 million not individual</li> </ul>
<b>V</b>	All (over-the-counter cough medicines with codeine are classified in Schedule V)	Any	<ul style="list-style-type: none"> <li>• Not more than 1 year</li> <li>• Fine not more than \$100,000 individual, \$250,000 not individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 2 years</li> <li>• Fine not more than \$200,000 individual, \$500,000 not individual</li> </ul>

**APPENDIX 3 (cont.)**

**Federal Penalties and Sanctions for Illegal Trafficking and Possession of a Controlled Substance**

Federal Trafficking Penalties - Marijuana (includes hashish and hashish oil)  
1996)

(as of January 1,

Description	Quantity	1st Offence	2nd Offence
<b>Marijuana</b>	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life</li> <li>• If death or serious Injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$4 million individual, \$10 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 20 years, not more than life</li> <li>• If death or serious injury, not more than life</li> <li>• Fine not more than \$8 million individual, \$20 million other than individual</li> </ul>
<b>Marijuana</b>	100 kg to 999 kg mixture; or 100-999 plants	<ul style="list-style-type: none"> <li>• Not less than 5 years, not more than 40 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$2 million individual, \$5 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life</li> <li>• If death or serious injury, not more than life</li> <li>• Fine not more than \$4 million individual, \$10 million other than individual</li> </ul>
<b>Marijuana</b>	50 to 99 kg mixture ----- 50 to 99 plants	<ul style="list-style-type: none"> <li>• Not more than 20 years</li> <li>• If death or serious Injury, not less than 20 years, not more than life</li> <li>• Fine \$1 million individual, \$5 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 30 years</li> <li>• If death or serious injury, not more than life</li> <li>• Fine \$2 million individual, \$10 million other than individual</li> </ul>
<b>Marijuana</b>	Less than 50 kg mixture	<ul style="list-style-type: none"> <li>• Not more than 5 years</li> <li>• Fine not more than \$250,000, \$1 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years</li> <li>• Fine \$500,000 individual, \$2 million other than individual</li> </ul>
<b>Hashish</b>	10 kg or more		
<b>Hashish Oil</b>	1 kg or more		

**APPENDIX 3 (cont.)**

**Federal Penalties and Sanctions for Illegal Trafficking and Possession of Controlled Substance**

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

21 U.S.C. 844 (a)

1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provision for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both, if:

(a) 1st conviction and the amount of crack possessed exceeds 5 grams.

(b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams.

(c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853 (a) (2) and 881 (a) (7)

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack)

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

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844a

Civil fine of up to \$10,000 (pending adoption of final regulations).

21 U.S.C. 853a

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922(g)

Ineligible to receive or purchase a firearm.

Miscellaneous

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

*Note: These are only Federal penalties & sanctions. Additional State penalties & sanctions may apply.*

**Inver Hills Community College  
Drug and Alcohol-Free  
Campus Policy and Statement**

**APPENDIX 4**

**Minnesota State Penalties and Sanctions for Illegal Trafficking and Possession of  
Controlled Substance**

**152.021 CONTROLLED SUBSTANCE CRIME IN THE FIRST DEGREE.**

<https://www.revisor.mn.gov/statutes/?id=152.021>

**152.022 CONTROLLED SUBSTANCE CRIME IN THE SECOND DEGREE.**

<https://www.revisor.mn.gov/statutes/?id=152.022>

**152.023 CONTROLLED SUBSTANCE CRIME IN THE THIRD DEGREE.**

<https://www.revisor.mn.gov/statutes/?id=152.023>

**152.024 CONTROLLED SUBSTANCE CRIME IN THE FOURTH DEGREE.**

<https://www.revisor.mn.gov/statutes/?id=152.024>

**152.025 CONTROLLED SUBSTANCE CRIME IN THE FIFTH DEGREE.**

<https://www.revisor.mn.gov/statutes/?id=152.025>

**Inver Hills Community College  
Drug and Alcohol-Free  
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## **APPENDIX 5**

### **DEA Controlled Substance Schedule Criteria.**

#### **Schedule I drugs**

Findings required:

- *The drug or other substance has a high potential for abuse.*
- *The drug or other substance has no currently accepted medical use in treatment in the United States.*
- *There is a lack of accepted safety for use of the drug or other substance under medical supervision.*

No prescriptions may be written for Schedule I substances, and such substances are subject to production quotas by the DEA.

Under the DEA's interpretation of the CSA, a drug does not necessarily have to have the same abuse potential as heroin or cocaine to merit placement in Schedule I (in fact, cocaine is currently a Schedule II drug due to limited medical use):

*When it comes to a drug that is currently listed in schedule I, if it is undisputed that such drug has no currently accepted medical use in treatment in the United States and a lack of accepted safety for use under medical supervision, and it is further undisputed that the drug has at least some potential for abuse sufficient to warrant control under the CSA, the drug must remain in schedule I. In such circumstances, placement of the drug in schedules II through V would conflict with the CSA since such drug would not meet the criterion of "a currently accepted medical use in treatment in the United States." 21 USC 812(b).*

Sentences for first-time, non-violent offenders convicted of trafficking in Schedule I drugs can easily turn into de facto life sentences when multiple sales are prosecuted in one proceeding. Sentences for violent offenders are much higher.

#### **Schedule II drugs**

Findings required:

- *The drug or other substance has a high potential for abuse.*
- *The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.*
- *Abuse of the drug or other substances may lead to severe psychological or physical dependence.*

These drugs are only available by prescription, and distribution is carefully controlled and monitored by the DEA. Oral prescriptions are allowed, except that the prescription is limited to 30 days worth of doses, although exceptions are made for cancer patients, burn victims, etc. No refills are allowed. Also, Schedule II drugs are subject to production quotas set by the DEA.

### **Schedule III drugs**

Findings required:

- *The drug or other substance has a potential for abuse less than the drugs or other substances in schedules I and II.*
- *The drug or other substance has a currently accepted medical use in treatment in the United States.*
- *Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.*

These drugs are available only by prescription, though control of wholesale distribution is somewhat less stringent than Schedule II drugs. Prescriptions for Schedule III drugs may be refilled up to five times within a six month period.

### **Schedule IV drugs**

Findings required:

- *The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule III.*
- *The drug or other substance has a currently accepted medical use in treatment in the United States.*
- *Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule III.*

Control measures are similar to Schedule III. Prescriptions for Schedule IV drugs may be refilled up to five times within a six month period.

### **Schedule V drugs**

Findings required:

- *The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule IV.*
- *The drug or other substance has a currently accepted medical use in treatment in the United States.*
- *Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule IV.*

Schedule V drugs are sometimes available without a prescription.

## Controlled Substance Crimes

Minnesota Statutes dealing with penalties for crimes of possession or sale of controlled substances are also very complex. The following information is provided as guidance for the understanding of controlled substance crimes and penalties, but should in no case be construed as legal advice. Readers are referred to Minnesota Statutes, Chapter 152. Those needing legal counsel regarding controlled substance crimes are urged to consult an attorney.

Minnesota has a system of classification of crimes involving the sale or possession of controlled substances. Depending on the type of controlled substance, the amount of controlled substance, and other factors, crimes may be classified as controlled substance crimes in the first through fifth degrees.

An example of a controlled substance crime in the first degree would be possession of one or more mixtures of a total weight of 25 grams or more containing cocaine, heroin, or methamphetamine. The penalty for such a violation could be imprisonment for not more than 30 years, a fine of not more than \$1 million, or both.

Controlled substance crimes in the second degree include the sale of any amount of a Schedule I or II narcotic drug to a person under the age of 18, or the possession of one or more mixtures of a total weight of 50 grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine. The penalty for such violations could be imprisonment for not more than 25 years, a fine of not more than \$500,000, or both.

Examples of controlled substance crimes in the third degree include selling one or more mixtures containing a narcotic drug, or possessing any amount of a schedule I or II narcotic drug or five or more dosage units of LSD in a school zone, a park zone, a public housing zone or a drug treatment facility. The penalty for controlled substance crimes in the third degree could be imprisonment for not more than 20 years, a fine of not more than \$250,000, or both.

Selling any amount of marijuana or tetrahydrocannabinols in a school zone, a park zone, a public housing zone, or a drug treatment facility is an example of a controlled substance crime in the fourth degree, as is possession of 10 or more dosage units of one or more mixtures containing phencyclidine or hallucinogen. The penalty for these violations could be imprisonment for not more than 15 years, a fine of not more than \$100,000, or both.

Controlled substance crimes in the fifth degree include selling one or more mixtures containing marijuana or tetrahydrocannabinols, or possessing one or more mixtures containing a controlled substance classified in schedule I, II, III, or IV, except a small amount of marijuana. Penalty for these violations could be imprisonment for not more than five years, a fine of not more than \$10,000, or both.

The sale or possession of schedule V controlled substances could result in a penalty of imprisonment for not more than one year, a fine of not more than \$3,000, or both.

A person who unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully possesses a small amount of marijuana is guilty of a petty misdemeanor punishable by a fine of up to \$200 and participation in a drug education program, unless the court enters a written finding that a drug education program is inappropriate.

*Students should also know that convictions for selling or possessing illegal drugs may make them ineligible to receive federal financial aid.*