

**GANNON UNIVERSITY**  
**Alcohol & Drug**  
**Policies**

**GANNON**  
UNIVERSITY

As Revised 6/2010



# **Gannon University Alcohol & Drug Policies**

Gannon University provides for the holistic development of students in the Judeo-Christian tradition. The abuse or illegal use of drugs and the abuse or illegal use of alcohol conflicts with the University's Mission, local, state and federal laws, and the standards of the broader community. To provide an environment that supports the University's Mission, the University is committed to establishing a comprehensive alcohol and drug abuse prevention program.

The following information is provided in compliance with the federal Drug-Free Schools and Communities Act and the Drug-Free Workplace Act. All members of the University community will receive annual notification of the University Alcohol and Other Drug Policy and are expected to comply with this Policy.

The University conducts a biennial review of the Alcohol and Other Drug Abuse Prevention Program effectiveness and the consistency of the enforcement of sanctions in accordance with the federal Drug-Free Schools and Communities Act and the Drug-Free Workplace Act. This review is conducted in even-numbered years and focuses on the two preceding academic years. This document is available in the office of the Dean of Student Development.

# A Message From the President

August, 2010

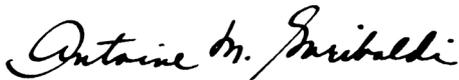
To the Gannon University Community:

Gannon University is strongly committed to assuring that our students, faculty and staff are able to study and work in a healthy and safe environment. Therefore, it is essential that our campus is free from the illegal use and abuse of alcohol and drugs.

In accordance with the Drug-Free Schools and Communities Act of 1989 and the Drug-Free Workplace Act of 1988, Gannon University supports all local, state, and federal laws pertaining to alcohol and other drugs. Therefore, I urge you to read and become familiar with Gannon University's Alcohol and Drug policies that are attached.

All members of the Gannon community are encouraged to make healthy and responsible choices and to show respect for the entire University community. It is in that spirit that we will all share in the benefits of a safe campus environment.

Sincerely,

A handwritten signature in black ink that reads "Antoine M. Garibaldi". The signature is written in a cursive style with a large initial 'A'.

Antoine M. Garibaldi, Ph.D.  
President, Gannon University

## **University Alcohol Policy**

Gannon University prohibits the unlawful and/or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol on University property or as part of any University activity unless in an approved over-21 apartment. In addition, faculty, staff, and students of the University must comply with the laws of the Commonwealth of Pennsylvania on the possession and consumption of alcohol.

## **University Drug Policy**

Gannon University prohibits the unlawful manufacture, distribution, dispensation, possession, or use of any controlled substance or paraphenilia on University property or as part of any University activity. Faculty, staff, and students of the University must also comply with the laws of the Commonwealth of Pennsylvania and the federal government regarding the possession and consumption of controlled substances. Any violation of these laws or regulations on-or-off campus will be grounds for University disciplinary sanctions.

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

The use of illicit drugs (and the abuse of licit drugs) has been found to have harmful, potentially serious health effects, which include (but are not limited to) addiction, neurological damage, heart-related problems, heart disease, diabetes, hypertension, depression, hallucinations, toxic psychosis, psychotic behavior, convulsions, nasal passage injury, bronchitis, ulcers, and death. The effects of illicit drug use are summarized in Appendix A, attached hereto and made a part hereof. Appendix A is taken from the Department of Justice Publication, "Drugs of Abuse," 1989 Edition.

Health risks associated with alcohol are described as follows in "What Works: Schools Without Drugs," a Department of Education publication:

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

*"Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely*

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

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

## **Employee Sanctions**

Any faculty or staff member (or students in their capacity as employees), who is convicted of a drug offense occurring in the workplace must report this fact to their respective division vice president within five days of the conviction. Failure to do so will be considered a violation of the University's Drug and Alcohol Policy.

Any faculty or staff member (or students in their capacity as employees), who violates the University's Drug and Alcohol Policy will be subject to disciplinary action up to and including suspension, suspension without pay, termination, and may be required to participate in a drug abuse assistance or rehabilitation program as agreed upon between the employer, Human Resources Department and the Employee Assistance Program provider. Further information concerning disciplinary action and appropriate procedures are available from Human Resources.

## **Employee Assistance Program**

Faculty and staff members with questions or concerns about substance abuse or alcohol abuse are encouraged to discuss these matters with the Employee Assistance Plan Counselor. Faculty and staff members who self-refer to the EAP counselor (George Capozzoli at 838-9155) do so in confidence that their effort to seek assistance will remain confidential.

## **Student Guidelines and Sanctions**

### **Alcohol**

Alcohol use and misuse is a major issue on college campuses and in the community. Misuse of alcohol creates many challenging problems. Physical abuse, date rape, accidents, violence, vandalism and self-destruction can all be linked to alcohol abuse. Any violations of state or University regulations will be considered grounds for University disciplinary action.

The following activities are prohibited and include but are not limited to:

1. Students may not be in possession of, consume or sell alcoholic beverages in University housing facilities or on University property, unless they meet and have been approved for over 21 qualification.

2. Students may not be in possession of empty beer cans or alcoholic bottles.
3. Being present in a room or on University property in which alcoholic beverages are found. All individuals in the room will share responsibility.
4. A state of intoxication or irresponsible conduct on- or off-campus as a result of alcohol abuse.
5. Possession of or providing alcohol to minors at off-campus social events.
6. Providing a place for minors to drink, on- or off campus.
7. Underage consumption of alcohol in violation of Commonwealth of Pennsylvania law.
8. Any misuse, illegal use, or abuse of alcohol on or off-campus which brings discredit or attention to the University.

Students in violation of this policy may be required to complete a drug and alcohol assessment, depending on the severity or repetition of policy violations. Referral to civil authorities is an option for the University.

### **Over 21-Rules**

Students of legal drinking age who live on campus and meet the prerequisites established by the University may be accorded Over-21 Status in their apartment residences by the Office of Student Living. (Please contact the Office of Student Living for more information about Over-21 Status.) Over-21 Status is a privilege granted to students and can be rescinded should students fail to use alcohol responsibly and in accordance with University policy. Students living in apartments that have been designated and approved as Over-21 must comply with the following rules:

1. Three case limit per apartment. No party balls, kegs, punch bowls, or bulk alcohol.
2. No alcoholic beverages are permitted if minors are in the apartment.
3. No more than twice the number of individuals are permitted in the apartment than reside in that apartment. (For example, a four person apartment can have a total of eight individuals in the apartment.)
4. Residents may not consume alcohol in quads, hallways, parking lots, entry ways or outside housing units.
5. Door to apartment must be closed when alcohol is in use.

### **Controlled Substances**

The following activities are prohibited and include but are not limited to:

1. The use, possession, sale, or distribution of controlled substances, without a prescription, on University property or housing.
2. The misuse or illegal distribution of non-prescription medications or controlled substances.

3. Possession or use of drug paraphernalia, including but not limited to pipes, bongs, rolling papers and blow tubes.
4. Irresponsible conduct under the influence of a controlled substance, on-or-off campus, which brings discredit or disfavor to the University.
5. The use, possession, or distribution of a controlled substance at an event that is sponsored by the University and/or a University organization on-or-off campus.
6. Supplying drugs, including methods of using controlled substances, for whatever reason, in whatever amount, and in all circumstances.
7. The smoking of any type of herbal blend or mix. In the case of marijuana, the detection of odor is sufficient evidence to justify a search and/or to constitute a violation of University policy.
8. Being present in a room/apartment in which a controlled substance or paraphernalia is found, possessed, used or sold. All individuals present will share responsibility.
9. Campus visitors found in possession of, supplying, or under the influence of controlled substances in violation of this policy will be asked to leave University property immediately. They can be prosecuted under Commonwealth of Pennsylvania, local or federal law. They are also in violation of University policy. Gannon faculty, staff, and students may be liable for the actions of their guests

## **Student Sanctions**

**Any of the rule or regulation violations that occur, on or off-campus, may be subject to disciplinary sanctions by the University or its designee. These regulation violations would include any University, local, state or federal statutes.** Sanctions or disciplinary actions can be applied to any of the rules or regulations included in the Student handbook, but are not limited to those that are mentioned therein. Violation of any/all Gannon University regulations may result in disciplinary action including but not limited to: monetary fines, community service hours, mandated educational programming, Official Warning, Official Probation, Behavioral Contract, Official Suspension from University housing, Suspension from the University, and Expulsion from the University. Monetary fines are not listed here as they are issued in reflection of the severity, repetition and/or degree of the violation in question. The University also reserves the right to record all investigations of any violation or meeting to better protect Gannon students and employees from slander or misrepresentation.

Students in violation of the alcohol policy may be required to complete a drug and alcohol assessment, depending on the severity or repetition of policy violations. Referral to civil authorities is an option for the University.

Students in violation of the drug policy will be subject to:

1. Referral to civil authorities for prosecution is an option.

2. The loss of federal, state or University aid is a possibility, as is prosecution for fraud.
3. Students violating this regulation may be subject to a drug assessment and follow-through with an appropriate, certified rehabilitation program.

## **Student Assistance Program**

Gannon University provides a variety of programs designed to promote the prevention of illegal drug use and alcohol abuse, and in resolving student abuse problems. The University demonstrates its commitment to eliminating illegal drug use, and resolving alcohol problems through the Student Assistance Program. The services of the Student Assistance Program include:

- A. Counseling and assistance through Counseling Services to students who self-refer for treatment;
- B. Monitoring of students' progress through treatment and rehabilitation by the individual making the referral;
- C. Education and training coordinated by Student Development for all students and staff members responsible for providing student assistance on:
  1. the types and effects of drugs;
  2. symptoms of drug use and their impact on performance and conduct;
  3. the relationship of the Student Assistance Program to treatment and confidentiality issues.
- D. Maintenance of the confidentiality of treatment records in accordance with the Protection of the Rights and Privacy of Parents and Students (Public Law 93-380).

The Student Assistance Program is administered by the Student Development Division and is available to all students without regard to a finding of drug or alcohol abuse. The Student Assistance Program provides counseling and rehabilitation for all referrals, as well as education and training regarding illegal drug use and alcohol abuse. Any student with drug or alcohol abuse problems may be referred to appropriate services.

## **Community Resources for Faculty, Staff, and Students**

Faculty, staff, and students may find additional information at the numbers listed below for Erie community social service resources:

Al-Anon .....	454-4730
Alcoholics Anonymous .....	452-2675
Community House .....	459-5853
Community Integration Inc./Crisis Services .....	456-2014
Cove Forge Behavioral Health .....	452-2991
Crime Victim Center of Erie County .....	455-9414

Erie County Department of Health .....	451-6700
Erie County Office of Drug & Alcohol Abuse .....	451-6877
Family Services/Drug and Alcohol .....	866-4500
Gaudenzia Erie .....	459-4775
Hamot Medical Center .....	877-6000
Millcreek Community Hospital .....	864-4031
St. Vincent Health Center .....	452-5000

**University Resources for Faculty, Staff, and Students**

Campus Ministry.....	871-7434
Counseling Services .....	871-7680
Employee Assistance Plan (George Capozzoli) .....	838-9155
Health Center .....	871-7622
Student Living .....	871-7564

**Legal Sanctions Under Local, Commonwealth or Federal Law**

As residents of Pennsylvania and members of the Erie and Gannon University community, you have a right to be informed of the law and a responsibility to obey the law.

Criminal Code sanctions based on type and number of violations may include loss of drivers license, fines, and imprisonment.

A summary of the City of Erie Ordinances regarding alcohol and drugs is found at Appendix B.

A summary of the Pennsylvania criminal code regarding illicit drugs and illegal use of alcohol is found at Appendix C.

A summary of the United States criminal code regarding illicit drugs is found at Appendix D.

# Additional Information

## **Appendix A**

Drugs of Abuse

## **Appendix B**

City of Erie Ordinances regarding alcoholic beverages and drug offenses

## **Appendix C**

Pennsylvania's criminal code regarding illicit drugs and illegal use of alcohol

## **Appendix D**

United States' criminal code regarding illicit drugs

# Appendix A

## DRUGS OF ABUSE/Uses and Effects

U.S. Department of Justice  
Drug Enforcement Administration

Drugs	Dependence										
	CSA Schedules	Trade or Other Names	Medical Uses	Physical	Psychological	Tolerance	Duration (Hours)	Usual Method	Possible Effects	Effects of Overdose	Withdrawal Syndrome
<b>Narcotics</b>											
Heroin	Substance I	Diamorphine, Horse, Smack, Black tar, Chiva, Negra (black tar)	None in U.S., Analgesic, Antitussive	High	High	Yes	3-4	Injected, snorted, smoked	Euphoria, drowsiness, respiratory depression, constricted pupils, nausea	Slow and shallow breathing, clammy skin, convulsions, coma, possible death	Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating
Morphine	Substance II	MS-Contin, Roxanol, Oramorph SR, MSIR	Analgesic	High	High	Yes	3-12	Oral, injected			
Hydrocodone	Substance II, Product III, V	Hydrocodone w/ Acetaminophen, Vicodin, Vicoprofen, Tussionex, Lortab	Analgesic, Antitussive	High	High	Yes	3-6	Oral			
Hydro-morphone	Substance II	Dilaudid	Analgesic	High	High	Yes	3-4	Oral, injected			
Oxycodone	Substance II	Roxicet, Oxycodone w/ Acetaminophen, OxyContin, Endocet, Percocet,	Analgesic	High	High	Yes	3-12	Oral			







## **Appendix B**

### **City of Erie Ordinance on Alcoholic Beverages**

#### **704.01 CONSUMPTION IN MOTOR VEHICLE; DISCARDING CONTAINERS.**

No person shall:

(a) Consume an alcoholic beverage of any kind or description, as defined by the Liquor Control Board of Pennsylvania, while in or on a vehicle which is moving, parked, stopped or standing on any street, roadway or other public way in the City; or for the driver, owner or person in control of any vehicle to permit any person or persons to drink intoxicating liquor or fermented malt beverages therein or thereon, while the same is being driven, or is stopped, standing or parked on any street, roadway or other public way in the City.

(b) Break, leave, discard or deposit in any manner any glass, bottle, glassware, can or container of any kind, make or description on any public street, sidewalk, parks, parking area or public places of any nature within the limits of the City except in designated containers. (Ord. 54-1977 §1. Passed 8-10-77.)

#### **704.99 PENALTY.**

Any person violating any of the provisions of this article is guilty of a summary offense and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00); and up to ninety days in jail. (Ord. 54-1977 §2. Passed 8-10-77.)

### **City of Erie Ordinance on Loitering in Aid of Drug Offenses**

#### **737.02 PROHIBITIONS.**

(a) No person, with purpose to commit or aid the commission of a drug abuse offense, shall loiter in any public place, and do any of the following:

- (1) Repeatedly beckon, stop, attempt to stop, or engage passers-by or pedestrians in conversation; or
- (2) Repeatedly stop or attempt to stop motor vehicles; or
- (3) Repeatedly interfere with the free passage of other persons.

(b) No person, with purpose to commit or aid the commission of a drug abuse offense, shall loiter in any public place. (Ord. 29-1993 Sec. 1. Passed 4-7-93.)

#### **737.99 PENALTY.**

Whoever violates any provision of this article is guilty of loitering in aid of drug offenses, a summary offense, and upon conviction, is subject to a fine not to exceed one thousand dollars (\$1,000), or upon imprisonment of not more than ninety days or both. (Ord. 29-1993 Sec. 1. Passed 4-7-93.)

**706.01 PRESENCE OR PARTICIPATION IN DISORDERLY HOUSE  
PROHIBITED.**

No individual shall be knowingly present and/or participating in an ill governed or disorderly house or place wherein gambling or drinking is occurring when the same constitutes a common nuisance or disturbance to the neighborhood or orderly citizens. (Ord. 5-1968 §1. Passed 2-7-68.)

**706.99 PENALTY.**

Whoever violates any provision of this chapter shall be fined not more than three hundred dollars (\$300.00) or imprisoned not more than ninety days, or both (Ord. 5-1968 §2. Passed 2-7-68.)

# **Appendix C**

## **Pennsylvania Illegal Drug Use Penalties**

**Pennsylvania drug violations are covered under the Controlled Substance, Drug, Device, and Cosmetic Act, 35 P.S. § 780-101 et seq.** This Act prohibits the manufacture, distribution, sale or acquisition by misrepresentation or forgery of controlled substances except in accordance with the Act, as well as the knowing possession of controlled substances unlawfully acquired.

Section 780-104 lists all controlled substances.

Section 780-113a lists the 35 prohibited acts.

Section 780-113b lists the specific penalties for any violation.

Some examples of prohibited acts and penalties are:

- Possession with intent to use and/or sell drug paraphernalia. Upon conviction, an individual may be sentenced to imprisonment not exceeding one (1) year, pay a fine not exceeding \$25,000, or both.
- Possession of a controlled substance classified in Schedule I, II, or III is considered a felony offense, and upon conviction an individual shall be sentenced to imprisonment not exceeding five (5) years, pay a fine not exceeding \$15,000, or both.
- Conviction for possession of controlled substance classified in Schedule IV may result in imprisonment of up to three (3) years, a fine up to \$10,000, or both.
- Conviction for possession of a controlled substance classified in Schedule V may result in imprisonment of up to one (1) year, a fine up to \$5,000, or both.

**Section 780-114** of the Act addresses the distribution of substances to persons under age eighteen. Any person who is at least twenty-one years of age and who is not himself a drug dependent person and who violates this act by distributing a controlled substance listed in Schedules I through V to a person under eighteen years of age who is at least four years his junior is punishable by a term of imprisonment up to twice that otherwise authorized.

**Section 780-115** of the Act states that the penalties to any person convicted of a second or subsequent offense may be imprisonment for a term up to twice the term otherwise authorized and a fine for an amount up to twice that otherwise authorized, or both.

**The Pharmacy Act of 1961, 63 P.S. § 390-8:** It is unlawful to procure or attempt to procure drugs by fraud, deceit, misrepresentation or subterfuge or by forgery or alteration of a prescription. The first offense is a misdemeanor, with a maximum penalty of one year's imprisonment, a \$5,000 fine, or both. For each subsequent offense, the maximum penalty is three years imprisonment, a \$15,000 fine, or both.

**d. The Vehicle Code, 75 Pa. C.S.A. § 3802 et seq.** A person is prohibited from driving, operating, or being in actual physical control of the movement of a vehicle while under the influence of alcohol or a controlled substance, or both, if the driver is thereby rendered incapable of safely driving, operating or being in actual physical control of the movement of the vehicle or if the alcohol concentration in the individual's blood or breath exceeds the stated limits. Penalties for first-time violators of the Act range from probation and a \$300 fine or both to a maximum of six months imprisonment, a \$5,000 fine or both. Penalties for subsequent violations increase to a maximum of five years imprisonment, a \$10,000 fine, or both. In addition to the above penalties, the court has discretion to order any or all of the following: highway safety training, drug or alcohol treatment, community service, use of an ignition interlock device and/or suspension of operating privileges.

## **Title 18 - Pennsylvania Alcohol Crimes Code**

### **PUBLIC DRUNKENNESS**

Section 5505 of the Pennsylvania Crimes Code (Title 18)

A person is guilty of a summary offense if he appears in any public place manifestly under the influence of alcohol... to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity.

<b>Penalty</b>	<b>1st Offense</b>
Fine	0-\$300
Jail	0-90 days

### **MISREPRESENTATION OF AGE TO PURCHASE LIQUOR OR MALT OR BREWED BEVERAGES**

Section 6307 of the Pennsylvania Crimes Code (Title 18)

A person is guilty of a summary offense for a first violation and a misdemeanor of the third degree for any subsequent violations if he/she being under the age of 21 years, knowingly and falsely represents himself to be 21 years of age or older to any licensed dealer, distributor or other person, for the purpose of procuring or having furnished to him, any liquor or malt or brewed beverages.

<b>Penalty</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>Subsequent Offenses</b>
Fine	0-\$300	0-\$500	0-\$500
Jail	0-90 days	1 year	1 year
License Suspension	90 days	1 year	2 years

### **PURCHASE, CONSUMPTION, POSSESSION OR TRANSPORTATION OF LIQUOR OR MALT OR BREWED BEVERAGES BY A MINOR**

Section 6308 of the Pennsylvania Crimes Code (Title 18)

A person commits a summary offense if he/she, being less than 21 years of age, attempts to purchase, purchases, consumes, possesses or knowingly and intentionally transports any liquor or malt or brewed beverages.

<b>Penalty</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>Subsequent Offenses</b>
Fine	0-\$300	0-\$500	0-\$500
Jail	0-90 days	0-90 days	0-90 days
License Suspension	90 days	1 year	2 years

***Parental notification is mandated.***

### **REPRESENTING TO LIQUOR DEALERS THAT A MINOR IS OF AGE**

Section 6309 of the Pennsylvania Crimes Code (Title 18)

A person is guilty of a misdemeanor of the third degree if he/she knowingly, willfully and falsely represents to any licensed dealer or other person, any minor to be of full age, for the purpose of inducing [that] person to sell or furnish any liquor or malt or brewed beverages.

#### **Penalty**

Fine	\$300-\$2500
Jail	0-1 year

### **INDUCEMENT OF MINORS TO BUY LIQUOR OR MALT OR SELLING OR FURNISHING LIQUOR OR MALT OR BREWED BEVERAGES TO MINORS**

Section 6310.1 of the Pennsylvania Crimes Code (Title 18)

A person commits a misdemeanor of the third degree if he/she intentionally and knowingly sells or... furnishes or purchases with the intent to sell or furnish any liquor or malt or brewed beverages to persons less than 21 years of age.

This section does not apply to any religious service or ceremony which may be conducted in a private home or a place of worship where the amount of wine served does not exceed the amount reasonable, customarily and traditionally required as an integral part of the service or ceremony.

#### **Penalty 1st Offense 2nd Offense and Subsequent Offenses**

Fine	\$1000-\$2500	\$2500
Jail	0-1 year	0-1 year

Regarding the issue of Third Party Liability, Section 493 of the Pennsylvania Liquor Code states: "It shall be unlawful for any...person, to sell, furnish or give away liquor or malt or brewed beverages, or to permit any liquor or malt or brewed beverages to be sold, furnished or given, to any person visibly intoxicated,.. . or to any minor or to habitual drunkards, or persons of known intemperance habits."

The Supreme Court of Pennsylvania states in the case of Congini vs. Portersville Valve Co., 504 Pa 157, 470 A.2d 515 (1983) that social hosts are "negligent per se in serving alcohol to the point of intoxication to a person less than twenty-one years of age, and they can be held liable for injuries proximately resulting from the minor's intoxication." That liability can extend to include claims for injuries to the intoxicated minor.

## MANUFACTURE OR SALE OF FALSE IDENTIFICATION CARD

Section 6310.2 of the Pennsylvania Crimes Code (Title 18)

A person commits a misdemeanor of the second degree if he intentionally, knowingly or recklessly manufactures, makes, alters, sells or attempts to sell an identification card falsely representing the identity, birth date or age of another.

### **Penalty 1st Offense 2nd Offense and Subsequent Offenses**

Fine \$1000-\$2500 \$2500 - \$5000

Jail 0-2 years 0-2 years

## CARRYING A FALSE IDENTIFICATION CARD

Section 6310.3 of the Pennsylvania Crimes Code (Title 18)

A person commits a summary offense for a first violation and a misdemeanor of the third degree for subsequent violations if he/she, being under 21, possesses an identification card falsely identifying that person by name, age, date of birth or photograph as being 21 years or age or older or obtains or attempts to obtain liquor or malt or brewed beverages by using the identification card of another or by using an identification card that has not been lawfully issued to or in the name of that person who possesses the card.

### **Penalty 1st Offense 2nd Offense Subsequent Offenses**

Fine 0-\$300 0-\$500 0-\$500

Jail 0-90 days 0-1 year 0-1 year

License

Suspension 90 days 1 year 2 years

*Parental Notification is mandated.*

## SELLING OR FURNISHING NONALCOHOLIC BEVERAGES TO PERSONS UNDER 21

Section 6310.7 of the Pennsylvania Crimes Code (Title 18)

A person commits a summary offense if he intentionally and knowingly sells or furnishes nonalcoholic beverages to any person under 21 years of age.

As used in this section, the term "nonalcoholic beverage" means any beverage intended to be marketed or sold as nonalcoholic beer, wine or liquor having some alcohol content but not containing more than 0.5% alcohol by volume.

### **Penalty**

Fine 0-\$300

Jail 0-90 days

## RESTRICTION ON ALCOHOLIC BEVERAGES

Section 7513 of the Pennsylvania Crimes Code (Title 18)

It is unlawful for any person who is an operator or an occupant in any motor vehicle to be in possession of an open alcoholic beverage container or to consume any alcoholic beverage or controlled substance... in a motor vehicle while the motor vehicle is located on any highway in this commonwealth.

This section does not prohibit possession or consumption by passengers in the passenger areas of a motor vehicle designed, maintained or used primarily for the lawful transportation of persons for compensation, including buses, taxis and limousines, or persons in the living quarters of a house coach or house trailer. Any person who violates this section commits a summary offense.

### **Penalty**

Fine 0-\$300  
Jail 0-90 days

## **MINOR PROHIBITED FROM OPERATING WITH ANY ALCOHOL IN SYSTEM**

Section 3718 of the Pennsylvania Vehicle Code

Notwithstanding any other provision of this title, a minor (person under 21 years of age) shall not drive, operate or be in physical control of a motor vehicle while having any alcohol in his system. A person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

## **HOMICIDE BY VEHICLE WHILE DRIVING UNDER THE INFLUENCE**

Section 3735 of the Pennsylvania Vehicle Code

Any person who unintentionally causes the death of another person as the result of... driving under the influence of alcohol or controlled substance and who is convicted of violating [the law regarding driving under the influence] is guilty of a felony of the second degree when the violation is the cause of death. The penalty is a mandatory sentence of 3-10 years incarceration and consecutive 3-10 year terms for each victim whose death is a result. The fine may be as high as \$25,000 per victim.

## **AGGRAVATED ASSAULT BY VEHICLE WHILE DRIVING UNDER THE INFLUENCE**

Section 3735.1 of the Pennsylvania Vehicle Code

Any person who negligently causes serious bodily injury to another person as the result of a violation of section 3802 (relating to driving under the influence of alcohol or controlled substance) and who is convicted of violating section 3802 commits a felony of the second degree when the violation is the cause of the injury.

## **DRIVING UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE**

Section 3802 of the Pennsylvania Vehicle Code

*Disclaimer: This information is not intended to be legal advice, but merely conveys general information related to drinking and driving. For more information, please contact your local District Attorney's Office or a private attorney.*

A person shall not drive, operate or be in actual physical control of the movement of any vehicle:

- While under the influence of alcohol to a degree which renders the person incapable of safe driving;

- While under the influence of any controlled substance . . . to a degree which renders the person of incapable of safe driving;
- While under the combined influence of alcohol and any controlled substance to a degree which renders the person incapable of safe driving; or
- While the amount of alcohol by weight in the blood of the person who is an adult is 0.08% or greater or a minor is 0.02% or greater.

It is considered prima facie evidence if an adult has 0.08%, a minor has 0.02% or anyone operating a commercial vehicle has 0.04% or more by weight of alcohol in his or her blood at the time of driving, operating or being in actual physical control of the movement of said vehicle. For the purpose of this section, the chemical test of the sample of the person's breath, blood or urine shall be from a sample obtained within two hours after the person drove, operated or was in actual physical control of the vehicle.

In some cases, first time DUI offenders may be eligible for the Accelerated Rehabilitative Disposition (ARD) program. Offenders may not be eligible for the ARD Program if they:

- Have been convicted of a DUI within the past ten (10) years
- Have seriously injured or killed someone as the result of a DUI crash or
- Have been charged at the time of a DUI with other specific serious vehicle violations.

In addition, the District Attorney may have other requirements that may disqualify someone from ARD.

The ARD program consists of the following:

- up to 12-month license suspension
- community service
- restitution
- 6-month court supervision
- attendance at Alcohol Highway Safety School and its costs
- CRN evaluation
- court and administrative costs
- treatment and other conditions that a judge may impose

**Misdemeanor or Felony Offenses could effect Licensure/Certification/Hiring in the following professions:**

Accountant	Insurance Adjuster	Architect
Law Enforcement	Federal jobs	State Jobs
Education	Coaching	Insurance
Real Estate	Health Sciences	Engineering

Those individuals working for companies that are contracted through local, state, or federal agencies.

For a full listing of professions that may be denied to you for alcohol-related misdemeanors or felonies, see : [http://www.lcbapps.lcb.state.pa.us/webapp/education/item\\_images/0307.pdf](http://www.lcbapps.lcb.state.pa.us/webapp/education/item_images/0307.pdf).

# Appendix D

## Federal Drug Laws

The possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are enforced for drug convictions, including mandatory prison terms for many offenses.

### Federal Drug Possession Penalties:

#### 21 U.S.C. 844 (a)

First conviction: up to one year in prison and fined \$1,000 to \$100,000, or both.

After one prior drug conviction: 15 days to two years in prison, and fined \$2,500 to \$250,000, or both.

After two or more prior drug convictions: 90 days to 3 years in prison and fined \$5,000 to \$250,000 or both.

Special sentencing provision for possession of crack cocaine:

Mandatory at least five years in prison, not to exceed 20 years and fined up to \$250,000 or both if:

- a) first conviction and amount of crack possessed exceeds 5 grams
- b) second crack conviction and amount of crack possessed exceeds 3 grams
- c) third or subsequent crack conviction and amount of crack possessed exceeds 1 gram.

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

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

#### 21 U.S.C. 859(a)(b)

Any person at least eighteen years of age who distributes a controlled substance to a person under twenty-one years of age is subject to twice the maximum punishment by law, to be at least one year, and three times the maximum punishment by law for second and subsequent offenses, to be at least one year.

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

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

#### 21 U.S.C. 862 (a)

**Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses.**

### Miscellaneous

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

*Note: These are only federal penalties and sanctions. Additional state penalties and*

Federal Trafficking Penalties

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 - 4999 gms mixture	<p><b>First Offense:</b></p> <p>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</p> <p><b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$4 million if an individual, \$20 million if not an individual.</p>	5 kgs or more mixture	<p><b>First Offense:</b></p> <p>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.</p> <p><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.</p> <p><b>2 or More Prior Offenses:</b> Life imprisonment</p>
Cocaine Base (Schedule II)	5-49 gms mixture		50 gms or more mixture	
Fentanyl (Schedule II)	40 - 399 gms mixture	<p><b>First Offense:</b></p> <p>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</p> <p><b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$4 million if an individual, \$10 million if not an individual</p>	400 gms or more mixture	<p><b>First Offense:</b></p> <p>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.</p> <p><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.</p> <p><b>2 or More Prior Offenses:</b> Life imprisonment</p>
Fentanyl Analogue (Schedule I)	10 - 99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100 - 999 gms mixture	<p><b>First Offense:</b></p> <p>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</p> <p><b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$4 million if an individual, \$10 million if not an individual</p>	1 kg or more mixture	<p><b>First Offense:</b></p> <p>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.</p> <p><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.</p> <p><b>2 or More Prior Offenses:</b> Life imprisonment</p>
LSD (Schedule I)	1 - 9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5 - 49 gms pure or 50 - 499 gms mixture	<p><b>First Offense:</b></p> <p>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</p> <p><b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$4 million if an individual, \$10 million if not an individual</p>	50 gms or more pure or 500 gms or more mixture	<p><b>First Offense:</b></p> <p>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.</p> <p><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.</p> <p><b>2 or More Prior Offenses:</b> Life imprisonment</p>
PCP (Schedule II)	10 - 99 gms pure or 100 - 999 gms mixture		100 gm or more pure or 1 kg or more mixture	
<b>PENALTIES</b>				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$1 million if not an individual.</p>	<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>	<p><b>First Offense:</b> Not more 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 gm or more			
Other Schedule III drugs	Any amount	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$1 million if not an individual.</p>	<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 than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.</p>	<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 than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.</p>
Flunitrazepam (Schedule IV)	30 to 999 mgs			
All other Schedule IV drugs	Any amount	<p><b>First Offense:</b> Not more than 6 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p>	<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>	<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 mgs			
All Schedule V drugs	Any amount	<p><b>First Offense:</b> Not more than 2 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>	<p><b>First Offense:</b> Not more than 1 yr. 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 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>	<p><b>First Offense:</b> Not more than 1 yr. 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 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>

**Federal Trafficking Penalties - Marijuana**

<b>DRUG</b>	<b>QUANTITY</b>	<b>1<sup>st</sup> OFFENSE</b>	<b>2<sup>nd</sup> OFFENSE</b>
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life 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 if death or serious injury, mandatory life</li> <li>• Fine not more than \$6 million if an individual, \$20 million if other than an individual</li> </ul>
Marijuana	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> <li>• Not less than 5 years, not more than 40 years 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 if death or serious injury, mandatory life</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual</li> </ul>
Marijuana	more than 10 kgs hashish; 50 to 99 kg mixture  more than 1 kg 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</li> <li>• Fine \$2 million if an individual, \$10 million if other than individual</li> </ul>
Marijuana	1 to 49 plants; less than 50 kg mixture	<ul style="list-style-type: none"> <li>• Not more than 5 years</li> <li>• Fine not more than \$250,000, \$1 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years</li> <li>• Fine \$500,000 if an individual, \$2 million if other than individual</li> </ul>
Hashish	10 kg or less		
Hashish Oil	1 kg or less		





109 University Square  
Erie, Pennsylvania 16541-0001



NON-PROFIT  
ORGANIZATION  
U.S. POSTAGE  
**PAID**  
GANNON  
UNIVERSITY

**GANNON**  
UNIVERSITY

109 University Square  
Erie, Pennsylvania 16541-0001