

# Drug Free Schools and Communities Act of 1989

# Scope

- The Louisiana State University Health Sciences Center-New Orleans (“LSUHSC-NO”) Drug Prevention Program and Standards of Conduct Policy (“Policy”) applies to all faculty, staff, residents, students, and contractual employees (“LSUHSC-NO Individuals”) of LSUHSC-NO.
- All individuals whether paid or unpaid, must understand that initial employment/enrollment and continued employment/enrollment is contingent upon a willingness to comply with this policy.

# Purpose

- Alcohol abuse and the illegal use or abuse of other drugs is associated with numerous health, safety, and social problems. The performance of LSUHSC-NO Individuals may be adversely affected by engaging in substance abuse.
- The purpose of this Policy is to:
  - Create and maintain a drug-free workplace/school pursuant to the Drug Free Schools and Communities Act Amendment of 1989 and the Drug-Free Workplace Act of 1988.
  - Provide a safe, productive, and healthy environment for our patients, employees, students, visitors, vendors, suppliers, contractors, and members of our community.

# Standards of Conduct and University Sanctions

- The unlawful possession, use, manufacture, distribution or dispensation of illicit drugs or alcohol by LSUHSC-NO Individuals on LSUHSC-NO property, in the workplace/school of any LSUHSC-NO Individuals or as any part of any functions or activities by any LSUHSC-NO Individuals is prohibited.
- Violations of this Policy shall result in disciplinary action, up to and including termination or expulsion and referral to the appropriate authorities in accordance with local, State, and Federal law.

# Louisiana Penalties and Sanctions -Alcohol

**Purchase or public possession of an alcoholic beverage by person under 21 years of age is illegal.**  
**Exceptions: established religious purposes; medical purposes when prescribed by licensed authority; 18-20 years old and accompanied by legal guardian or spouse that is 21 years old; private residences; private clubs, or when employed by a licensed enterprise for the lawful sale or handling of alcoholic beverages.**

**Fine of \$100 or imprisonment for not more than 6 months, or both.**

No driver or passenger of a motor vehicle can possess, when vehicle is on a street, any alcoholic beverage in an open container. Open containers include bottles, cans, and cups which have been opened or the seal has been broken.

Fine of not more than \$100.

Conviction of operating a moving vehicle while intoxicated (.08blood alcohol content)

First offense: fine not less than \$300and not more than \$1,000; imprisonment not less than 10 days and not more than 6 months.

Second offense: fine not less than \$750 and not more than \$1000; imprisonment not less than 30 days and not more than 6 months.

Third offense: Imprisonment with or without hard labor not less than 1 year and not more than five years. At least six months of prison sentence is without benefit of parole. May be fined not more than \$2,000.

Fourth or Subsequent offense: Imprisonment with or without hard labor not less than 10 years nor more than 30 years and shall be fined \$5,000. Sixty days of the sentence shall be imposed without benefit of probation, parole, or suspension of sentence.

# Louisiana Penalties and Sanctions – Schedule I Drugs

<b>Conviction of manufacturing/distributing Schedule I narcotic</b>	<b>Imprisonment at hard labor for not less than 5 years nor more than 50 years without the benefit of parole, or suspension of sentence. May also be fined not more than \$ 50,000.</b>
Conviction of manufacturing/distributing any other Schedule I controlled substance	Imprisonment at hard labor not less than 5 years nor more than 30 years at least 5 years without the benefit of parole, probation or suspension of sentence and a fine not more than \$50,000.
Conviction of possession of Schedule I narcotic, without valid prescription	Imprisonment at hard labor for not less than 4 years nor more than 10 years without benefit of probation or suspension of sentence. May also be fined not more than \$5,000.
Conviction of possession of any other controlled dangerous substance classified in Schedule I	Imprisoned at hard labor for not more than 10 years. May also be fined not more than \$5,000.
Conviction of possession of marijuana	First offense; fined not more than \$500, imprisoned in parish jail for not more than 6 months, or both. Second conviction may result in a fine of not more than \$2,000, imprisonment with or without hard labor for not more than 5 years, or both. Third conviction shall result in imprisonment with or without hard labor for not more than 20 years and may be fined not more than \$5,000.

# Louisiana Penalties and Sanctions – Schedule II Drugs

<p><b>Conviction of manufacturing/distributing Schedule II amphetamine or methamphetamine or a narcotic drug except cocaine, its analogues and oxycodone</b></p>	<p><b>Imprisonment at hard labor for not less than 2 years nor more than 30 years, at least 2 years of which shall be served without benefit of parole, probation or suspension of sentence. May be fined not more than \$15,000.</b></p>
<p>Conviction of manufacturing/distributing pentazocine</p>	<p>Imprisonment at hard labor for not less than 2 years nor more than 10 years, at least 2 years of which shall be served without benefit of parole, probation or suspension of sentence. May be fined not more than \$15,000.</p>
<p>Conviction of manufacturing/distributing amphetamine or methamphetamine</p>	<p>Imprisonment at hard labor for not less than 10 years nor more than 30 years, at least 10 years of which shall be served without benefit of parole, probation or suspension of sentence. May be fined not more than \$500,000.</p>
<p>Conviction of manufacturing/distributing cocaine or cocaine base, mixture or analogues, oxycodone, or methadone</p>	<p>Imprisonment at hard labor for not less than 10 years nor more than 30 years, at least 10 years of which shall be served without benefit of parole, probation or suspension of sentence. May be fined not more than \$500,000.</p>
<p>Conviction of manufacturing/distributing any other controlled substance classified as Schedule II</p>	<p>Imprisonment at hard labor for not less than 10 years. May be fined not more than \$15,000.</p>
<p>Conviction of possession of Schedule II narcotic, without a valid prescription – pentazocine</p>	<p>Imprisonment at hard labor for not less than 2 years nor more than 5 years. May be fined not more than \$5,000.</p>
<p>Conviction of possession of any other controlled dangerous substance classified in Schedule II</p>	<p>Imprisonment with or without hard labor for not more than 5 years. May be fined not more than \$5,000.</p>

# Louisiana Penalties and Sanctions – Schedule III, IV and V Drugs

<b>Schedule III</b>	
Conviction of manufacturing/distributing any controlled dangerous substance classified as Schedule III	Imprisonment at hard labor for not more than 10 years..May be fined not more than \$15,000.
Conviction of possession of any controlled dangerous substance classified as Schedule III without a valid prescription	Imprisonment with or without hard labor for not more than 5 years. May be fined not more than \$15,000.
<b>Schedule IV</b>	
Conviction of manufacturing/distributing Flunitrazepam	Imprisonment at hard labor for not less than 5 years nor more than 30 years. A fine of not more than \$50,000.
Conviction of manufacturing/distributing any controlled dangerous substance classified as Schedule IV, except Flunitrazepam	Imprisonment at hard labor for not more than 10 years. May be fined not more than \$15, 000.
Conviction of possession of flunitrazepam	Imprisonment at hard labor for not more than 10 years. May be fined not more than \$5,000.
Conviction of possession of any other controlled dangerous substance classified as Schedule IV, without a valid possession	Imprisonment with or without hard labor for not more than 5 years. May be fined not more than \$5,000.
<b>Schedule V</b>	
Conviction of manufacturing/distributing any controlled dangerous substance classified as Schedule V	Imprisonment at hard labor for not more than 5 years. May be fined not more than \$5,000.
Conviction of possession of any controlled dangerous substance classified as Schedule V	Imprisonment with or without hard labor for not more than 5 years. May be fined not more than \$5,000.

# Federal Penalties and Sanctions

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 - 4999 grams mixture	<b>First Offense:</b> •Not less than 5 yrs, and not more than 40 yrs. •If death or serious injury, not less than 20 or more than life. •Fine of not more than \$2 million if an individual, \$5 million if not an individual.  <b>Second Offense:</b> •Not less than 10 yrs, and not more than life. •If death or serious injury, life imprisonment. • Fine not more than \$4 million if an individual, \$10 million if not an individual.	5 kilograms or more mixture	<b>First Offense:</b> •Not less than 10 yrs, and not more than life. •If death or serious injury, not less than 20 or more than life. •Fine of not more than \$4 million if an individual, \$10 million if not an individual.  <b>Second Offense:</b> •Not less than 20 yrs, and not more than life. •If death or serious injury, life imprisonment. •Fine of not more than \$ 8 million if an individual, \$ 20 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment.
Cocaine Base (Schedule II)	5-49 grams mixture		50 grams or more mixture	
Fentanyl (Schedule II)	40 - 399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10 - 99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100 - 999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1 - 9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5 - 49 grams pure or 50 - 499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10 - 99 grams pure or 100 - 999 grams mixture			

# Federal Penalties and Sanctions (cont.)

DRUG/SCHEDULE	QUANTITY	PENALTIES
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<p><b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 30 yrs. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual .</p>
Flunitrazepam (Schedule IV)	1 gram or more	
Other Schedule III drugs	Any amount	<p><b>First Offense:</b> Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><b>Second Offense:</b> Not more 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual .</p>
Flunitrazepam (Schedule IV)	30 to 999 milligrams	
All other Schedule IV drugs	Any amount	<p><b>First Offense:</b> Not more than 3 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 6 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.</p>
Flunitrazepam (Schedule IV)	Less than 30 milligrams	
All Schedule V drugs	Any amount	<p><b>First Offense:</b> Not more than 1 year. Fine not more than \$100,000 if an individual, \$ 250,000 if not an individual.</p> <p><b>Second Offense:</b> Not more than 2 years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>

# Federal Penalties and Sanctions (cont.)

DRUG	QUANTITY	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense
Marijuana	1,000 kilograms or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> <li>Not less than 10 years, nor 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 if an individual; \$10 million if other than an 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, mandatory life imprisonment</li> <li>Fine not more than \$8 million if an individual, \$20 million if other than an individual</li> </ul>
Marijuana	100 kilograms to 999 kilograms mixture; or 100 to 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 if an individual, \$5 million if other than an 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, mandatory life imprisonment</li> <li>Fine not more than \$4 million if an individual, \$10 million if other than an individual</li> </ul>
Marijuana	More than 10 kilograms hashish; 50 to 99 kilograms mixture More than 1 kilogram of hashish oil; 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 if an individual, \$5 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>Not more than 30 years</li> <li>If death or serious injury, mandatory life imprisonment</li> <li>Fine \$2 million if an individual, \$10 million if other than an individual</li> </ul>
Marijuana	1 to 49 plants; less than 50 kilograms 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 if an individual, \$2 million if other than individual</li> </ul>
Hashish	10 kilograms or less		
Hashish Oil	1 kilogram or less		

# Federal Penalties and Sanctions (cont.)

- 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.

- 21 U.S.C. 853(a)

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

# Health and Safety Risks Associated with Alcohol and other Substance Abuse

- Alcohol abuse and the illegal use and abuse of other substances are associated with numerous health, safety and social problems. Commonly seen health problems associated with alcohol abuse are: heart disease and stroke; deteriorating mental and physical capabilities; and the irritation, ulcers and cirrhosis of the liver, and fetal alcohol and substance abuse syndrome.
- Illegal substance use can also result in serious health problems, including disruption of normal heart rhythm, small lesions of the heart, high blood pressure, leaks of blood vessels in the brain, bleeding and destruction of brain cells, permanent memory loss, infertility, impotency, immune system impairment, kidney failure, pulmonary damage, and in the most serious instances, heart attack, stroke, and sudden death.
- Mental health and social problems are perhaps the most common manifestations of alcoholism and substance abuse which can result in impairment or unsafe behavior.

# Drug/Alcohol Counseling, Treatment, and Rehabilitation

- LSUHSC recognizes that alcoholism and drug abuse are illnesses or diseases that can be treated. LSUHSC's Campus Assistance Program (CAP) is a free, confidential counseling service provided to help its employees and students resolve any alcohol or substance abuse problem they may have. Counseling services include a free assessment, short-term counseling (1-3 sessions), and referral when needed.
- The Campus Assistance Program is located at 1542 Tulane Avenue-Office 866
  - Call 568-8888 for more information.

# Dissemination of Program and Policy

- This Policy shall be disseminated to individuals annually.
- **Biennial Review of Program and Policy**
  - This Policy will be reviewed on a biennial basis by the Campus Assistance and the Office of Compliance to ensure it is administered effectively.