

Drug-Free Schools and Communities Act [EDGAR Part 86] Student and Employee Annual Notification | 2020-2021

As a requirement of the Drug-Free Schools and Communities Act [EDGAR Part 86] regulations, the University of Idaho is to disseminate and ensure receipt of the below policy/information to all students, staff, and faculty on an annual basis. This process is formally conducted by Recreation and Wellbeing. Questions concerning this policy and/or alcohol and other drug programs, interventions, and policies may be directed to the Assistant Director for Health Promotion and Alcohol & Other Drugs Initiatives, Madeline Brown, at aod@uidaho.edu or 208-885-2039.

Distribution of the Drug-Free Schools and Communities Act [EDGAR Part 86] Student and Employee Annual Notification

The U of I aims to inform all students and employees of the standards of conduct, laws pertaining to illicit drugs and alcohol, the health risks thereof, possible disciplinary sanctions relating to illicit drugs and alcohol, and a list of available resources for addressing illicit drug and alcohol use through the distribution of the Drug-Free Schools and Communities Act [EDGAR Part 86] Student and Employee Annual Notification. During the fall 2020, the U of I has developed a comprehensive Annual Notification distribution process explained below.

The Drug-Free Schools and Communities Act [EDGAR Part 86] Student and Employee Annual Notification is posted on the U of I website at www.uidaho.edu/aod as of December 21st, 2018. In addition to being posted on the U of I webpage, an explanation and link to the Annual Notification is sent out to all students and staff by the Vice Provost for Student Affairs/Dean of Students or their designee. The Annual Notification is also on file at Vandal Health Education, available to all. Email vandalhealthed@uidaho.edu to have an electronic and/or hard copy sent to you. Additionally, student and/or staff member of the U of I will be targeted through the corresponding dissemination efforts expanded upon below.

Students

In an effort to reach every student enrolled in one or more credits, the U of I seeks to employ multiple methods to inform students. A link to the DFSCA [EDGAR Part 86] Student and Employee Annual Notification will be sent in an email to all students in January and September after the last date to add classes (which dates are unique to the semester). To ensure students who register for classes in the summer term receive the DFSCA [EDGAR Part 86] Student and Employee Annual Notification, an email with a link will be sent to all newly registered students who were not registered for classes in the spring. Additionally, a link to the DFSCA [EDGAR Part 86] Student and Employee Annual Notification is also included in the first My UI Student Newsletter of each semester. This newsletter is sent out at 6:00 am PST each Monday during the academic year and reaches all students on all campuses. The Annual Notification is sent out in this manner because email is the primary method of communication with students of the U of I. The Annual Notification is included as a link because the document is too large to feasibly condense into the body of the newsletter.

In an effort to reach students on diverse platforms, Vandal Health Education also posts the link to the Annual Notification on its social media platforms: Facebook – Vandal Health Ed, Instagram - @vandalhealthed once each semester.

Employees

The U of I employs multiple methods in an effort to distribute the DFSCA [EDGAR Part 86] Student and Employee Annual Notification to all employees. In addition to being posted on the U of I webpage, the DFSCA [EDGAR Part 86] Student and Employee Annual Notification is sent out by the Vice Provost of Student Affairs/Dean of Students or their designee to all employees in January and September after the last date to add classes (which dates are unique to the semester), as the linked email is sent out to both students and employees together. The link to the DFSCA [EDGAR Part 86] Student and Employee Annual Notification is also sent out in the Daily Register at the start of each semester. This newsletter is the primary method of communication of official information at the U of I and is delivered to all employees daily at 6:00 am PST during the academic year, and weekly during academic breaks. The Annual Notification is sent out in this manner because email is the primary method of communication with students of the U of I. The Annual Notification is included as a link because the document is too large to feasibly condense into the body of the newsletter.

Policies: Alcohol, Other Drugs, and Weapons

As an academic community, the University of Idaho is committed to providing an environment in which scholarship and learning can safely flourish. Therefore, the illegal possession, use, consumption, manufacture, and distribution of federally defined illegal drugs, or controlled substances, is not permitted. The possession or use of illegal drugs, or the abuse of those which may otherwise be legally possessed, seriously affects the University environment, as well as the individual potential of our students and staff. The University enforces state laws and related University policies, including those prohibiting the following activities on campus:

- A. Providing alcoholic beverages to individuals under 21 or possession or consumption of alcoholic beverages by individuals under 21.
- B. Distribution, possession, or use of illegal drugs or controlled substances.
- C. Possession of firearms or other dangerous weapons.

The U of I seeks to provide a space for individuals to make safe decisions regarding alcohol and other drugs and is dedicated to fairly imposing disciplinary sanctions befitting the violation of local, state, federal, and U of I policies that do not support this effort. Sanctions up to and including expulsion or termination of employment and referral for prosecution will be used. The following alcohol and other drug policies apply to students taking one or more credits at the U of I and university employees. It applies to all on-campus activities and off-campus activities/groups considered to be sponsored by the U of I. Separate/additional policies apply to U of I employees.

The U of I strongly encourages students and employees to voluntarily obtain assistance for dependency or abuse difficulties before such behavior results in an arrest and/or disciplinary referral which might result in their separation from the institution. The use of, or addiction to, alcohol, marijuana, or controlled substances is not considered an excuse for violations of the Student Conduct Code or staff expectations and will not be a mitigating factor in the application of appropriate disciplinary sanctions for such violations. While our neighbor, the State of Washington, has legalized under the laws of the State of Washington the recreational use of marijuana, and it is therefore possible to obtain marijuana from a retail store within a few miles of U of I's Moscow campus, the possession, use, manufacture, or distribution of marijuana remains illegal under the laws of the State of Idaho and of the federal government.

Help is available both on campus and within the community for students and employees who experience drug dependence and/or abuse. The U of I Counseling and Testing Center, (208) 885-6716,

and the U of I Employee Assistance Program, 800-999-1077 company code UI1, and other professional agencies will maintain the confidentiality of persons seeking help for personal dependency and will not report them to institutional or state authorities. Vandal Health Education, (208) 885-4146, provides educational and awareness programming, information, and assistance.

Student Sanctions: Alcohol, Other Drugs, and Weapons

As members of the U of I community, students found in violation of these policies are subject to both the disciplinary sanctions imposed by the U of I and the criminal sanctions imposed by federal, state, and local law when applicable. The U of I provides individual case review for policy violations by students and will enforce disciplinary sanctions in a manner suited to the violation and situation. Possible U of I sanctions for underage students confronted by the institution for the consumption of alcohol and for students whose use of alcohol or drugs results in harm or the threat of harm to themselves or others, or to property, regardless of the location of the incident, include:

- Warning
- Probation
- Loss of Privileges
- Restitution
- Educational Sanctions
- Housing Suspension
- Housing Expulsion
- University Suspension
- University Expulsion
- Revocation of Admission/Degree
- Withholding Degree

More than one of the above sanctions may be applied to a single violation. In addition, as part of the conduct resolution process, an administrative fee is assessed to any student who receives a code of conduct violation. Parents of students under the age of 21 may be notified for alcohol and other drug violations for a 2nd alcohol or drug offense.

The philosophy of the student conduct process works to balance the safety and security of U of I and Moscow community members with personal accountability, reflection and growth. Students are given the opportunity to reflect on their choices, understand their impact on those around them, and use the experience as a growth opportunity.

In accordance with this philosophy, code violations do not have prescribed outcomes, however, violations concerning alcohol and other drugs do have sanctions that are typically prescribed. In the case of exacerbating circumstances, such as known past drug or alcohol abuse, alcohol or drug use that has put other in harms way, rehabilitation attempts, or a required stay in the hospital, the outcome will commonly rise to an alcohol assessment or BASICS regardless of previous number of violations. Additionally, in cases where there are numerous violations in one case, the hearing officer will sanction accordingly. For example, the incident may involve presence of alcohol, but also described a situation of physical assault, the student may not be sanctioned according to the chart below, but instead focus on the severity of the other violations instead. Any time a hearing officer meets with a student about any alleged misconduct, the hearing officer not only focuses on what happened, but circumstances leading up to the incident in question. With more in-depth questioning, the hearing officer will sanction based on opportunity for growth to reduce likelihood of repeat misconduct. The following table summarizes commonly imposed disciplinary sanctions for alcohol and drug use on or off campus per the student code of conduct.

For cases that resulted in a student suspension, the student must complete all sanctions assigned before they are fully eligible to reenroll.

Commonly Imposed Disciplinary Sanctions for On-Campus Policy Violations

Policy Violation	Typical Sanctions - 1st Offense	Typical Sanctions –2nd Offense
Underage Possession or Consumption of Alcohol	1 st Year Students – Review of online AOD education and reflection, warning, \$150 Administrative Fee 2 nd Year + Students – Alcohol Choices class, Warning, \$150 Administrative Fee	Parental notification if under 21, BASICS Alcohol Screening, Possible Disciplinary Probation, \$150 Administrative Fee
Possession or Consumption of Marijuana for Personal Use	Marijuana Education Program (MEP), Warning \$150 Administrative Fee,	Marijuana Basics or Drug Assessment, \$150 Administrative Fee, Possible Probation
Possession of any amount of "hard" drugs (Cocaine, PCP, etc.)	Drug Assessment, \$150 Administrative Fee, Probation or Suspension	Potential additional drug assessment \$150 Administrative Fee Likely Suspension
Selling or providing drugs of any kind	\$150 Administrative Fee Probation/Suspension/Expulsion	\$150 Administrative Fee Suspension/Expulsion

As members of the University community, students are also subject to city ordinances and to state and federal law. Arrest and prosecution for violations of criminal law or city ordinances may result from the same incident for which the U of I imposes disciplinary sanctions.

Drug Testing

Students who are not Student Athletes are not subject to drug testing as part of U of I official sanctions for drug and alcohol violations.

All Student Athletes are subject to mandatory drug testing as outlined in the Substance Abuse Policy and Mandatory Drug Testing Program for Student Athletes. Any positive test results will result in immediate action as outlined in the Policy, including but not limited to indefinite suspension from practice and/or competition until it is determined safe for the student athlete to resume, as well as completing sanctions as outlined in the Policy depending on the offense. The Policy is found here:

[https://govandals.com/documents/2020/12/10//UI Athletics DT Policy 8 1 2019.pdf?id=16566](https://govandals.com/documents/2020/12/10//UI_Athletics_DT_Policy_8_1_2019.pdf?id=16566).

U of I Amnesty Policy

To address barriers that may prevent a student from seeking emergency medical services for themselves or another, the U of I implemented an amnesty policy in 2013. As a result, any student who seeks medical attention for alcohol or other drug consumption will not be sanctioned for violating the U of I drug and alcohol policies as long as the student meets with the Dean of Students representative and completes the recommendations provided during that meeting.

Employee Policies

The unlawful manufacture, distribution, possession, or use of a controlled substance by employees on U of I premises, or while conducting U of I business off U of I premises, is prohibited by [APM 95.32 Drug Free Workplace](#). Additionally, [Idaho State Board of Education policy I.J.2](#). and [APM 95.31 Alcohol](#) prohibit the possession, consumption, and sale of alcoholic beverages at institutional facilities, except as

described. Exceptions may be made only in cases where the strict requirements of the U of I Alcohol Permits and Applications policy ([APM 80.01](#)) have been met.

Employee Sanctions

The University of Idaho will impose disciplinary sanctions on employees with alcohol or controlled substance violations. University policy provides for discipline up to and including dismissal for criminality and violation of policies of the State Board of Education or the University of Idaho. These policies include [FSH 3910 Dismissal and Discipline of Faculty](#), [FSH 3920 Dismissal and Discipline of Exempt Employees](#), and [FSH 3930 Separation of Classified Employees](#). Violations of the law may also be referred for criminal prosecution.

The University of Idaho encourages the rehabilitation of employees with diminished performance for reasons including abuse of alcohol or other substances ([FSH 3190 Diminished Performance of Employees](#)). The University may impose mandatory evaluation and treatment for substance abuse as a condition of continuing employment pursuant to [APM 95.32 Drug Free Workplace](#).

Laws Regarding Alcohol & Other Drugs

State of Idaho Legal Sanctions for Alcohol Offenses

The abuse or illegal possession of alcohol is proscribed under Idaho Law. A person must be 21 years of age or older in Idaho in order to lawfully purchase, possess, or consume an alcoholic beverage. There are also local laws prohibiting public intoxication or possession of alcohol by a person under 21 years of age. Below are specific State of Idaho criminal statutes proscribing the illegal abuse or possession of alcohol.

IC 49-1426: Pedestrians Under the Influence of Alcohol or Drugs: It is a misdemeanor for pedestrians who are under the influence of alcohol or any drug to a degree which renders them a hazard to walk or be upon a highway, except on a sidewalk.

IC 49-2446: Fraudulent Misrepresentation: Any person that fraudulently misrepresents his age to a dispenser of alcohol faces misdemeanor penalties and possible loss of driving privileges for 90 days.

IC 23-603: Dispensing to a Person Under the Age of Twenty-One Years: Any person that gives or sells alcohol to a minor (under 21 years of age) shall be guilty of a misdemeanor. A second violation shall constitute a felony.

IC 23-604: Minors - Purchase, Consumption or Possession Prohibited: Any person under 21 years of age who shall purchase, attempt to purchase, or otherwise consume or possess any alcohol beverage, including any distilled spirits, beer or wine, shall be guilty of an infraction upon a first violation and shall be guilty of a misdemeanor upon a subsequent conviction.

IC 18-1502: Beer, Wine or Other Alcohol Age Violations: Unless otherwise specified, any person violating age violations pertaining to the possession, use, procurement, or sale of alcohol is guilty of a misdemeanor. If the conduct constitutes an infraction under this code, the maximum fine issued will be \$300. A misdemeanor conviction may result in a maximum sentence of 30 days in jail, a fine of up to \$2,000, or both. Third and subsequent convictions may result in a maximum sentence of 60 days in jail, a

fine of up to \$3,000, or both. For violators under the age of 21, driving privileges will be suspended for a period not to exceed one year, and an alcohol evaluation and treatment may also be required.

IC 18-8002: Tests of Driver for Alcohol Concentration, Presence of Drugs or Other Intoxicating

Substances: Any person who drives in the State of Idaho shall be deemed to have given his consent to an alcohol test. If the driver refuses to submit to the test: (1) his driver's license will be seized; and (2) if his refusal is not reasonable the driver will lose his driving privileges for 180 days.

IC 18-8004A: Penalties - Persons Under 21 With Less Than 0.08 Alcohol Concentration: Any person under the age of 21 found guilty of driving under the influence with less than a .08 BAC for the first time is guilty of a misdemeanor and may be: (1) fined an amount not to exceed \$1,000; (2) shall have his driving privileges suspended for one year; and (3) shall be required to undergo an alcohol evaluation. A person found guilty of a second offense is guilty of a misdemeanor and may be sentenced to: (1) between 5 and 30 days in jail; (2) be fined an amount between \$500 and \$2,000; (3) have driving privileges suspended for one to two years; (4) may only drive a vehicle equipped with a functioning interlock ignition installed for one year following the license suspension period; and (5) shall be required to undergo an alcohol evaluation. A person found guilty of a third offense is guilty of a misdemeanor and may be sentenced to: (1) between 10 days and 6 months in jail; (2) be fined an amount between \$1,000 and \$2,000; (3) have driving privileges suspended for a mandatory period of one year, or until the person turns 21, whichever is greater; (4) may only drive a vehicle equipped with a functioning interlock ignition installed for one year following the license suspension period; and (5) shall be required to undergo an alcohol evaluation

IC 18-8005: Penalties - Driving Under the Influence: Any person found guilty of driving under the influence for the first time is guilty of a misdemeanor and may be sentenced to: (1) up to six months of jail; (2) may be fined up to \$1,000 dollars; (3) may have his driving privileges suspended for 180 days; and (4) at the owners expense, have a State-approved ignition interlock system installed on all cars driven by the person for one year. Any person found guilty of driving under the influence for a second time within 10 years is guilty of a misdemeanor shall be sentenced to: (1) not less than 10 days in jail, the first 48 of which must be consecutive, up to one year; (2) may be fined to an amount not to exceed \$2,000; (3) shall have his driving privileges suspended for one year; and (4) may only drive a vehicle equipped with a functioning interlock ignition installed for one year following the mandatory license suspension period. Any person found guilty of driving under the influence for a third time within ten years is guilty of a felony and shall be sentenced to: (1) custody of the State Board of Correction for a period not to exceed 10 years; (2) may be fined an amount not to exceed \$5,000; (3) shall have his driving privileges suspended for a minimum of one year, up to four years; and (4) may only drive a vehicle equipped with a functioning interlock ignition installed for one year following the license suspension period.

IC 18-8004C: Penalties - Excessive Alcohol Concentration: Any person found guilty of driving under the influence with a BAC of at least .20 is guilty of a misdemeanor and shall be sentenced to: (1) between 10 days and 1 year in jail; (2) may be fined an amount not to exceed \$2,000; and (3) shall have driving privileges suspended for one year. Any person found guilty of a second offense within five years is guilty of a felony and shall be sentenced to: (1) the custody of the State Board of Correction for a period not to exceed five years; (2) may be fined an amount not to exceed \$5,000; (3) shall have driving privileges suspended between one and five years; and (4) may only drive a vehicle equipped with a functioning interlock ignition installed for one year following the license suspension period.

IC 18-8006: Penalties - Aggravated Driving While Under the Influence of Alcohol, Drugs or Any Other Intoxicating Substances: Any person causing great bodily harm, permanent disability or permanent disfigurement while driving under the influence is guilty of a felony and may be sentenced to: (1) a jail sentence ranging from 30 days to five years; (2) may be fined an amount not to exceed \$5,000 dollars; and (3) shall have his driving privileges suspended for a minimum of one year up to a maximum of five years.

IC 23-505: Transportation of Alcoholic Beverages

(1) Alcohol lawfully purchased may be transported, but no person shall break open, or allow to be broken or opened, any container of alcohol, or use, or allow to be drunk, or used any alcohol therein while the same is being transported. Provided however, that an unsealed alcoholic beverage container may be transported in an enclosed trunk compartment or behind the last upright seat of a vehicle which has no trunk compartment.

(2) No person in a motor vehicle, while the vehicle is on a public highway or the right-of-way of a public highway may drink or possess any open beverage containing alcohol, unless such person is a passenger in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or in the living quarters of a recreational vehicle. Violations of this section is a misdemeanor for the individual in actual physical control of the vehicle, and an infraction for other individuals violating this section.

IC 49-335: Disqualifications and Penalties - Commercial Driver's License: Any person who operates a commercial vehicle and holds a Class A, B, or C license is disqualified from operating a commercial vehicle for not less than one year if: (1) operating a commercial vehicle under the influence of alcohol; and (2) operating a commercial vehicle while one's blood alcohol is 0.04 or more; and (3) any person who operates a commercial vehicle and refuses to submit to a test to determine the driver's alcohol concentration.

Registration (IC § 37-2716): Every person who manufactures, distributes, prescribes, administers, dispenses, or conducts research with any controlled substance must annually obtain legal registration.

Records – Drug Storage – Inventory (IC § 37-2720): Qualifying individuals must record, store, and maintain inventories of controlled substances in a manner that conforms to existing policies.

Manufacture and Delivery (IC § 37-2732): Any person guilty of manufacturing, delivering or possessing with an intent to manufacture or deliver a controlled substance will be fined, imprisoned, and guilty of either a felony or a misdemeanor depending on the classification of the substance.

Trafficking of Marijuana (IC 37-2732b): Any person who knowingly manufactures, delivers, or brings into the state, or who is in possession of 1+ lbs. of marijuana or 25+ plants is guilty of a felony. The

Amount	Prison Time	Fine
1-5 lb or 25-50 plants	Minimum 1 yr	Minimum \$5,000
5-25 lb or 50-100 plants	Minimum 3 yrs	Minimum \$10,000
25+ lb or 100+ plants	Minimum 5 yrs	Minimum \$15,000

maximum sentence is 15 years and a fine of \$50,000.

Possession (IC § 37-2732c): Any person that possesses a controlled substance without a valid prescription will be fined, imprisoned, and guilty of either a felony or a misdemeanor, dependent on the

classification of the substance. If an individual is found in possession of more than 3 ounces of marijuana they are subject to up to 5 years in prison and a fine of up to \$10,000.

State of Idaho Legal Sanctions for Drug Offenses

Violation	Drug Category	Classification	Penalty
Manufacture, deliver or possess with the intent to manufacture or deliver, a controlled substance	Narcotic drug classified in Schedule I or controlled substance classified in Schedule II	Felony	Prison term not exceeding life; fine not exceeding \$25,000
	Any other controlled substance which is a non narcotic drug classified in Schedule I, or a controlled substance classified in Schedule III	Felony	Prison term not exceeding 5 years; fine not exceeding \$15,000
	Schedule IV	Felony	Prison term not exceeding 3 years; fine not exceeding \$10,000
	Schedules V and VI	Misdemeanor	Prison term not exceeding 1 year; fine not exceeding \$5,000
Unlawful possession of a controlled substance	Narcotic drug classified in Schedule I or controlled substance classified in Schedule II	Felony	Prison term not exceeding 7 years; fine not exceeding \$15,000
	LSD	Felony	Prison term not exceeding 3 years; fine not exceeding \$5,000
	Schedule I (except LSD) or Schedules III, IV, V and VI	Misdemeanor	Prison term not exceeding 1 year; fine not exceeding \$1,000
	Marijuana - greater than 3 ounces	Felony	Prison term not exceeding 5 years; fine not exceeding \$10,000
	Marijuana – 3 ounces or less	Misdemeanor	Prison term not exceeding 1 year; fine not exceeding \$1,000
Trafficking in marijuana (manufacturing, delivering, bringing into the State, or possessing 1 pound or more of marijuana or 25 or more plants)		Felony	Mandatory prison term or 1 to 15 years; mandatory fine of \$5,000 to \$50,000, depending on amount possessed;

			second conviction doubles penalty
Trafficking in cocaine (manufacturing, delivering, bringing into the State, or possessing 28 grams or more)		Felony	Mandatory prison term of 3 years to life; mandatory fine of \$10,000 to \$100,000, depending on the amount possessed; second conviction doubles penalty
Trafficking in methamphetamine (manufacturing, delivering, bringing into the State, or possessing 28 grams or more)		Felony	Mandatory prison term of 3 years to life; mandatory fine of \$10,000 to \$100,000, depending on the amount possessed; second conviction doubles penalty
Trafficking in heroin (manufacturing, delivering, bringing into the State, or possessing 2 grams or more of marijuana)		Felony	Mandatory prison term of 3 years to life; mandatory fine of \$10,000 to \$100,000, depending on the amount possessed; second conviction doubles penalty

Local Legal Sanctions for Drug and Alcohol Offenses

The University of Idaho has satellite campuses in the following locations: Moscow, Idaho Falls, Coeur D’Alene, Boise, and Twin Falls. The following ordinances apply to all students and employees respective to the campus location:

Boise

Boise City Code 5-2-4: Public Intoxication: Any person, who is in public and intoxicated at a level that presents a danger to others or creates a disturbance of the peace, shall be guilty of a misdemeanor and subject to a fine of up to \$1,000 and/or imprisonment of up to six months in jail.

Boise City Code 5-2-6: Disorderly Household or Premises: It shall be unlawful for any person(s) to host a party, gathering or event on private property within any residential area of the city where a person under the age 21 years is in possession of, is consuming or is under the influence of an alcoholic beverage and the person(s) responsible for the party knew or reasonably should have known that the person in possession of, consuming or under the influence of an alcoholic beverage is under the age of 21. Violations of this code are a misdemeanor and subject to a fine of up to \$1,000 and/or imprisonment of up to six months in jail. In addition, violators may be made to pay restitution for the cost of law enforcement and emergency responders.

Boise City Code 5-2-10: Unlawful Consumption of or Possession of Alcoholic Beverages in Public Place: Except as otherwise provided by license, permit or law, it shall be unlawful for any person:

1. To consume any alcoholic beverage in a public place within the City; or
2. To possess, in a public place within the City, any alcoholic beverage in any bottle, can or other receptacle which has been opened, or has a seal broken, or where the contents of which have been partially removed.

Exceptions: The provisions of this section shall not apply to the possession or consumption of any alcoholic beverage by a person who is at least 21 years of age when such possession or consumption occurs:

1. Within any private residence or upon the yard thereabout, or within any apartment, duplex, condominium, boarding house or other structure lawfully used as a permanent residence, or within any common area or area designated exclusively for and appurtenant to such residential occupancy;
2. Within an establishment, business place or other location properly licensed and permitted by the State, the County and the City for the consumption of any alcoholic beverage;
3. Within the area defined on exhibit A on file in the City and depicted on exhibit B on file in the City, between the hours of ten o'clock A.M. and ten o'clock P.M. on any day the Boise State University football team plays a home game at Boise State's football stadium against an NCAA opponent, or on any day the City hosts an NCAA bowl game at Boise State's football stadium; provided, that the alcoholic beverage is held in an opaque plastic container that is not labeled or branded by an alcohol manufacturer or distributor and that such possession or consumption does not occur on or in the Boise River. Should there be a conflict between the boundary description (exhibit A on file in the City) and the approximate boundary depiction (exhibit B on file in the City), the description contained in exhibit A on file in the City shall control.
4. Pursuant to a valid City special event permit issued by the City; provided that the alcoholic beverage is held in an opaque plastic container that is not labeled or branded by an alcohol manufacturer or distributor and that such possession or consumption does not occur on or in the Boise River.
5. The provisions of this section shall not apply to the possession of an open container or the consumption of beer or wine by a person who is at least 21 years of age, when such possession or consumption occurs while the person is a passenger within a vehicle operated by a company licensed by the City as a touring vehicle service.

Violations of this code are a misdemeanor and subject to a fine of up to \$1,000 and/or imprisonment of up to six months in jail.

Boise City Code 5-2-12: Intoxication by Inhalation of Intoxicants or Solvents: It shall be unlawful for any person to become or attempt to become intoxicated by inhaling the fumes of gasoline, toluene or any

other solvent or product containing any such solvent. Violations of this code are a misdemeanor and subject to a fine of up to \$1,000 and/or imprisonment of up to six months in jail.

Boise City Code 5-2-14: Possession of False Identification Card: It shall be unlawful for any person who is under 21 years of age to display or have in his or her possession a driver's license, identification card, or any other written, printed or photographic evidence of age and identity which is fraudulent, reproduced, altered or not actually his or her own. A violation of this section shall be an infraction and subject to a fine of up to \$100.

Boise City Code 5-2-15: Minors; Purchase, Consumption or Possession of Alcohol: Any person under 21 years of age who shall purchase, attempt to purchase, consume or otherwise possess any alcohol beverage, including any distilled spirits, beer or wine, shall be guilty of a misdemeanor. A misdemeanor conviction may result in a maximum sentence of 30 days in jail, a fine of up to \$2,000, or both. Third and subsequent convictions may result in a maximum sentence of 60 days in jail, a fine of up to \$3,000, or both. Driving privileges may also be suspended.

Boise City Code 7-7A-6: Alcohol in Public Parks: Alcoholic beverages other than beer and wine are prohibited in all Boise City parks and facilities unless the location is a licensed premises or alcoholic beverages other than beer or wine are specifically allowed by this Code. The possession of more than seven and one-half (7.5) gallons of beer and/or wine per person, group, or event shall require a permit from the department.

Exception: Alcoholic beverages are not prohibited within the Eighth Street corridor when the possession, sale, or consumption of alcoholic beverages occurs in conjunction with a validly licensed special event.

Possession And Consumption: Alcoholic beverages may be possessed and consumed by persons over the age of 21 years if such possession or consumption falls within one of the exceptions contained in subsection 5-2-10C of this Code, provided that such possession and consumption shall not occur in the following locations:

1. South of the Boise River Greenbelt running from east to west within Julia Davis Park;
2. Within the Richard and Annette Bloch Cancer Survivor Plaza;
3. Within Trevor's Trek Children's Cancer Pavilion.

Prohibited Parks And Areas: All alcoholic beverages, including beer and wine, are prohibited in the following Boise City parks, facilities, and areas:

1. Any street, parking lot, restroom, pathway, playground, swimming pool, youth community center, skate park, archery range, cemetery, bike skills facility, or youth sports complex, unless made specifically allowable by this section or by order of the Director.
2. Bernardine Quinn Riverside Park and Quinn's Pond, 3150 West Pleasanton Avenue.
3. Idaho Fallen Firefighter Memorial Park, 1775 West Shoreline Drive.

4. McAuley Park, 1650 West Resseguie Street.
5. Pioneer Community Center, 500 South Ash Street.
6. Shoreline Park, 1375 West Shoreline Drive.
7. Any park or area where alcohol is prohibited by Boise Parks and Recreation signage.

Restricted Parks And Areas: Beer and wine is allowed in the following Boise City parks and facilities with a beer and wine permit obtained from the department, and only during a department-scheduled reservation or a department-sponsored activity:

1. Boise Depot Platt Gardens, 2602 West Eastover Terrace.
2. Boise Urban Garden School, 2995 North Five Mile Road.
3. Borah Park, 801 South Aurora Drive.
4. Cecil D. Andrus Park, 601 West Jefferson Street.
5. C.W. Moore Park, 150 South 5th Street.
6. Dick Eardley Senior Center, 690 Robbins Road.
7. Esther Simplot Park, 625 North Whitewater Park Boulevard.
8. Idaho Ice World, 7072 South Eisenman Road.
9. Julia Davis Park, 700 South Capitol Boulevard.
10. Kathryn Albertson Park, 1001 Americana Boulevard.
11. Veterans Memorial Park, 930 North Veterans Memorial Parkway.
12. Jim Hall Foothills Learning Center, 3188 Sunset Peak Road.

Greenbelt Restrictions: Alcoholic beverages, including beer and wine, are generally prohibited on the Boise River Greenbelt and entrances thereto that are under the jurisdiction or control of the department, including the area within two hundred fifty feet (250') of the Boise River Greenbelt. Beer and wine is allowed within two hundred fifty feet (250') of the Boise River Greenbelt in the following Boise City parks with a beer and wine permit obtained from the department, and only during a department-scheduled reservation or a department-sponsored activity:

1. Ann Morrison Park, 1000 Americana Boulevard.
2. Julia Davis Park, 700 S. Capitol Boulevard.

3. Kristin Armstrong Municipal Park, 500 South Walnut Street.

4. Marianne Williams Park, 3451 East Barber Valley Drive.

5. Willow Lane Athletic Complex, 4623 West Willow Lane.

Violations of this section are guilty of a misdemeanor and subject to a fine of up to \$1,000 and/or imprisonment of up to six months in jail.

Boise City Code 7-7A-10: Parks and Greenbelt Smoking Prohibition: Smoking tobacco or any other substance is prohibited in any public City park, except for the areas specifically declared open to smoking within Ann Morrison Park, Julia Davis Park, and City owned golf courses. Violations of this code are an infraction and punishable by a fine up to \$100.

Coeur D'Alene

Chapter 5.08 Alcoholic Beverages, Beer

Coeur D'Alene City Code 5.08.110: SALE OF BEER TO MINORS: It is unlawful for any person to sell beer within the Municipality to any person under the age of twenty one (21) years. (Ord. 2081 §1, 1987: Ord. 1437 §1, 1976: prior code §5-9-6)

Coeur D'Alene City Code 5.08.150: SALE TO INTOXICATED PERSONS PROHIBITED: It is unlawful for any person to sell beer to any intoxicated person. (prior code §5-9-10)

Coeur D'Alene City Code 5.08.160: BEER, WINE OR LIQUOR PROHIBITIONS WITHIN THE CITY; EXCEPTIONS:

A. No person shall consume any beer, wine or other alcoholic beverage or possess an open container of or containing any beer, wine or other alcoholic beverage on any public property, including public streets and alleys, within the City, or at any other place in the City, including any motor vehicle moving or stationary, with the following exceptions:

1. The premises of a private residence;
2. Premises licensed for the sale of on site consumption of the particular type of alcoholic beverage involved;
3. A certified forensic laboratory when the alcoholic beverage is possessed for evidentiary purposes and/or for testing and research purposes;
4. A public law enforcement facility possessing alcoholic beverages for evidentiary purposes or for training purposes;
5. Within the indoor premises of a private business when served free of charge to customers or patrons of the business in conjunction with a specific event then taking place inside the business premises;

6. On a public sidewalk and/or other public right-of-way when such sidewalk or right-of-way is contiguous to a permitted outdoor eating facility, but only after issuance of and pursuant to the terms of a permit issued by the City Clerk. Criteria that must be met for a permit to issue shall be set forth by resolution of the City Council;

7. On a public right-of-way when used on pedal bike(s) and/or nonmotorized recreational vehicles in which the passenger areas are separate from the driver areas, but only after issuance of and pursuant to the terms of a permit issued by the City Clerk. Criteria that must be met for a permit to issue shall be set forth by resolution of the City Council;

8. Within the indoor premises of the Coeur d'Alene Public Library when served free of charge to patrons or event attendees in conjunction with a specific event hosted by the Coeur d'Alene Public Library Foundation, the Friends of the Coeur d'Alene Public Library or other associated library organizations, pursuant to rules and policies adopted by the Coeur d'Alene Library Board of Trustees for such events;

9. On a public sidewalk or other public right-of-way when such sidewalk or right-of-way is being used for a permitted special event; provided, the consumption shall be for sample tasting only and the size of each sample of beer or wine shall not exceed one and one-half (1 1/2) ounces, shall be dispensed by a licensed vintner, winery, brewery, distributor, or retailer for the purpose of promoting their products to the public or conducted as a tasting event, and shall take place in a specific identified tasting area in accordance with State law. Consumers shall remain in the tasting area until they have finished consuming the sample;

10. As otherwise permitted by this Code.

B. Furthermore, no person shall possess any container, whether open or not, of or containing any beer, wine or other alcoholic beverage on public property, except at those public locations and under those conditions as set out in subsection A of this section or as otherwise permitted by this Code. (Ord. 3607, 2018; Ord. 3582, 2017; Ord. 3492, 2014; Ord. 3443, 2012)

Coeur D'Alene City Code 5.08.170: BEER; LIMITS ON AREAS OF SALE:

A. No persons shall sell beer to be consumed on the premises within three hundred feet (300') of any park, school or church, nor within six hundred feet (600') of any R-1, R-3, R-5, R-8 or R-12 Zone, nursing home or hospital except:

1. This section does not apply to the sale of beer for consumption on the premises when such sales are incidental to the operation of an eating establishment. Applicants for new licenses must sign and submit an affidavit with their application committing to commence the operation of an eating establishment and to operate the business as a bona fide eating establishment meeting the requirements of this chapter; or
2. Businesses located at least three hundred feet (300') from any park, school or church and at least six hundred feet (600') from any nursing homes or hospital may serve beer to be consumed on the premises within three hundred feet (300') of any R-1, R-3, R-5, R-8 or R-12 zoned property if they have the written consent of a majority of the owners of those residential properties protected by this section that are within six hundred feet (600') of the business; or

3. This section does not apply to the area depicted below:



B. Businesses which now lawfully sell beer within the prohibited area set forth in this section are exempt from the provisions of this section so long as they continue their operation. However, in the event any such business seeks to expand beyond twenty percent (20%) of the business's original floor space, they must comply with all requirements set forth in section [5.08.015](#) of this chapter, including, but not limited to, this section. Should any such exempt business discontinue its operation for a period of six (6) months, it will no longer be exempt from the restrictions of this chapter. (Ord. 3504, 2015)

Coeur D'Alene City Code 9.25.020: Prohibited Acts Regarding the Over the Counter Sale of Pseudoephedrine:

- A. It shall be unlawful within the incorporated limits of the city for any retailer or employee thereof to knowingly sell, transfer, or otherwise furnish in a single transaction more than three (3) packages of any locally regulated pseudoephedrine product prepared for over the counter distribution.
- B. The limits established in this section shall not apply to any quantity of pseudoephedrine product dispensed pursuant to a valid prescription.

Coeur D'Alene City Code 9.25.040: Penalty: Any person or entity violating the provisions of this chapter is guilty of a misdemeanor as provided in section [1.28.010](#) of this code.

Idaho Falls

Idaho Falls City Code 4-2-16: Restriction on Sales by Licensee: No licensee or its employed agents, servants or bartenders shall sell, deliver or give away, or cause or permit to be sold, delivered, or given away, any liquor to:

- A. Any person under the age of twenty-one (21) years, proof of which, for every resident of this State, shall be a valid driver's license, military identification card or an identification card issued by the Idaho Department of Transportation.
- B. Any person actually or obviously intoxicated.
- C. A habitual drunkard.
- D. An interdicted person.

Idaho Falls City Code 4-2-17: Sales to Disqualified Persons Under Age 21:

- A. Any person under the age of twenty-one (21) years who shall purchase, attempt to purchase, possess, serve, dispense, or consume alcohol shall be guilty of a misdemeanor provided, however, that any persons who are nineteen (19) years of age or older may sell, serve, possess and dispense alcohol in the course of their employment in any place, as defined by the Idaho Code , or other place where alcohol is lawfully present so long as such place is the place of employment for such person under twenty-one (21) years of age. No person under twenty-one (21) years of age may serve alcoholic beverages in an establishment that sells liquor by the drink or beer or wine to be consumed on the premises, unless that establishment is also a bona fide restaurant.
- B. Any person who knowingly misrepresents his or her age or qualifications for the purpose of obtaining liquor from a licensee shall be guilty of a misdemeanor.
- C. No person shall represent to any licensee, to any agent or employee of a licensee, or to any bartender that any other person is twenty-one (21) years or more of age, when in fact the other person is under the age of twenty-one (21) years, for the purpose of inducing such licensee, or the licensee's agent or employee, or a bartender to sell, deliver or give away any liquor to such other person.
- D. No person shall purchase liquor for the purpose of delivering the same to any person under the age of twenty-one (21) years, nor shall such person sell, give away or deliver liquor to any person under the age of twenty-one (21) years.
- E. It is unlawful for an employer to knowingly employ a person in violation of this Chapter. It shall be unlawful for any person to conspire with, or abet any person to violate any provision of this Chapter.

Idaho Falls City Code 4-2-20: Persons Under Specified Ages Prohibited to be at Licensed Places: No person under the age of twenty-one (21) years shall enter, remain in or loiter in or about any premises licensed for the sale of liquor by the drink at retail, or sale of beer for consumption on the premises, nor shall any licensee of either such place, or any person in charge of a licensed premises or on duty while employed by the licensee therein, permit or allow any person under such age to remain in or loiter in or about such place. Provided, however, it is lawful for persons who are musicians and singers eighteen (18) years

of age or older, to enter and to remain in any place, as defined by the Idaho Code, but only during and in the course of their employment as musicians and singers. Provided further, that it is lawful for persons who are nineteen (19) years of age or older to sell, serve, possess or dispense liquor, beer or wine in the course of their employment in any place as defined by the Idaho Code, or in any other place where liquor, beer or wine are lawfully present, so long as such place is the place of employment for such person. However, the foregoing shall not permit the sale or distribution of any alcoholic beverages to any person under the ages specified for sale of alcoholic beverages.

4-2-21: Exceptions: Notwithstanding the preceding section, any person under the age of twenty-one (21) years may enter or be upon or within:

A. Any railroad observation or club car or any airplane of a commercial airline, notwithstanding that such premises may also be licensed for the sale of liquor by the drink or for the sale of beer for consumption on the premises or that alcoholic beverages, or beer, or both, are prepared, mixed or dispensed and served and consumed therein.

B. Any building, a part or portions of which are used as a licensed premises, provided such premises are separate or partitioned from the remainder of said building and access to such place through a doorway or doorways or other means of ingress can be controlled to prevent persons under twenty-one (21) years of age from entering therein.

C. Any baseball park, sports arena or fairgrounds, notwithstanding that such premises or any portion thereof may be licensed for the sale of beer for consumption on the premises or that beer is dispensed and served and consumed therein.

D. The premises of any licensed winery notwithstanding that such premise or any portion thereof may also be licensed for the sale of beer or wine for consumption on the premises or that wine is dispensed and served and consumed therein.

E. The licensed premises of a wine retailer, wholly owned and operated by a licensed winery which retails exclusively the products of that winery.

Idaho Falls City code 4-2-22: Possession of Open Containers Prohibited:

A. Any person who is in possession of an open container of liquor within the geographic limits of the City shall be guilty of a misdemeanor. (Ord. 3236, 01-31-19)

B. Notwithstanding the foregoing, nothing herein shall prohibit the possession of an open container of liquor:

1. Within a fully enclosed, privately-owned building or upon a private parking lot adjacent or appurtenant to such building provided such parking lot is located more than two hundred (200) feet away from the premises of any licensed liquor vendor. Such distance shall be measured at the shortest distance between the exterior boundaries of such parking lot and licensed premises.

2. Within any private residence or upon the yard thereabout, or within any apartment, duplex, condominium, boarding house or other structure lawfully used as a permanent residence, or within any common area or area designated exclusively for and appurtenant to such residential occupancy.

3. Within any area for which a liquor catering permit has been lawfully issued under the provisions of this Chapter.

4. Within any area included within or being a part of the premises at which a licensee is authorized to sell or dispense liquor by the drink under the provisions of this Chapter.

5. Within an area directly adjacent to a restaurant, at tables provided for dining, between the hours of 10:00 a.m. and 11:00 p.m. local time. "Restaurant" is defined as an eating establishment which offers for sale food to the public. A restaurant must also have the appropriate license to sell the type of alcohol they offer to the public, including an approved site plan as part of its State alcohol permit. If the adjacent area includes a public sidewalk, the size of the tables and seating must allow sufficient room for public ingress and egress, including being compliant with all ADA laws and regulations for sidewalk use under the City Code. All consumption of alcohol in this adjacent area must be done at the table, and the customer cannot carry the alcohol away from the table.

Moscow

Moscow City Code Title 10, Section 1-12:

- A. It shall be unlawful for any person to transport or have physical possession or control of any alcoholic or intoxicating beverage in an open or unsealed container of any kind on or in any public place or place to which the public has or is permitted to have access, including, but not limited to, any place, structure, or conveyance, except in accordance with specific regulations adopted by the Council by Resolution for events in the Moscow Central Business (CB) zoning district; in the Moscow Motor Business (MB) zoning district for any eating and/or drinking establishment located within the MB zone where business is adjacent to a public right-of-way of a street designated as a local street on the 2010 City of Moscow Functional Classification Map; in City Parks; pursuant to a Sidewalk Café license; or as otherwise authorized or permitted by City.
- B. Exemption to Open Containers Prohibition:

This Ordinance shall not be in effect between the hours of 10:00 a.m. and 10:00 p.m. in any place located within 6th Street to the North, South Rayburn to the East and south, and Perimeter Drive to the West and South, on days when the University of Idaho has home football games, provided that any alcoholic beverage is held in an opaque plastic or paper container that is not labeled or branded by an alcohol manufacturer or distributor.

Moscow City Code Title 10, Section 1-23:

1. It shall be unlawful for any person to smoke, or for an owner, manager, bartender, server, or employee to allow another to smoke within a bar or private club or within twenty feet (20')

of entrances or exits of a bar or private club within the City, except in a Contiguous or Adjacent Outdoor Area.

2. It shall be unlawful for any person to smoke within twenty feet (20') of entrances or exits of any public place where smoking is prohibited by the Idaho Indoor Clean Air Act.

Definitions:

1. Bar. Any indoor area open to the public operated primarily for the sale and service of alcoholic beverages for on-premises consumption and where the service of food is incidental to the consumption of such alcoholic beverages or no person under the age of twenty-one (21) years is permitted, except as otherwise provided by Idaho Code. Bar may include, but is not limited to, any part of a tavern, a restaurant, nightclub, cocktail lounge, and cabaret.

2. Contiguous or Adjacent Outdoor Area. An unenclosed, outdoor area, owned, leased, occupied, and/or controlled by a bar or private club which is contiguous with or adjacent to such bar or private club and used for outdoor dining, gathering, or recreation and which does not allow smoke to enter into entrances, exits, windows or ventilation intakes of the bar or private club with which it is contiguous or adjacent and which can be entered only from an interior bar or private club entrance or exit and not from the main public entrance or exit of such bar or private club.

3. Private Club. An organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for such organization's purposes at all times; is operated primarily for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose; and for the exclusive use of such organization's members and guests.

4. Restaurant. An eating establishment including, but not limited to, a coffee shop, cafe, cafeteria, and private and public school cafeteria, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere.

5. Smoking. The inhaling, exhaling or burning of tobacco or the carrying or possession of any lighted or heated cigar, cigarette, or pipe of any kind.

Administrative Procedure and Administrative Fine:

In order to eliminate over-burdening the court system and as a convenience to the public, a person named on a notice of violation may pay the administrative fine (as established from time to time by Resolution of the Council) to the City within fourteen (14) days of the date of issuance of the notice of such violation.

Penalty:

1. In the event an administrative fine is not paid within fourteen (14) days of the issuance of notice of the violation, a uniform citation alleging an ordinance violation shall be filed in the Magistrate Division of the Second Judicial District Court.

2. Any person found in violation of this Section shall pay an infraction penalty in the amount set forth in a Resolution duly adopted by Council from time to time, up to and including such person's third offense. Upon conviction for a fourth offense under this Section, any person found violating any of the provisions of this Section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished pursuant to this Code and the Idaho Code.

Moscow City Code Title 10, Section 13-1:

It shall be unlawful for any person to inhale, breathe or drink any compound, liquid, chemical, or any other substance known as glue, adhesive, cement, mucilage, dope, or any other material or substance or combination thereof with the intent of becoming intoxicated, elated, dazed, irrational, or in any other manner changing, distorting or disturbing the eyesight, thinking process, balance, or coordination of such person. For the purpose of this Chapter, any such condition so induced shall be deemed an intoxicated condition.

Federal Legal Sanctions

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. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction(s).

Federal Penalties for Alcohol Offenses

18 U.S.C. 1952: Anyone who travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with the intent to: (a) distribute the proceeds of any unlawful activity; or (b) commit any crime of violence to further any unlawful activity; or (c) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment or carrying on, of any unlawful activity, may be subject to the following penalties: individuals found guilty of conduct related to paragraphs (a) or (c) may be fined up to \$10,000, and/or imprisoned for up to five years. Individuals found guilty of conduct related to paragraph (b) may be fined up to \$10,000, and/or imprisoned for up to 20 years. If death results from the conduct, imprisonment may be for any period of years up to life in prison. For the purposes of this paragraph, "unlawful activity" includes any business enterprise involving liquor on which the Federal excise tax has not been paid.

Federal Drug Trafficking Penalties

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction as seen in the charts below. If death or serious bodily injury result from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces mandatory life sentence and fines ranging up to \$8 million.

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The following list is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe. Persons convicted on federal charges of drug trafficking within 1,000 feet of a University (21 USC 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

FEDERAL TRAFFICKING PENALTIES—

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	First Offense: 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 \$5 million if an individual, \$25 million if not an individual. Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	First Offense: 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 \$10 million if an individual, \$50 million if not an individual. Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 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	100 gm or more pure or 1 kg or more mixture		
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: 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. Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		
Flunitrazepam (Schedule IV)	Other than 1 gram or more	Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

FEDERAL TRAFFICKING PENALTIES—MARIJUANA—

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) marijuana plants; 1 to 49 marijuana plants;	Not less than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not less than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

20 U.S.C. 1091: Students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work study programs, and more. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program.

21 U.S.C. 845(a): Persons convicted on federal charges of drug trafficking within 1,000 feet of a university face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

Federal Drug Possession Penalties

21 U.S.C. 844(a): 1st Conviction: 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. After 1 prior drug conviction: 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. After 2 or more prior drug convictions: 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. Special sentencing

provisions for possession of crack cocaine: Shall be imprisoned not less than 5 years and not more than 20 years, and fined a minimum of \$1,000 if: (a) 1st conviction and the amount of crack possessed exceeds 5 grams; or (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams; or (c) 3rd or subsequent possession and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853(a)(2) and 881 (a)(7): Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment.

21 U.S.C. 881(a)(4): Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 853a: Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922(g): Ineligible to receive or purchase a firearm.

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

Available Resources

Counseling

Short term alcohol and other drug counseling is available on campus to students through University of Idaho Counseling and Testing Center (208-885-6716). The Counseling & Testing Center (CTC) provides free and confidential counseling services, including substance use counseling, to U of I students, and is located in Mary Forney Hall Room 306 on the U of I Moscow Campus. Visit or call to schedule an appointment at (208) 885-6716. Visit <https://www.uidaho.edu/ctc> for more information. The CTC also provides individualized screening and intervention for substance use (alcohol and/or other drugs) concerns as well as outreach screenings throughout the academic year for both alcohol and marijuana. Students may be referred through the Counseling Center to other treatment programs for more intensive treatment.

The CTC maintains a memorandum of understanding with Boise State University to allow University of Idaho students on the University of Idaho—Boise campus to utilize the mental health clinic on the Boise State University campus. The Boise State University health clinic is a fee for service agency and accepts insurance. Visit <https://www.boisestate.edu/healthservices> for more information. Call (208) 426-1459 to schedule an appointment.

Through the University of Idaho Human Resources department, the Employee Assistance Program (EAP) offers employees additional education and counseling, as well as appropriate referrals. The EAP is available to benefit-eligible U of I employees, dependents and eligible household members. EAP provides confidential, professional support for personal and work concerns at no cost to you. Whether you are dealing with a big issue, substance use concerns, or are simply looking for advice, your EPA provides professional, confidential support services and information for a wide variety of life areas. EAP is available toll free, 1-800-999-1077 or online at www.eaphelplink.com, 24 hours a day, 7 days a week. Please use company code UI1.

Weeks and Vietri Counseling is a local counseling center in Moscow that provides substance abuse counseling, assessment, and evaluation services for those that struggle with mental health and/or substance abuse issues. They accept most private insurance, Medicare and Idaho Medicaid, as well as private pay. Call (208) 882-8514 to schedule an appointment.

These agencies provide a variety of services which may include intake/evaluation, counseling, adult outpatient services, drug testing, substance abuse, remedial education, and DUI evaluations. Interested individuals are encouraged to contact each agency for additional information regarding specific services and costs.

Treatment

The University of Idaho does not offer resources or services related to the treatment of substance misuse or substance use disorders.

Palouse Recovery Center is located in Pullman, Washington and offers an Intensive Outpatient Program (IOP) for rehabilitation and treatment of those who have been diagnosed with alcohol dependence or drug addiction. Palouse Recovery Center also offers outpatient treatment and counseling services for clients who have completed intensive treatment due to alcoholism or drug addiction. They accept insurance and private pay. Visit <https://pullmanalcoholanddrugrehab.com> or call 208-334-0718 for more information.

Rehabilitation

The University of Idaho does not offer resources or services related to rehabilitation from substance misuse or substance use disorders.

Re-entry Program

For Student Code of Conduct case violations involving alcohol and/or other drugs that result in a student suspension, the student must complete all sanctions assigned before they are fully eligible to re-enroll at the University of Idaho.

Prevention and Education

Recreation and Wellbeing Vandal Health Education (www.uidaho.edu/vandalhealthed, 208-885-4146) is provides the primary leadership of alcohol and other drug prevention and education at University of Idaho. Additionally, the Counseling and Testing Center (www.uidaho.edu/ctc, 208-885-6717), and the Office of the Dean of Students (www.uidaho.edu/dos, 208-885-6757) provide alcohol and other drug education as well. Individual, group and community educational programs and interventions designed to prevent and reduce alcohol and other drug use/abuse are offered to the University of Idaho Vandal Community to promote attitudes, beliefs, values, and behaviors that support a healthy campus and empower students and employees to make positive choices regarding their own AOD use.

Students and employees may take e-CHECK UP TO GO, www.uidaho.edu/echeckup, a brief web-based alcohol or marijuana screening and receive personalized feedback on drinking or marijuana use patterns and how use might affect health and personal goals.

Students and employees may also attend alcohol and other drug workshops. Each workshop includes relevant NCHA data used for normative re-education and incorporates components of motivational interviewing to support the harm reduction approach implemented on the U of I campus. Alcohol 101 includes the standard components of alcohol education and defines a standard drink, includes an interactive pouring demonstration, challenges inflated perceptions of alcohol use on campus, defines

blood alcohol content, explores safer drinking strategies, signs of alcohol poisoning, and bystander tips. Red Watch Band is an alcohol bystander intervention program designed to help students recognize the signs of acute alcohol poisoning and empower them to intervene to keep their fellow Vandals safer. How to Help a Friend is designed to provide students with the skills and confidence to initiate a conversation with someone if they are concerned about someone's alcohol or other drug use using motivational interviewing techniques. Lastly, the Marijuana & Other Drugs workshop examines drug trends among U of I students and discusses some of the potential health and legal risks associated with several drugs. Visit <https://www.uidaho.edu/current-students/vandal-health-education/workshops> for more information and to request a workshop.

Individuals who receive a first-time alcohol violation are often referred to Choices, a two-session group and evidence-based Alcohol Skills Training Program, designed to help students assess their choices regarding alcohol and develop strategies to reduce the risk of alcohol related harm. The program engages students in self-reflection and discussion about the effects of alcohol, risks, and norms associated with alcohol while equipping them with the information, strategies, and skills to make wise decisions. It guides students in applying the information to their personal experiences and identifies strategies to reduce harm.

In addition, the Alcohol and Other Drugs Advisory Committee meets as needed to discuss maintaining compliance with the Drug-Free Schools and Campuses Act (DFSCA). As mandated by the DFSCA, this policy is distributed to all students, staff and faculty on an annual basis, and during every even year, a biennial review of the comprehensive alcohol and other drug program is conducted. For more information concerning current programs, interventions and policies, contact Madie Brown at aod@uidaho.edu or 208-885-2039.

Health Effects of Commonly Abused Substances

Alcohol

Alcohol's effects vary from person to person, depending on a variety of factors including how much, how often, and how quickly you drink, your age, health status, and family history. While drinking alcohol is legal for those over the age of 21, even small amounts of alcohol can significantly impair your reflexes, coordination, judgment, and memory. In larger amounts, alcohol can significantly impair cognition – severely limiting a person's ability to learn, remember, and analyze decisions, as well as decrease the functions of the body such as breathing and beating of the heart, which can lead to unconsciousness and death. In addition, frequent or regular use of alcohol can lead to dependence and a wider range of consequences while increasing your risk for a variety of additional health concerns.

Marijuana/Cannabis

Marijuana is a psychoactive (mind-altering) drug that can be consumed in various ways and like all drugs, has health risks associated with its use. Marijuana impairs short-term memory, reflexes, judgment, and perception which negatively affects academic performance and makes it dangerous to drive while under the influence. Regular marijuana use has long term effects on cognitive development and so may be particularly harmful for younger users. In addition, marijuana is a habit-forming drug and can lead to both physical and/or psychological dependence with frequent use.

Depressants

Depressants will induce sleep, relieve anxiety and muscle spasms, and prevent seizures, and different types of depressants can be prescribed by doctors. Examples include barbiturates (Fiorina, Pentothal, Seconal) and benzodiazepines (Valium, Xanax, Halcion, Restoril, and Rohypnol). Alcohol is also a depressant. Other examples of depressants are diazepam, chloral Hydrate, glutethimide, etc. Generally, depressants taken as prescribed under a doctor’s supervision for therapeutic purposes is considered safe. People abuse depressants by using them to add to another drug’s high or effect.

Stimulants

Stimulants speed up the body’s systems and are sometimes referred to as “uppers”. Therapeutic levels of stimulants taken as prescribed can produce exhilaration, extended wakefulness, and loss of appetite, the effects of which are intensified at larger doses. Stimulant drugs are often abused in a binge pattern – sporadic large doses over a short period of time. Examples of stimulants include amphetamines, Adderall, Ritalin, Methamphetamine, Cocaine, MDMA (Ecstasy, Molly), etc.

Narcotics

Also known as “opioids”, narcotics are a variety of substances that dull the senses and relieve pain. Some narcotics/opioids are prescribed by doctors to treat pain, cure diarrhea, and put people to sleep, and their effects depend heavily on the dose, how the dose is taken, and any previous expose to the drug. Harmful effects and pain relief become more pronounced as the dose increases, and a single dose can be lethal to an inexperienced user. Examples of narcotics include oxycodone, hydrocodone, heroin, morphine, codeine, methadone, fentanyl, etc.

Hallucinogens

Hallucinogens alter human perception and mood and are generally found in plants and fungi or are synthetically produced. Sensory effects of hallucinogens vary with dose, setting, and mood, and include distortions of thought associated with time and space. Examples of hallucinogens include LSD (Acid), Psilocybin (Mushrooms), DMT, PCP, Ketamine, MDMA (Ecstasy, Molly), etc.

Substance	Class	Nicknames/ Slang Terms	Short Term Effects	Long Term Effects	Overdose Effects
Alcohol	Depressant	Booze, brew, juice, poison, liquor, liquid courage, firewater, spirit, sauce	Drowsiness, slurred speech, headaches, impaired cognition and judgement, impaired coordination, distorted vision and hearing, vomiting, decreased heart rate, breathing difficulties, unconsciousness, blackouts,	Physical dependence, psychological dependence, vitamin B1 deficiency, cancer, liver damage, neurological damage, impaired cognitive development, sexual dysfunction, mental health difficulties, psychosis, and	Blue, cold, or clammy skin, irregular breathing, stopped breathing, unresponsive, vomiting while unresponsive, coma, death

			coma, and death	fetal alcohol syndrome	
Amphetamines	Stimulant	uppers, speed, meth, crack, crystal, ice, pep pills	increased heart rate, increased blood pressure, dry mouth, loss of appetite, restlessness, irritability, anxiety	delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis, physical dependence	Agitation, increased body temperature, hallucinations, convulsions, death
Barbiturates and Tranquilizers	Depressants	barbs, bluebirds, blues, yellow jackets, red devils, roofies, rohypnol, ruffies, tranqs, mickey, flying v's	slurred speech, muscle relaxation, dizziness, decreased motor control	severe withdrawal symptoms, possible convulsions, toxic psychosis, depression, physical dependence	Central nervous system depression, decreased respiration, increased heart rate, decreased blood pressure, decreased urine production, decreased body temperature, coma, death
Cocaine	Stimulant	coke, cracks, snow, powder, blow, rock	loss of appetite, increased blood pressure and heart rate, contracted blood vessels, nausea, hyper-stimulation, anxiety, paranoia, increased hostility, Increased rate of breathing, muscle spasms and convulsions. dilated pupils, disturbed sleep,	depression, weight loss, high blood pressure, seizure, heart attack, stroke, hypertension, hallucinations, psychosis, chronic cough, nasal passage injury, kidney, liver and lung damage	Agitation, increased body temperature, hallucinations, convulsions, death

Gamma Hydroxy Butyrate	Depressant	GHB, liquid B, liquid X, liquid ecstasy, G, georgia homeboy, grievous bodily harm	euphoria, decreased inhibitions, drowsiness, sleep, decreased body temperature, decreased heart rate, decreased blood pressure	memory loss, insomnia, anxiety, depression, severe withdrawal symptoms, physical dependence, psychological dependence	coma and death
Heroin	Narcotic	H, junk, smack, horse, skag	euphoria, flushing of the skin, dry mouth, "heavy" arms and legs, slowed breathing, muscular weakness	constipation, loss of appetite, lethargy, weakening of the immune system, respiratory (breathing) illnesses, muscular weakness, partial paralysis, coma, physical dependence, psychological dependence	Slow and shallow breathing, blue lips and fingernails, clammy skin, convulsions, coma, death
Ketamine	Hallucinogen	K, super K, special K	dream-like states, hallucinations, impaired attention and memory, delirium, impaired motor function, high blood pressure, depression, nausea	Urinary tract and bladder problems, abdominal pain, major convulsions, muscle rigidity, increased confusion, increased depression, physical dependence, psychological dependence	Unconsciously, dangerously slowed breathing
LSD	Hallucinogen	acid, stamps, dots,	dilated pupils, change in body temperature,	may intensify existing psychosis,	Longer, more intense "trip"

		blotter, A-bombs	blood pressure and heart rate, sweating, chills, loss of appetite, decreased sleep, tremors, changes in visual acuity, mood changes	panic reactions, can interfere with psychological adjustment and social functioning, insomnia, physical dependence, psychological dependence	episodes, psychosis, death
MDMA	Hallucinogen	ecstasy, XTC, adam, X, rolls, pills	impaired judgment, confusion, blurred vision, teeth clenching, depression, anxiety, paranoia, sleep problems, muscle tension	same as LSD, sleeplessness, nausea, confusion, increased blood pressure, sweating, depression, anxiety, memory loss, kidney failure, cardiovascular problems, convulsions, death, physical dependence, psychological dependence	Irregular body temperature leading to liver, kidney, and cardiovascular system failure and death
Marijuana/Cannabis	Hallucinogen	pot, grass, dope, weed, joint, bud, reefer, doobie, roach	Impaired reflexes and coordination, sensory distortion, euphoria, panic, anxiety, slowed reaction time, increased appetite, drowsiness, impaired sleep quality, impaired memory, and impaired risk perception	Physical dependence, psychological dependence, lethargy, suppressed immune system, impaired sleep quality, impaired cognitive development, personality changes, impaired cognition and memory,	A fatal overdose is unlikely, however large amounts of marijuana increase severity of its effects, such as extreme confusion, anxiety, increased blood pressure, severe nausea and vomiting.

				complications with anesthesia, anxiety, bronchitis, conjunctivas, shortened attention span, and cancer.	
Mescaline	Hallucinogen	peyote cactus, buttons, cactus, mesc, peyoto	nausea, vomiting, anxiety, delirium, hallucinations, increased heart rate, blood pressure, and body temperature,	lasting physical and mental trauma, intensified existing psychosis, psychological dependence	Deaths from acute overdose is rare but may occur due to suicide, accidents, dangerous behavior, or poisonous plant material
Morphine/ Opiates	Narcotic	M, morf, duramorph, Miss Emma, monkey, roxanol, white stuff	Flushing of the skin, dry mouth, euphoria, increased body temperature, dry mouth, "heavy" feeling in arms and legs, itching, nausea, vomiting, decreased pain perception, slowed breathing and heart rate, unconsciousness, coma, and death	Physical dependence, psychological dependence, constipation, stomach cramps, liver/kidney disease, pneumonia, abscesses, impaired immune function, muscular weakness, loss of appetite, pregnancy complications, and increased risk of HIV and hepatitis, collapsed veins, heart infections, depressed respiration, and other	Constricted (pinpoint) pupils, cold clammy skin, confusion, convulsions, extreme drowsiness, and slowed breathing, death

				pulmonary complications.	
PCP	Hallucinogen	crystal, tea, angel dust, embalming fluid, killer weed, rocket fuel, supergrass, wack, ozone	shallow breathing, flushing, profuse sweating, numbness in arms and legs, decreased muscular coordination, nausea, vomiting, blurred vision, delusions, paranoia, disordered thinking	memory loss, difficulties with speech and thinking, depression, weight loss, psychotic behavior, violent acts, psychosis, physical dependence, psychological dependence	Respiratory depression, coma, convulsions, seizures, death due to respiratory arrest
Psilocybin	Hallucinogen	mushrooms, magic mushrooms, shrooms, caps, psilocybin & psilocyn	nausea, distorted perceptions, nervousness, paranoia,	confusion, memory loss, shortened attention span, flashbacks may intensify existing psychosis,	Longer, more intense "trip" episodes, psychosis, and death
Steroids	Anabolic steroids	roids, juice	increased lean muscle mass, increased strength, acne, oily skin, excess hair growth, high blood pressure	Cholesterol imbalance, anger management problems, masculinization or women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced	Not associated with overdoses. See long-term effects.

				fertility, stroke, hypertension, congestive heart failure, liver damage, psychological dependence	
--	--	--	--	---	--

Sources: National Institute on Drug Abuse (NIDA), Drug Enforcement Administration (DEA), Centers for Disease Control and Prevention (CDC), and Substance Abuse and Mental Health Services Association (SAMHSA)

Summary of Resources

Summary of On-Campus Resources

Note: *Resource available for students only	
Counseling & Testing Center* <i>(training programs and consultation available for employees)</i>	208-885-6716 https://www.uidaho.edu/ctc
Office of the Dean of Students* <i>(training programs and consultation available for employees)</i>	208-885-6757 www.uidaho.edu/dos
Employee Assistance Program <i>(Available to benefit-eligible employees)</i>	1-800-999-1077 or www.eaphelplink.com Company Code UI1
Human Resources <i>(Available to all employees)</i>	208-885-3638 www.uidaho.edu/hr
Main Street Law Clinic	208-885-6541 www.uidaho.edu/law/academics/practical-skills/clinics/main-street
Moscow Police Department – Campus Division	208-883-7054, Emergency Phone: 911 www.ci.moscow.id.us/278/Campus-Division
Vandal Health Clinic	208-885-6693 www.uidaho.edu/vandalhealthclinic
Vandal Health Education* <i>(training programs available for employees)</i>	208-885-4146 www.uidaho.edu/vandalhealthed

Summary of Off-Campus Resources

Note: Employees should contact the Employee Assistance Program for counseling referral	
Alcoholics Anonymous	www.district22aa.org
Gritman Medical Center	208-882-4511 www.gritman.org

Latah County Sheriff's Office – Emergency	911
Latah County Sheriff's Office – Non-Emergency	208-882-2216 www.latah.id.us/sheriff
Latah County Prosecuting Attorney	208-883-2246 www.latah.id.us/prosecutor
Latah Recovery Center	208-883-1045 www.latahrecoverycenter.org
Moscow Police Department – Emergency	911
Moscow Police Department – Non-Emergency	208-883-7054 www.ci.moscow.id.us/234/Police
Weeks & Vietri Counseling	208-882-8514 www.weeksandvietri.com