

Sutter County Career Training Center

DRUG AND ALCOHOL PREVENTION PROGRAM

NOTICE TO STUDENTS AND EMPLOYEES

Sutter County Career Training Center has established a Drug and Alcohol-Free Awareness Program (DAFAP). The DAFAP encompasses the following four phases:

PHASE ONE

WARNING OF THE DANGERS OF DRUG AND ALCOHOL ABUSE:

Drug and alcohol use impairs memory, alertness and achievement. It erodes the capacity to perform, think and act responsibly and can sometimes lead to death. It may be grounds for termination of your enrollment with the institution or other legal action. SCHEDULE A specifically details the Uses and Effects as it relates to drug and alcohol.

PHASE TWO

THIS INSTITUTION HAS A POLICY OF MAINTAINING A DRUG AND ALCOHOL-FREE LEARNING ENVIRONMENT

All students and employees are hereby notified that the unlawful manufacture, distribution, dispensing, possession or use of illicit drugs and alcohol is prohibited in the institution's learning environment. Any student or employee must notify the institution of any criminal drug and alcohol statute conviction for a violation occurring in the learning environment no later than five days after such conviction. In compliance with the Drug-Free Workplace Act of 1988, the institutions "workplace" consists of the following locations:

Sutter County Career Training Center (939 Live Oak Blvd., Yuba City, CA 95991 or, any teaching site, or any "off-site" location (i.e. field trips, job placement or externship site, luncheons, meetings, etc.) where the activities are in any way related to the institution.

PHASE THREE

LISTING OF THE AVAILABLE LOCAL DRUG COUNSELING, REHABILITATION AND ASSISTANCE PROGRAMS:

Please refer to SCHEDULE B.

PHASE FOUR

NON-COMPLIANCE WITH THE TERMS OF THIS INSTITUTION'S DRUG-FREE WORKPLACE STATEMENT

Non-compliance will result in one of the following actions being taken by this institution depending on the severity of the violation.

- a. The student or employee would be required to actively participate in a drug or alcohol abuse assistance or rehabilitation program approved by federal, state or local health, law enforcement or other appropriate agency. Attached SCHEDULE C contains a description of the applicable legal sanctions under local, State, and Federal law for unlawful possession, use, or distribution of illicit drugs and alcohol.
- b. Community service with one of the above stated agencies.
- c. Termination of enrollment or employment.

Sutter County Career Training Center will conduct a biennial review of the campus drug and alcohol abuse prevention program to determine its effectiveness and implement changes to the program if they are needed; and ensure that its disciplinary sanctions are consistently enforced.

Drug Violations

Students, who are convicted of a drug violation, must report the conviction to the Director and will be dismissed. Sutter County Career Training Center reserves the right not to re-enter students dismissed from Sutter County Career Training Center due to a drug conviction.

SCHEDULE A DRUG AND ALCOHOL USES AND EFFECTS

Drug	Short-Term Effects	Long-Term Effects of Heavy Use	Effects of Use During Pregnancy	Dependency: Phys.	Psych.
Alcohol	<p>Depressed central nervous system</p> <p>Impeded attention and memory</p> <p>Impaired judgment</p> <p>Impaired vision, other senses and coordination</p> <p>Irregular or poor sleep</p> <p>Impaired driving</p> <p>High doses can result in unconsciousness and death</p>	<p>Damage to liver, heart, pancreas</p> <p>Irritation of gastrointestinal system</p> <p>High blood pressure</p> <p>Oral cancer</p> <p>Malnutrition and nutritional deficiencies</p> <p>Lowered resistance to disease</p>	<p>Can cause severe damage to developing fetus, resulting in: fetal alcohol syndrome (permanent organ damage, mental retardation, heart defects, behavioral problems, facial and/or limb irregularities, etc.)</p>	Yes	Yes
<p>Depressants:</p> <p>Common names: blues (amobarbital); yellow jackets (pentobarbital); purple hearts (phenobarbital); reds (secobarbital); rainbows (secobarbital-amobarbital combinations)</p>	<p>Depressed central nervous system</p> <p>Mildly impaired coordination</p> <p>Impaired judgment and short-term memory</p> <p>Impaired driving</p> <p>Reduced anxiety, lethargy</p> <p>Can control seizures</p> <p>High doses can cause irregular breathing, impaired reflexes, coma, and death</p>	<p>Disturbed sleep, chronic fatigue</p> <p>Anxiety, restlessness, depression</p> <p>Slower reflexes and impaired coordination</p> <p>Reduced sex drive, impotence</p> <p>Menstrual irregularities</p> <p>Hostility, mood swings</p> <p>Cross-tolerance to other depressants</p>	<p>Can harm the developing fetus causing: physical dependence at birth, possible birth defects such as cleft lip and palate, growth deficiencies, heart defects.</p>	Yes	Yes
<p>Hallucinogens:</p> <p>Some common types: LSD, Ecstasy, PCP, STP, mushrooms (psilocybin), etc.</p>	<p>Some of these are synthetic substances that are often much more potent than the drugs they are designed to mimic, and may contain impurities that can be hazardous to health</p> <p>Changes in perception, mood, thought and brain function</p> <p>Loss of judgment</p> <p>Disorientation, mild confusion or hallucinations</p> <p>Visual disturbances</p> <p>Increased heart rate, blood pressure and body temperature</p> <p>Nausea, vomiting and abdominal discomfort.</p> <p>High doses of some hallucinogens can cause death (e.g., MDA, PMA)</p>	<p>LSD could precipitate severe psychotic episodes</p> <p>Flashbacks can reoccur spontaneously</p>	<p>Little is known about the effects of hallucinogens during pregnancy. It is safest for women planning to become pregnant, or who are pregnant or breast-feeding, not to use hallucinogens.</p>	No	No

Drug	Short-Term Effects	Long-Term Effects of Heavy Use	Effects of Use During Pregnancy	Dependency:	
				Phys.	Psych.
Opiates: Names: heroin, codeine, morphine, Demerol, Darvon	Impaired driving Higher doses can cause drowsiness, sedation, dizziness, euphoria Some have a stimulating effect with increased heart rate, blood pressure, tremors, seizures Very high doses can cause decreased heart rate and blood pressure, muscle constriction, cyanosis, and death	Impaired vision Chronic constipation Higher risk of pulmonary complications Mood swings Needle use can lead to abscesses, collapsed veins, infections	Use can harm the developing fetus and cause: higher risk for premature birth, miscarriage, stillbirth, infant mental retardation, impaired coordination, infection, severe infant withdrawal symptoms.	Yes	Yes
Marijuana: Common names: pot, hashish, grass, weed, etc.	Has same effects as depressants, stimulants and hallucinogens Impaired judgment, short-term memory and intellectual performance Reddening of eyes Sensory distortion, Impaired coordination, drowsiness Impaired driving Can aggravate pre-existing heart problems, mental health problems	Respiratory damage Impairment of memory and concentration Can interfere with physical, psychological, social development of young users	Daily use can cause problems in the developing fetus, but the extent of these is not fully known. Animal studies suggest higher risk for miscarriage, premature birth, lower birth weight, birth defects.	Possible	Yes
Stimulants: Common Names: speed, diet pills, meth, crank, crystal, cocaine, crack, etc.	Increased alertness, energy Impaired driving Impaired judgment Increased breathing, heart rate, heart palpitations Anxiety, restlessness, hostility, paranoia, confusion Visual and auditory hallucinations Overdose leading to death can occur	Severe anxiety, paranoia Impaired coordination, tremors High blood pressure Malnutrition Chronic sleeplessness Damage to internal organs(brain, heart, lung, liver, kidneys) Chronic use can lead to death	Can cause damage to the developing fetus including: abnormalities of the brain, eyes, palate, heart, urogenital organs, and liver	Yes	Yes

SCHEDULE B

DRUG COUNSELING, REHABILITATION, AND ASSISTANCE PROGRAMS

Sutter/Yuba Counties

<p>Sutter-Yuba Behavioral Health 1965 Live Oak Blvd. Yuba City, CA 94992 (530) 822-7200 www.suttercounty.org</p>	<p>Pathways Drug and Alcohol Treatment 2 Ninth Street Marysville, California 95901 (530) 742-6670 DUI Program, Prevention & Operations 430 Teegarden Avenue, Yuba City, CA 95991, 530-674-4530 www.yspathways.net</p>
<p>Aegis Medical Systems, Inc. Narcotic Treatment Program. 201 D Street, Suite G Marysville, California 95901 (530) 742-7747 pinnacle-treatment.com</p>	<p>Addiction Treatment Svc. Inc. Narcotic treatment program 1496 North Beale Rd. Marysville, California 95901 (530) 749-8640 www.americanhealthservices.org/marysville-california.html</p>

SCHEDULE C

FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE

Schedule C

FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE

As published on the DEA website. Refer to the website for the most up-to date penalties and sanctions <https://www.deadiversion.usdoj.gov/21cfr/21usc/>

Title 21 United States Code (USC) Controlled Substances Act

SUBCHAPTER I – CONTROL AND ENFORCEMENT

Part D – Offenses and Penalties

§841. Prohibited acts A

(a) Unlawful acts

Except as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally—

(1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or

(2) to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance.

(b) Penalties

Except as otherwise provided in section 849, 859, 860, or 861 of this title, any person who violates subsection (a) of this section shall be sentenced as follows:

(1)(A) In the case of a violation of subsection (a) of this section involving—

(i) 1 kilogram or more of a mixture or substance containing a detectable amount of heroin;

(ii) 5 kilograms or more of a mixture or substance containing a detectable amount of—

(I) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(II) cocaine, its salts, optical and geometric isomers, and salts of isomers;

(III) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

(IV) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subclauses (I) through (III);

(iii) 280 grams or more of a mixture or substance described in clause (ii) which contains cocaine base;

(iv) 100 grams or more of phencyclidine (PCP) or 1 kilogram or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(v) 10 grams or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(vi) 400 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N- [1- (2-phenylethyl) -4-piperidiny] propanamide or 100 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] propanamide;

(vii) 1000 kilograms or more of a mixture or substance containing a detectable amount of marijuana, or 1,000 or more marijuana plants regardless of weight; or

(viii) 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers;

such person shall be sentenced to a term of imprisonment which may not be less than 10 years or more than life and if death or serious bodily injury results from the use of such substance shall be not less than 20 years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$10,000,000 if the defendant is an individual or \$50,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 20 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$20,000,000 if the defendant is an individual or \$75,000,000 if the defendant is other than an individual, or both. If any person commits a violation of this subparagraph or of section 849, 859, 860, or 861 of this title after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. Notwithstanding section 3583 of title 18, any sentence

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under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 5 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 10 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this subparagraph. No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein.

(B) In the case of a violation of subsection (a) of this section involving—

(i) 100 grams or more of a mixture or substance containing a detectable amount of heroin;

(ii) 500 grams or more of a mixture or substance containing a detectable amount of—

(I) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(II) cocaine, its salts, optical and geometric isomers, and salts of isomers;

(III) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

(IV) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subclauses (I) through (III);

(iii) 28 grams or more of a mixture or substance described in clause (ii) which contains cocaine base;

(iv) 10 grams or more of phencyclidine (PCP) or 100 grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(v) 1 gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(vi) 40 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N- [1- (2-phenylethyl) -4-piperidiny] propanamide or 10 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] propanamide;

(vii) 100 kilograms or more of a mixture or substance containing a detectable amount of marihuana, or 100 or more marihuana plants regardless of weight; or

(viii) 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers;

such person shall be sentenced to a term of imprisonment which may not be less than 5 years and not more than 40 years and if death or serious bodily injury results from the use of such substance shall be not less than 20 years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$5,000,000 if the defendant is an individual or \$25,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 10 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$8,000,000 if the defendant is an individual or \$50,000,000 if the defendant is other than an individual, or both. Notwithstanding section 3583 of title 18, any sentence imposed under this subparagraph shall, in the absence of such a prior conviction, include a term of supervised release of at least 4 years in addition to such term of imprisonment and shall, if there was such a prior conviction, include a term of supervised release of at least 8 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this subparagraph. No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein.

(C) In the case of a controlled substance in schedule I or II, gamma hydroxybutyric acid (including when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Hillary J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000), or 1 gram of flunitrazepam, except as provided in subparagraphs (A), (B), and (D), such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not less than twenty years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$1,000,000 if the defendant is an individual or \$5,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 30 years and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$2,000,000 if the defendant is an individual or \$10,000,000 if the defendant is other than an individual, or both. Notwithstanding section 3583 of title 18, any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 3 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 6 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the provisions of this subparagraph which provide for a mandatory term of imprisonment if death or serious bodily injury results, nor shall a person so sentenced be eligible for parole during the term of such a sentence.

(D) In the case of less than 50 kilograms of marihuana, except in the case of 50 or more marihuana plants regardless of weight, 10 kilograms of hashish, or one kilogram of hashish oil, such person shall, except as provided in paragraphs (4) and (5) of this subsection, be sentenced to a term of imprisonment of not more than 5 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 10 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$500,000 if the defendant is an individual or \$2,000,000 if the defendant is other than an individual, or both. Notwithstanding section 3583 of title 18, any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 4 years in addition to such term of imprisonment.

(E)(i) Except as provided in subparagraphs (C) and (D), in the case of any controlled substance in schedule III, such person shall be sentenced to a term of imprisonment of not more than 10 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 15 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$500,000 if the defendant is an individual or \$2,500,000 if the defendant is other than an individual, or both.

(ii) If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 30 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$1,000,000 if the defendant is an individual or \$5,000,000 if the defendant is other than an individual, or both.

(iii) Any sentence imposing a term of imprisonment under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 4 years in addition to such term of imprisonment.

(2) In the case of a controlled substance in schedule IV, such person shall be sentenced to a term of imprisonment of not more than 5 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 10 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$500,000 if the defendant is an individual or \$2,000,000 if the defendant is other than an individual, or both. Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least one year in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment.

(3) In the case of a controlled substance in schedule V, such person shall be sentenced to a term of imprisonment of not more than one year, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$100,000 if the defendant is an individual or \$250,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 4 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$200,000 if the defendant is an individual or \$500,000 if the defendant is other than an individual, or both. Any sentence imposing a term of imprisonment under this paragraph may, if there was a prior conviction, impose a term of supervised release of not more than 1 year, in addition to such term of imprisonment.

(4) Notwithstanding paragraph (1)(D) of this subsection, any person who violates subsection (a) of this section by distributing a small amount of marihuana for no remuneration shall be treated as provided in section 844 of this title and section 3607 of title 18.

(5) Any person who violates subsection (a) of this section by cultivating or manufacturing a controlled substance on Federal property shall be imprisoned as provided in this subsection and shall be fined any amount not to exceed—

- (A) the amount authorized in accordance with this section;
 - (B) the amount authorized in accordance with the provisions of title 18;
 - (C) \$500,000 if the defendant is an individual; or
 - (D) \$1,000,000 if the defendant is other than an individual;
- or both.

(6) Any person who violates subsection (a) of this section, or attempts to do so, and knowingly or intentionally uses a poison, chemical, or other hazardous substance on Federal land, and, by such use—

- (A) creates a serious hazard to humans, wildlife, or domestic animals,
- (B) degrades or harms the environment or natural resources, or
- (C) pollutes an aquifer, spring, stream, river, or body of water,

shall be fined in accordance with title 18 or imprisoned not more than five years, or both.

(7) Penalties for distribution.—

(A) In general.—Whoever, with intent to commit a crime of violence, as defined in section 16 of title 18 (including rape), against an individual, violates subsection (a) of this section by distributing a controlled substance or controlled substance analogue to that individual without that individual's knowledge, shall be imprisoned not more than 20 years and fined in accordance with title 18.

(B) Definition.—For purposes of this paragraph, the term "without that individual's knowledge" means that the individual is unaware that a substance with the ability to alter that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual.

(c) Offenses involving listed chemicals

Any person who knowingly or intentionally—

(1) possesses a listed chemical with intent to manufacture a controlled substance except as authorized by this subchapter;

(2) possesses or distributes a listed chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to manufacture a controlled substance except as authorized by this subchapter; or

(3) with the intent of causing the evasion of the recordkeeping or reporting requirements of section 830 of this title, or the regulations issued under that section, receives or distributes a reportable amount of any listed chemical in units small enough so that the making of records or filing of reports under that section is not required;

shall be fined in accordance with title 18 or imprisoned not more than 20 years in the case of a violation of paragraph (1) or (2) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (2) involving a list I chemical, or both.

(d) Boobytraps on Federal property; penalties; "boobytrap" defined

(1) Any person who assembles, maintains, places, or causes to be placed a boobytrap on Federal property where a controlled substance is being manufactured, distributed, or dispensed shall be sentenced to a term of imprisonment for not more than 10 years or fined under title 18, or both.

(2) If any person commits such a violation after 1 or more prior convictions for an offense punishable under this subsection, such person shall be sentenced to a term of imprisonment of not more than 20 years or fined under title 18, or both.

(3) For the purposes of this subsection, the term "boobytrap" means any concealed or camouflaged device designed to cause bodily injury when triggered by any action of any unsuspecting person making contact with the device. Such term includes guns, ammunition, or explosive devices attached to trip wires or other triggering mechanisms, sharpened stakes, and lines or wires with hooks attached.

(e) Ten-year injunction as additional penalty

In addition to any other applicable penalty, any person convicted of a felony violation of this section relating to the receipt, distribution, manufacture, exportation, or importation of a listed chemical may be enjoined from engaging in any transaction involving a listed chemical for not more than ten years.

(f) Wrongful distribution or possession of listed chemicals

(1) Whoever knowingly distributes a listed chemical in violation of this subchapter (other than in violation of a recordkeeping or reporting requirement of section 830 of this title) shall, except to the extent that paragraph (12), (13), or (14) of section 842(a) of this title applies, be fined under title 18 or imprisoned not more than 5 years, or both.

(2) Whoever possesses any listed chemical, with knowledge that the recordkeeping or reporting requirements of section 830 of this title have not been adhered to, if, after such knowledge is acquired, such person does not take immediate steps to remedy the violation shall be fined under title 18 or imprisoned not more than one year, or both.

(g) Internet sales of date rape drugs

(1) Whoever knowingly uses the Internet to distribute a date rape drug to any person, knowing or with reasonable cause to believe that—

(A) the drug would be used in the commission of criminal sexual conduct; or

(B) the person is not an authorized purchaser;

shall be fined under this subchapter or imprisoned not more than 20 years, or both.

(2) As used in this subsection:

(A) The term "date rape drug" means—

(i) gamma hydroxybutyric acid (GHB) or any controlled substance analogue of GHB, including gamma butyrolactone (GBL) or 1,4-butanediol;

(ii) ketamine;

(iii) flunitrazepam; or

(iv) any substance which the Attorney General designates, pursuant to the rulemaking procedures prescribed by section 553 of title 5, to be used in committing rape or sexual assault.

The Attorney General is authorized to remove any substance from the list of date rape drugs pursuant to the same rulemaking authority.

(B) The term "authorized purchaser" means any of the following persons, provided such person has acquired the controlled substance in accordance with this chapter:

(i) A person with a valid prescription that is issued for a legitimate medical purpose in the usual course of professional practice that is based upon a qualifying medical relationship by a practitioner registered by the Attorney General. A "qualifying medical relationship" means a medical relationship that exists when the practitioner has conducted at least 1 medical evaluation with the authorized purchaser in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health \1\ professionals. The preceding sentence shall not be construed to imply that 1 medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice.

\1\ So in original. Probably should be "health".

(ii) Any practitioner or other registrant who is otherwise authorized by their registration to dispense, procure, purchase, manufacture, transfer, distribute, import, or export the substance under this chapter.

(iii) A person or entity providing documentation that establishes the name, address, and business of the person or entity and which provides a legitimate purpose for using any "date rape drug" for which a prescription is not required.

(3) The Attorney General is authorized to promulgate regulations for record-keeping and reporting by persons handling 1,4-butanediol in order to implement and enforce the provisions of this section. Any record or report required by such regulations shall be considered a record or report required under this chapter.

(h) Offenses involving dispensing of controlled substances by means of the Internet

(1) In general

It shall be unlawful for any person to knowingly or intentionally—

(A) deliver, distribute, or dispense a controlled substance by means of the Internet, except as authorized by this subchapter; or

(B) aid or abet (as such terms are used in section 2 of title 18) any activity described in subparagraph (A) that is not authorized by this subchapter.

(2) Examples

Examples of activities that violate paragraph (1) include, but are not limited to, knowingly or intentionally—

(A) delivering, distributing, or dispensing a controlled substance by means of the Internet by an online pharmacy that is not validly registered with a modification authorizing such activity as required by section 823(f) of this title (unless exempt from such registration);

(B) writing a prescription for a controlled substance for the purpose of delivery, distribution, or dispensation by means of the Internet in violation of section 829(e) of the title;

(C) serving as an agent, intermediary, or other entity that causes the Internet to be used to bring together a buyer and seller to engage in the dispensing of a controlled substance in a manner not authorized by sections \2\ 823(f) or 829(e) of this title;

\2\ So in original. Probably should be "section".

(D) offering to fill a prescription for a controlled substance based solely on a consumer's completion of an online medical questionnaire; and

(E) making a material false, fictitious, or fraudulent statement or representation in a notification or declaration under subsection (d) or (e), respectively, of section 831 of this title.

(3) Inapplicability

(A) This subsection does not apply to—

(i) the delivery, distribution, or dispensation of controlled substances by nonpractitioners to the extent authorized by their registration under this subchapter;

(ii) the placement on the Internet of material that merely advocates the use of a controlled substance or includes pricing information without attempting to propose or facilitate an actual transaction involving a controlled substance; or

(iii) except as provided in subparagraph (B), any activity that is limited to—

(I) the provision of a telecommunications service, or of an Internet access service or Internet information location tool (as those terms are defined in section 231 of title 47); or

(II) the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication, without selection or alteration of the content of the communication, except that deletion of a particular communication or material made by another person in a manner consistent with section 230(c) of title 47 shall not constitute such selection or alteration of the content of the communication.

(B) The exceptions under subclauses (I) and (II) of subparagraph (A)(iii) shall not apply to a person acting in concert with a person who violates paragraph (1).

(4) Knowing or intentional violation

Any person who knowingly or intentionally violates this subsection shall be sentenced in accordance with subsection (b).

Title 21 United States Code (USC) Controlled Substances Act

SUBCHAPTER I — CONTROL AND ENFORCEMENT

Part D — Offenses and Penalties

§853. Criminal forfeitures

(a) Property subject to criminal forfeiture

Any person convicted of a violation of this subchapter or subchapter II of this chapter punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law—

(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;

(2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and

(3) in the case of a person convicted of engaging in a continuing criminal enterprise in violation of section 848 of this title, the person shall forfeit, in addition to any property described in paragraph (1) or (2), any of his interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this subchapter or subchapter II of this chapter, that the person forfeit to the United States all property described in this subsection. In lieu of a fine otherwise authorized by this part, a defendant who derives profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds.

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SUBCHAPTER I — CONTROL AND ENFORCEMENT

Part D — Offenses and Penalties

§844. Penalties for simple possession

(a) Unlawful acts; penalties

It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this subchapter or subchapter II of this chapter. It shall be unlawful for any person knowingly or intentionally to possess any list I chemical obtained pursuant to or under authority of a registration issued to that person under section 823 of this title or section 958 of this title if that registration has been revoked or suspended, if that registration has expired, or if the registrant has ceased to do business in the manner contemplated by his registration. It shall be unlawful for any person to knowingly or intentionally purchase at retail during a 30 day period more than 9 grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base in a scheduled listed chemical product, except that, of such 9 grams, not more than 7.5 grams may be imported by means of shipping through any private or commercial carrier or the Postal Service. Any person who violates this subsection may be sentenced to a term of imprisonment of not more than 1 year, and shall be fined a minimum of \$1,000, or both, except that if he commits such offense after a prior conviction under this subchapter or subchapter II of this chapter, or a prior conviction for any drug, narcotic, or chemical offense chargeable under the law of any State, has become final, he shall be sentenced to a term of imprisonment for not less than 15 days but not more than 2 years, and shall be fined a minimum of \$2,500, except, further, that if he commits such offense after two or more prior convictions under this subchapter or subchapter II of this chapter, or two or more prior convictions for any drug, narcotic, or chemical offense chargeable under the law of any State, or a combination of two or more such offenses have become final, he shall be sentenced to a term of imprisonment for not less than 90 days but not more than 3 years, and shall be fined a minimum of \$5,000. Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section, or both. The imposition or execution of a minimum sentence required to be imposed under this subsection shall not be suspended or deferred. Further, upon conviction, a person who violates this subsection shall be fined the reasonable costs of the investigation and prosecution of the offense, including the costs of prosecution of an offense as defined in sections 1918 and 1920 of title 28, except that this sentence shall not apply and a fine under this section need not be imposed if the court determines under the provision of title 18 that the defendant lacks the ability to pay.

(b) Repealed. Pub. L. 98-473, title II, §219(a), Oct. 12, 1984, 98 Stat. 2027

(c) "Drug, narcotic, or chemical offense" defined

As used in this section, the term "drug, narcotic, or chemical offense" means any offense which proscribes the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell or transfer any substance the possession of which is prohibited under this subchapter.

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SUBCHAPTER I — CONTROL AND ENFORCEMENT

Part D — Offenses and Penalties

§858. Endangering human life while illegally manufacturing controlled substance

Whoever, while manufacturing a controlled substance in violation of this subchapter, or attempting to do so, or transporting or causing to be transported materials, including chemicals, to do so, creates a substantial

risk of harm to human life shall be fined in accordance with title 18 or imprisoned not more than 10 years, or both.

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SUBCHAPTER I — CONTROL AND ENFORCEMENT

Part D — Offenses and Penalties

§859. Distribution to persons under age twenty-one

(a) First offense

Except as provided in section 860 of this title, any person at least eighteen years of age who violates section 841(a)(1) of this title by distributing a controlled substance to a person under twenty-one years of age is (except as provided in subsection (b) of this section) subject to (1) twice the maximum punishment authorized by section 841(b) of this title, and (2) at least twice any term of supervised release authorized by section 841(b) of this title, for a first offense involving the same controlled substance and schedule. Except to the extent a greater minimum sentence is otherwise provided by section 841(b) of this title, a term of imprisonment under this subsection shall be not less than one year. The mandatory minimum sentencing provisions of this subsection shall not apply to offenses involving 5 grams or less of marihuana.

(b) Second offense

Except as provided in section 860 of this title, any person at least eighteen years of age who violates section 841(a)(1) of this title by distributing a controlled substance to a person under twenty-one years of age after a prior conviction under subsection (a) of this section (or under section 333(b) of this title as in effect prior to May 1, 1971) has become final, is subject to (1) three times the maximum punishment authorized by section 841(b) of this title, and (2) at least three times any term of supervised release authorized by section 841(b) of this title, for a second or subsequent offense involving the same controlled substance and schedule. Except to the extent a greater minimum sentence is otherwise provided by section 841(b) of this title, a term of imprisonment under this subsection shall be not less than one year. Penalties for third and subsequent convictions shall be governed by section 841(b)(1)(A) of this title.

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SUBCHAPTER I — CONTROL AND ENFORCEMENT

Part D — Offenses and Penalties

§860. Distribution or manufacturing in or near schools and colleges

(a) Penalty

Any person who violates section 841(a)(1) of this title or section 856 of this title by distributing, possessing with intent to distribute, or manufacturing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, or a playground, or housing facility owned by a public housing authority, or within 100 feet of a public or private youth center, public swimming pool, or video arcade facility, is (except as provided in subsection (b) of this section) subject to (1) twice the maximum punishment authorized by section 841(b) of this title; and (2) at least twice any term of supervised release authorized by section 841(b) of this title for a first offense. A fine up to twice that authorized by section 841(b) of this title may be imposed in addition to any term of imprisonment authorized by this subsection. Except to the extent a greater minimum sentence is otherwise provided by section 841(b) of this title, a person shall be sentenced under this subsection to a term of imprisonment of not less than one year. The mandatory minimum sentencing provisions of this paragraph shall not apply to offenses involving 5 grams or less of marihuana.

(b) Second offenders

Any person who violates section 841(a)(1) of this title or section 856 of this title by distributing, possessing with intent to distribute, or manufacturing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, or a playground, or housing facility owned by a public housing authority, or within 100 feet of a public or private youth center, public swimming pool, or video arcade facility, after a prior conviction under subsection (a) of this section has become final is punishable (1) by the greater of (A) a term of imprisonment of not less than three years and not more than life imprisonment or (B) three times the maximum punishment authorized by section 841(b) of this title for a first offense, and (2) at least three times any term of supervised release authorized by section 841(b) of this title for a first offense. A fine up to three times that authorized by section 841(b) of this title may be imposed in addition to any term of imprisonment authorized by this subsection. Except to the extent a greater minimum sentence is otherwise provided by section 841(b) of this title, a person shall be sentenced under this subsection to a term of imprisonment of not less than three years. Penalties for third and subsequent convictions shall be governed by section 841(b)(1)(A) of this title.

(c) Employing children to distribute drugs near schools or playgrounds

Notwithstanding any other law, any person at least 21 years of age who knowingly and intentionally—
(1) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to violate this section; or

(2) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to assist in avoiding detection or apprehension for any offense under this section by any Federal, State, or local law enforcement official,
is punishable by a term of imprisonment, a fine, or both, up to triple those authorized by section 841 of this title.

(d) Suspension of sentence; probation; parole

In the case of any mandatory minimum sentence imposed under this section, imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual convicted under this section shall not be eligible for parole until the individual has served the mandatory minimum term of imprisonment as provided by this section.

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SUBCHAPTER I – CONTROL AND ENFORCEMENT

Part D – Offenses and Penalties

§860a. Consecutive sentence for manufacturing or distributing, or possessing with intent to manufacture or distribute, methamphetamine on premises where children are present or reside

Whoever violates section 841(a)(1) of this title by manufacturing or distributing, or possessing with intent to manufacture or distribute, methamphetamine or its salts, isomers or salts of isomers on premises in which an individual who is under the age of 18 years is present or resides, shall, in addition to any other sentence imposed, be imprisoned for a period of any term of years but not more than 20 years, subject to a fine, or both.

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SUBCHAPTER I – CONTROL AND ENFORCEMENT

Part D – Offenses and Penalties

§861. Employment or use of persons under 18 years of age in drug operations

(a) Unlawful acts

It shall be unlawful for any person at least eighteen years of age to knowingly and intentionally—

(1) employ, hire, use, persuade, induce, entice, or coerce, a person under eighteen years of age to violate any provision of this subchapter or subchapter II of this chapter;

(2) employ, hire, use, persuade, induce, entice, or coerce, a person under eighteen years of age to assist in avoiding detection or apprehension for any offense of this subchapter or subchapter II of this chapter by any Federal, State, or local law enforcement official; or

(3) receive a controlled substance from a person under 18 years of age, other than an immediate family member, in violation of this subchapter or subchapter II of this chapter.

(b) Penalty for first offense

Any person who violates subsection (a) of this section is subject to twice the maximum punishment otherwise authorized and at least twice any term of supervised release otherwise authorized for a first offense. Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall not be less than one year.

(c) Penalty for subsequent offenses

Any person who violates subsection (a) of this section after a prior conviction under subsection (a) of this section has become final, is subject to three times the maximum punishment otherwise authorized and at least three times any term of supervised release otherwise authorized for a first offense. Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall not be less than one year. Penalties for third and subsequent convictions shall be governed by section 841(b)(1)(A) of this title.

(d) Penalty for providing or distributing controlled substance to underage person

Any person who violates subsection (a)(1) or (2) of this section \1\

(1) by knowingly providing or distributing a controlled substance or a controlled substance analogue to any person under eighteen years of age; or

(2) if the person employed, hired, or used is fourteen years of age or younger, shall be subject to a term of imprisonment for not more than five years or a fine of not more than \$50,000, or both, in addition to any other punishment authorized by this section.

(e) Suspension of sentence; probation; parole

In any case of any sentence imposed under this section, imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual convicted under this section of an offense for which a mandatory minimum term of imprisonment is applicable shall not be eligible for parole under section 4202 of title 18 \2\ until the individual has served the mandatory term of imprisonment as enhanced by this section.

(f) Distribution of controlled substance to pregnant individual

Except as authorized by this subchapter, it shall be unlawful for any person to knowingly or intentionally provide or distribute any controlled substance to a pregnant individual in violation of any provision of this

subchapter. Any person who violates this subsection shall be subject to the provisions of subsections (b), (c), and (e) of this section.

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SUBCHAPTER I — CONTROL AND ENFORCEMENT

Part D — Offenses and Penalties

§862. Denial of Federal benefits to drug traffickers and possessors

(a) Drug traffickers

(1) Any individual who is convicted of any Federal or State offense consisting of the distribution of controlled substances shall—

(A) at the discretion of the court, upon the first conviction for such an offense be ineligible for any or all Federal benefits for up to 5 years after such conviction;

(B) at the discretion of the court, upon a second conviction for such an offense be ineligible for any or all Federal benefits for up to 10 years after such conviction; and

(C) upon a third or subsequent conviction for such an offense be permanently ineligible for all Federal benefits.

(2) The benefits which are denied under this subsection shall not include benefits relating to long-term drug treatment programs for addiction for any person who, if there is a reasonable body of evidence to substantiate such declaration, declares himself to be an addict and submits himself to a long-term treatment program for addiction, or is deemed to be rehabilitated pursuant to rules established by the Secretary of Health and Human Services.

(b) Drug possessors

(1) Any individual who is convicted of any Federal or State offense involving the possession of a controlled substance (as such term is defined for purposes of this subchapter) shall—

(A) upon the first conviction for such an offense and at the discretion of the court—

(i) be ineligible for any or all Federal benefits for up to one year;

(ii) be required to successfully complete an approved drug treatment program which includes periodic testing to insure that the individual remains drug free;

(iii) be required to perform appropriate community service; or

(iv) any combination of clause (i), (ii), or (iii); and

(B) upon a second or subsequent conviction for such an offense be ineligible for all Federal benefits for up to 5 years after such conviction as determined by the court. The court shall continue to have the discretion in subparagraph (A) above. In imposing penalties and conditions under subparagraph (A), the court may require that the completion of the conditions imposed by clause (ii) or (iii) be a requirement for the reinstatement of benefits under clause (i).

(2) The penalties and conditions which may be imposed under this subsection shall be waived in the case of a person who, if there is a reasonable body of evidence to substantiate such declaration, declares himself to be an addict and submits himself to a long-term treatment program for addiction, or is deemed to be rehabilitated pursuant to rules established by the Secretary of Health and Human Services.

(c) Suspension of period of ineligibility

The period of ineligibility referred to in subsections (a) and (b) of this section shall be suspended if the individual—

(A) completes a supervised drug rehabilitation program after becoming ineligible under this section;

(B) has otherwise been rehabilitated; or

(C) has made a good faith effort to gain admission to a supervised drug rehabilitation program, but is unable to do so because of inaccessibility or unavailability of such a program, or the inability of the individual to pay for such a program.

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SUBCHAPTER I — CONTROL AND ENFORCEMENT

Part D — Offenses and Penalties

§862a. Denial of assistance and benefits for certain drug-related convictions

(a) In general

An individual convicted (under Federal or State law) of any offense which is classified as a felony by the law of the jurisdiction involved and which has as an element the possession, use, or distribution of a controlled substance (as defined in section 802(6) of this title) shall not be eligible for—

(1) assistance under any State program funded under part A of title IV of the Social Security Act [42 U.S.C. 601 et seq.], or

(2) benefits under the food stamp program (as defined in section 3(l) of the Food Stamp Act of 1977 [7 U.S.C. 2012(l)]) or any State program carried out under the Food Stamp Act of 1977 [7 U.S.C. 2011 et seq.].

(b) Effects on assistance and benefits for others

(1) Program of temporary assistance for needy families

The amount of assistance otherwise required to be provided under a State program funded under part A of title IV of the Social Security Act [42 U.S.C. 601 et seq.] to the family members of an individual to whom

subsection (a) of this section applies shall be reduced by the amount which would have otherwise been made available to the individual under such part.

(2) Benefits under the Food Stamp Act of 1977

The amount of benefits otherwise required to be provided to a household under the food stamp program (as defined in section 3(l) of the Food Stamp Act of 1977 [7 U.S.C. 2012(l)]), or any State program carried out under the Food Stamp Act of 1977 [7 U.S.C. 2011 et seq.], shall be determined by considering the individual to whom subsection (a) of this section applies not to be a member of such household, except that the income and resources of the individual shall be considered to be income and resources of the household.

(c) Enforcement

A State that has not exercised its authority under subsection (d)(1)(A) of this section shall require each individual applying for assistance or benefits referred to in subsection (a) of this section, during the application process, to state, in writing, whether the individual, or any member of the household of the individual, has been convicted of a crime described in subsection (a) of this section.

(d) Limitations

(1) State elections

(A) Opt out

A State may, by specific reference in a law enacted after August 22, 1996, exempt any or all individuals domiciled in the State from the application of subsection (a) of this section.

(B) Limit period of prohibition

A State may, by law enacted after August 22, 1996, limit the period for which subsection (a) of this section shall apply to any or all individuals domiciled in the State.

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SUBCHAPTER I — CONTROL AND ENFORCEMENT

Part D — Offenses and Penalties

§862b. Sanctioning for testing positive for controlled substances

Notwithstanding any other provision of law, States shall not be prohibited by the Federal Government from testing welfare recipients for use of controlled substances nor from sanctioning welfare recipients who test positive for use of controlled substances.

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SUBCHAPTER I — CONTROL AND ENFORCEMENT

Part D — Offenses and Penalties

§863. Drug paraphernalia

(a) In general

It is unlawful for any person—

- (1) to sell or offer for sale drug paraphernalia;
- (2) to use the mails or any other facility of interstate commerce to transport drug paraphernalia; or
- (3) to import or export drug paraphernalia.

(b) Penalties

Anyone convicted of an offense under subsection (a) of this section shall be imprisoned for not more than three years and fined under title 18.

(c) Seizure and forfeiture

Any drug paraphernalia involved in any violation of subsection (a) of this section shall be subject to seizure and forfeiture upon the conviction of a person for such violation. Any such paraphernalia shall be delivered to the Administrator of General Services, General Services Administration, who may order such paraphernalia destroyed or may authorize its use for law enforcement or educational purposes by Federal, State, or local authorities.

(d) "Drug paraphernalia" defined

The term "drug paraphernalia" means any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under this subchapter. It includes items primarily intended or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, PCP, methamphetamine, or amphetamines into the human body

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SUBCHAPTER I — CONTROL AND ENFORCEMENT

Part D — Offenses and Penalties

§864. Anhydrous ammonia

(a) It is unlawful for any person—

- (1) to steal anhydrous ammonia, or
- (2) to transport stolen anhydrous ammonia across State lines, knowing, intending, or having reasonable cause to believe that such anhydrous ammonia will be used to manufacture a controlled substance in violation of this part.

(b) Any person who violates subsection (a) of this section shall be imprisoned or fined, or both, in accordance with section 843(d) of this title as if such violation were a violation of a provision of section 843 of this title.

SUBCHAPTER I — CONTROL AND ENFORCEMENT

Part E — Administrative and Enforcement Provisions

§889. Production control of controlled substances

(a) Definitions

As used in this section:

(1) The term "controlled substance" has the same meaning given such term in section 802(6) of this title.

(2) The term "Secretary" means the Secretary of Agriculture.

(3) The term "State" means each of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(b) Persons ineligible for Federal agricultural program benefits

Notwithstanding any other provision of law, following December 23, 1985, any person who is convicted under Federal or State law of planting, cultivation, growing, producing, harvesting, or storing a controlled substance in any crop year shall be ineligible for—

(1) as to any commodity produced during that crop year, and the four succeeding crop years, by such person—

(A) any price support or payment made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act;

(B) a farm storage facility loan made under section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h));

(C) crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(D) a disaster payment made under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.); or

(E) a loan made, insured or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law administered by the Farmers Home Administration; or

(2) a payment made under section 4 or 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b or 714c) for the storage of an agricultural commodity that is—

(A) produced during that crop year, or any of the four succeeding crop years, by such person; and

(B) acquired by the Commodity Credit Corporation.

Schedule D

LOCAL PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE AND ALCOHOL:

In addition to the aforementioned federal and the following state sanctions, local ordinances generally provide for legal sanctions for unlawful possession or distribution of illicit drugs and alcohol.

STATE OF CALIFORNIA PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE

This schedule contains a list of some of the laws pertaining to the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol. Because the laws change from time to time, the information provided in the schedule is illustrative, not exhaustive.

State Codes and Sentences – California Health and Safety Code

For a complete listing of codes and sentences under California criminal law, please check the following website: <http://leginfo.legislature.ca.gov/>.

California Penal Code Drug Felony Sentencing Schedule

In California, all drug-related charges fall under the Health & Safety Code sections of the law.

Health & Safety Code Section	Description of Crime	Term in Years and Months
1390	Willful violation of health care services provisions	1 year 4 months, 2 years, 3 years
11100	Transferring a controlled substance without reporting or filing a false report with a previous conviction	1 year 4 months, 2 years, 3 years
11100.1	Failing to report receipt of a controlled substance with a previous conviction	1 year 4 months, 2 years, 3 years
11104	Transfer of substances with knowledge of intent to manufacture a controlled substance	1 year 4 months, 2 years, 3 years
11105	Knowingly making a false statement on a report of drug activity	1 year 4 months, 2 years, 3 years
11105	Violation of section with a previous conviction	2 years, 3 years, 4 years
11106	Transferring a controlled substance without a permit	1 year 4 months, 2 years, 3 years
11153	Issuing a prescription to an addict or habitual user of a controlled substance	1 year 4 months, 2 years, 3 years
11153.5	A wholesaler knowingly furnishing a controlled substance not for medical purposes	1 year 4 months, 2 years, 3 years
11162.5	Counterfeiting an official prescription blank	1 year 4 months, 2 years, 3 years
11350(a)	Possession of a controlled substance	1 year 4 months, 2 years, 3 years
11351	Possession of a controlled substance for sale	2 years, 3 years, 4 years
11352(a)	The sale or transportation of a controlled substance	3 years, 4 years, 5 years
11352.1	The sale or dispensing of prescription drugs, controlled substances and dangerous drugs or devices without a license	Not more than one year
11353	An adult inducing a minor's involvement with a controlled substance	3 years, 6 years, 9 years
11353.5	Sale by an adult to a minor of a controlled substance at a school or a public playground	5 years, 7 years, 9 years
11354	Minor inducing another minor's involvement with a controlled substance	1 year 4 months, 2 years, 3 years
11355	Unknowingly selling and/or furnishing a controlled substance	Not more than one year
11357	Possession of any concentrated cannabis	Not more than 6 months
11357.5	Selling, distribution furnishing, administering, giving or possessing for sale any synthetic cannabinoid compound or synthetic derivative	Not more than 6 months
11358	Cultivating, harvesting, and/or processing marijuana	1 year 4 months, 2 years, 3 years
11359	Possession of marijuana for sale without both a state and local license	Up to six (6) months in county jail, and/or A fine of up to five hundred dollars (\$500) with no prior offenses.
11364.7(b)	Manufacturing drug paraphernalia	Not more than one year
11366	Maintaining a place for selling and/or using a controlled substance	Not more than one year
11366.5(a)	Managing a place for manufacture, storage and/or the distribution of a controlled substance	1 year 4 months, 2 years, 3 years
11366.5	Violation of Health & Safety Code Section 11366.5(a) with a prior	2 years, 3 years, 4 years

	conviction	
11366.7	The sale of chemical, drug or lap equipment for unlawful use	Not more than 1 year
11368	Forgery or the alteration of prescription for any narcotic drug	6 months to one year
11370.1	Possession of a controlled substance while in possession of a loaded firearm	2 years, 3 years, 4 years
11370.9	Receiving, transferring, investing, or the managing of funds over \$25,000 derived from controlled substance offenses	2 years, 3 years, 4 years
11371.1	To violate and/or induce a minor to violate controlled substance laws	1 year 4 months, 2 years, 3 years
11375(b)(1)	Possession for sale of a designated controlled substance	Not more than one year
11378.5	Possession of PCP with intent to sell	3 years, 4 years, 5 years
11379.6(a)	Manufacturing a controlled substance	3 years, 5 years, 7 years
11382	Selling or furnishing a substance falsely represented to be a controlled substance	Not more than one year
11383(a)	Possession of materials with intent to manufacture methamphetamine	2 years, 4 years, 6 years
11383(b)	Possession of materials with intent to manufacture PCP	2 years, 4 years, 6 years
11383.5	Possession of immediate precursors with intent to manufacture methamphetamine or N-ethylamphetamine	2 years, 4 years, 6 years
11390	Possession of mushrooms as a controlled substance or spores or items that can produce mushrooms to be used as a controlled substance	Not more than one year
11391	Sale or transportation of mushrooms as a controlled substance	Not more than one year
11550(e)	Under the influence of a controlled substance while in possession of a loaded firearm	Not more than one year

California's drunk driving law is also a drug driving law. It refers to "driving under the influence of alcohol **and/or** drugs." If an officer suspects that you are under the influence of drugs, the officer can legally require you to take a breath, blood or urine test. Drivers who refuse these tests are subject to longer license suspensions and revocations.

For a complete listing of the most up-to-date laws and regulations please refer to the California DMV Website <https://www.dmv.ca.gov/portal/handbook/california-driver-handbook/alcohol-and-drugs/>

The following is copied directly from the DMV handbook.
Alcohol/Drugs and Driving Is Dangerous

Alcohol and/or drugs impair your judgment. Impaired judgment or good sense affects how you react to sounds and what you see. It is also dangerous to walk in traffic or ride a bicycle while under the influence of alcohol or drugs.

Much of what has been said about alcohol also applies to drugs. California's drunk driving law is also a drugged driving law. It refers to "DUI of alcohol **and/or** drugs." If an officer suspects that you are under the influence of drugs, the officer can legally require you to take a blood or urine test. Drivers who refuse these tests are subject to longer DL suspensions and revocations.

The use of any drug (the law does not distinguish between prescription, over-the-counter, or illegal drugs) which impairs your ability to drive safely is illegal. Check with your physician or pharmacist and read the warning label if you are not sure that taking the medication will affect your driving. Here are some facts:

- Most drugs taken for colds, hay fever, allergy, or to calm nerves or muscles can make a person drowsy.
- Medicines taken together or used with alcohol can be dangerous. Many drugs have unexpected side effects when taken with alcohol.
- Pep pills, "uppers," and diet pills can make a driver more alert for a short time. Later, however, they can cause a person to be nervous, dizzy, and not able to concentrate. They can also affect the vision.

Any drug that "may cause drowsiness or dizziness" is one you should not take before driving. Make sure you read the label and know the effects of any drug you use.

Use or Possession of Alcohol or Cannabis Products in a Vehicle

The law is very strict about use or possession of alcohol or cannabis products in a vehicle on or off the highway. It is illegal to drink any amount of alcohol, or smoke or ingest any cannabis product while driving or riding as a passenger in a motor vehicle. A container of alcohol carried inside the vehicle must be full, sealed, and unopened; however, this law does not apply to nondriving passengers in a bus, taxi, camper, or motor home. An open container of alcohol must be kept in the trunk of the vehicle or a place where passengers do not sit. Keeping an open container of alcohol in the glove compartment is specifically against the law. In addition, the law prohibits the possession of an open container of cannabis or cannabis product when operating a motor vehicle.

Drivers Under 21 (Possession of Alcohol)

If you are under 21 years old:

- You may not carry liquor, beer, or wine inside a vehicle unless you are accompanied by a parent or other person as specified by law and the container is full, sealed, and unopened.
- If you are caught with an alcoholic beverage in your vehicle, the vehicle may be impounded for up to 30 days. The court may fine you up to \$1,000, and either suspend your driving privilege for 1 year or require DMV to delay the issuance of your first DL for up to 1 year, if you are not already licensed.

- Your driving privilege will be revoked for 1 year, if you are convicted of either driving with a blood alcohol concentration (BAC) of 0.01% or higher or driving under the influence (DUI) of alcohol and/or drugs. On the first offense you will be required to complete the educational portion of a licensed DUI program. A subsequent offense may require a longer DUI program and you will not have a restricted DL to attend the DUI program.

Exception: You may carry alcoholic beverages in closed containers, while working for someone with an off-site liquor sales license.

Drivers of All Ages

It is illegal to drive after consuming excessive amounts of alcohol in any form (including medications such as cough syrup), or taking any drug (including prescription medications), or using any combination of alcohol or drugs that impairs your ability to drive.

Blood Alcohol Concentration (BAC) Limits

It is illegal for any person to operate a vehicle with a:

- BAC of 0.08% or higher, if the person is 21 years old or older.
- BAC of 0.01% or higher, if the person is under 21 years old.
- BAC of 0.01% or higher at any age, if the person is on a DUI probation.
- BAC of 0.04% or higher, in any vehicle requiring a CDL—with or without a CDL issued to the driver.
- BAC of 0.04% or higher, when a passenger for hire is in the vehicle at the time of the offense.

DMV can take an administrative action against your driving privilege after you are detained or arrested for a DUI. The court may take a separate action for the same offense. DMV's action is related only to your driving privilege. The court's action may involve a fine, jail time, delay of the DL, and completion of a DUI program.

When notified of a DUI conviction by the court, DMV will take an **additional** action to suspend or revoke your driving privilege.

Similar provisions (*California Harbors and Navigation Code*) apply when you operate any vessel, aquaplane, jet skis, water skis, or similar devices. These convictions are placed on your driving record and will be used by the court to determine "prior convictions" for motor vehicle DUI sentencing. These convictions are also used when determining the length of a suspension or revocation action or the reinstatement requirements, because of a violation you committed while driving a motor vehicle.

Admin Per Se

When you drive in California, you consent to have your breath, blood or, under certain circumstances, urine tested if you are arrested for DUI of alcohol, drugs, or a combination of both.

If arrested, the officer may take your DL, issue you a temporary DL for 30 days, and give you an order of suspension. You may request a DMV administrative hearing within 10 days. The arresting officer may require you to submit to either a breath or blood test. You do not have a right to consult with a lawyer before selecting or completing a test.

If your BAC is 0.08% or higher, the peace officer may arrest you (CVC §§23152 or 23153). If the officer reasonably believes you are under the combined influence of alcohol and drugs, and you have already submitted to a preliminary alcohol screening (PAS) and/or breath test, you may still be required to submit to a blood or urine test because the breath test does not detect the presence of drugs.

If you refuse to submit to the required blood and/or urine test(s), your driving privilege may be suspended because of your refusal. Even if you change your mind later, your driving privilege may be suspended for both reasons, although both actions will run concurrently.

Under 21—Zero Tolerance for Alcohol Use

If you are under 21 years old, you must submit to a hand-held breath test, preliminary alcohol screening (PAS), or one of the other chemical tests. If your BAC measures 0.01% or higher on the PAS, you may be suspended for 1 year.

If your PAS shows a BAC of 0.05%, the officer may require you to submit to either a breath or blood test.

If a subsequent test reveals a BAC of 0.05% or higher, the officer will issue you an order of suspension and arrest you for DUI (CVC §23140).

Court DUI Convictions

If you are convicted of DUI of either alcohol and/or drugs or both, and you have an excessive BAC level, you may be sentenced to serve up to 6 months in jail and pay a fine between \$390–\$1,000 the first time you are convicted. Your vehicle may be impounded and is subject to storage fees.


On the first conviction your driving privilege will be suspended for 6 months and you will be required to complete a DUI program, file a California Insurance Proof Certificate (SR 22/SR 1P), and pay all fees before your DL can be reinstated. The length of the program may vary. If your BAC is 0.15% or higher, and you already have a record of other alcohol-related violations or you refuse to submit to a chemical test, the court may order you to complete a 9 month or longer program. If your BAC is 0.20% or higher and the court refers you to an enhanced DUI treatment program, your DL will be suspended for 10 months. You could also be required to install an ignition interlock device (IID) on your vehicle. An IID prevents you from starting your vehicle if you have any alcohol on your breath. If anyone is injured as a result of your DUI, the suspension period is 1 year.

In cases involving serious injury or death, you may face civil lawsuits. All DUI convictions will remain on DMV's records for 10 years. The courts and/or DMV may impose more stringent penalties for subsequent violations during that period.

A BAC below legal limits does not mean that you are safe to drive. Almost all drivers show impairment by alcohol at levels lower than the legal limit. The impairment you exhibit at the time you are stopped may be enough to convict you of a DUI even without a BAC measurement.

Get a DUI – Lose Your License!

It is illegal to drive with a blood alcohol content (BAC) of 0.08% or more (0.04% for commercial vehicle drivers and 0.01% if under 21). Other factors, such as fatigue, medications or food may affect your ability to legally operate a vehicle. The table below gives an estimate of blood alcohol levels based on the number of drinks consumed, gender, and body weight. **REMEMBER:** Even one drink is likely to affect your ability to drive safely!

		 BLOOD ALCOHOL CONTENT (BAC) Table for Male (M) / Female (F)								
Number of Drinks		Body Weight in Pounds							Driving Condition	
		100	120	140	160	180	200	220		240
0	M	.00	.00	.00	.00	.00	.00	.00	.00	Only Safe Driving Limit
	F	.00	.00	.00	.00	.00	.00	.00	.00	
1	M	.06	.05	.04	.04	.03	.03	.03	.02	Driving Skills Impaired
	F	.07	.06	.05	.04	.04	.03	.03	.03	
2	M	.12	.10	.09	.07	.07	.06	.05	.05	
	F	.13	.11	.09	.08	.07	.07	.06	.06	
3	M	.18	.15	.13	.11	.10	.09	.08	.07	
	F	.20	.17	.14	.12	.11	.10	.09	.08	
4	M	.24	.20	.17	.15	.13	.12	.11	.10	Legally Intoxicated
	F	.26	.22	.19	.17	.15	.13	.12	.11	
5	M	.30	.25	.21	.19	.17	.15	.14	.12	
	F	.33	.28	.24	.21	.18	.17	.15	.14	

Subtract .01% for each 40 minutes that lapse between drinks.
 1 drink = 1.5 oz. 80 proof liquor, 12 oz. 5% beer, or 5 oz. 12% wine.
Fewer than 5 persons out of 100 will exceed these values.

Drivers 21 and Older—DUI Programs and Restricted Driver Licenses

Completion of a DUI program is required for all DUI convictions. Generally, if you are over 21 years old, enroll in a DUI program, file a California Insurance Proof Certificate (SR 22/SR 1P), and pay the restriction and reissue fees, DMV will issue you a restricted DL, unless you hold a CDL. First DUI convictions are allowed a license that restricts you to drive to/from work, during the course of employment, and to/from a DUI program. However, if you are considered a “traffic” or “public safety” risk, the court may order DMV to not grant you a restricted DL. Other actions against you may also prohibit the issuance of a restricted DL.

Commercial drivers are disqualified for 1 year and cannot obtain a restricted CDL without downgrading to a noncommercial license (see [California Commercial Driver Handbook \(DL 650\)](#) for more information).

Second and subsequent DUI convictions result in increased penalties, including a 2 year suspension or a revocation of up to 5 years. After you complete a prescribed period of your suspension/revocation and either enroll in, or complete a portion of, a DUI program, you may obtain a restricted DL to drive anywhere necessary, if you:

- Install an IID on your vehicle.
- Agree not to drive any vehicle without an IID.
- Agree to complete the prescribed DUI program.
- File an SR 22.
- Pay the reissue and restriction fees.

I have read and understand the above DRUG AND ALCOHOL PREVENTION PROGRAM.

Student/Employee Signature

Date