

Summer 2018

Montana State University Biennial Review to Comply with the U.S. Department of Education's Drug-Free Schools and Campus Regulations

I. Montana State University's Campus Alcohol and Drug Policy*

Montana State University is committed to a campus community environment that promotes the health, safety, personal development and academic success of students, faculty and staff. The Drug Free Schools and Communities Act, [20. U.S.C. 1145g, (34 CFR Part 86)], requires institutions of higher education to enact policies for preventing the unlawful possession, use, or distribution of alcohol and illicit drugs by students and employees.

The Board of Regents has adopted [Policy 503.1](#), Alcoholic Beverages, which establishes certain requirements and guidelines for the possession, consumption, sale, and distribution of alcoholic beverages on Montana University System property.

Tobacco

Tobacco use and secondhand smoke have been identified by the Surgeon General to be the cause of preventable diseases. Additionally, in 2009, the Montana legislature decreed that the "right to breath smoke-free air has priority over the desire to smoke" (Montana Code 50-40-102). It is the policy of MSU to promote the health, wellness, and safety of all employees, students, guests, visitors, and contractors while on campus. Therefore, the campus will be free of tobacco-use effective August 1, 2012.

Definition: For the purposes of this policy, "tobacco" is defined to include any tobacco product, including but not limited to any lighted or unlighted cigarette, cigar, pipe, bidi, hookah, and all forms of smokeless tobacco and any nicotine delivery device that has not been approved by the FDA for cessation.

Policy:

1. The use of tobacco (including cigarettes, cigars, pipes, smokeless tobacco and all other tobacco products) by students, faculty, staff, guests, visitors, and contractors is prohibited on all properties owned or leased by MSU, including:
 1. all interior space on the MSU campus and property leased by MSU, including the agricultural research centers and other remote sites;
 2. all outside property or grounds on MSU's campuses, including areas such as walkways, breezeways, parking lots, and patios;
 3. all outside property leased by MSU;
 4. all vehicles leased or owned by MSU;
 5. all indoor and outdoor athletic facilities.
2. Advertising, sale, or distribution of tobacco is prohibited on MSU's campus.

3. Tobacco industry and related company sponsorship of campus groups, events, individuals, and departments is prohibited. This includes scholarships, sponsorship of faculty positions, and recruiting for employment. Tobacco industry and related company sponsorship of MSU athletic events and MSU athletes is prohibited.
4. Littering any university property, whether owned or leased, with the remains of tobacco products is prohibited.
5. Organizers and attendees at public events, such as conferences, meetings, public lectures, social events, cultural events, and sporting events using MSU facilities are required to abide by MSU's tobacco-free policy. Organizers of such events are responsible for communicating the policy to attendees and for enforcing this policy.
6. For more information, please access the following link to our [FAQs](#).

*Please see index of all alcohol, drug and tobacco policies at the end of this report

II. Alcohol or Other Drug Program Elements

a. How does our campus provide an environment with alcohol-free options?

- Alcohol-free events and activities are created and promoted;
- Student service learning or volunteer opportunities are created, publicized, and promoted;
- Fraternity and Sororities host alcohol-free events;
- Campus supports substance free student organizations;
- Center for Students in Recovery;
- General Counseling Services;
- The campus offers a student center, recreation center, multiple coffee stations and other alcohol-free settings;
- The student center, fitness center, library, dining halls, and other alcohol-free settings have expanded hours;
- The Office of Health Advancement offers substance free activities, including late-night programming;
- Substance Abuse Free Environment (SAFE) works with university and community constituents to identify alcohol-free opportunities and/or to amend alcohol policies;
- Residence Life hosts numerous alcohol-free activities throughout the semester;
- Nonalcoholic beverages are promoted at events;
- Student government offers substance-free events during academic year;
- Fall orientation incorporates several engaging and substance-free events;
- Residence Life promotes substance free housing options and a well-being floor.

b. How does our campus create a social, academic, and residential environment that supports health-promoting norms?

- Exams/projects increasingly require class attendance and academic responsibility;
- Substance-free residence options offered;
- The campus encourages an increase in academic standards;
- Faculty and staff are educated about behavioral indicators, student norms, and cultural attitudes related to high-risk or illegal alcohol use;
- Faculty and staff are educated about behavioral indicators, student norms, and cultural attitudes related to illicit drug use;
- Faculty are encouraged to engage in a higher level of contact with students;
- Students are educated about misperceptions of drinking norms;
- Student leadership (e.g., orientation leaders, resident assistants, fraternity and sorority members, athletes, student organizations) promotes positive, healthy norms;
- Students have opportunities to advise and mentor peers;
- Pro-health messages are publicized through campus and community media channels;
- Center for Students in Recovery provides peer mentoring and support resources for any student in need;
- Well Coaching available for free;
- All new students must complete online education for alcohol, sexual assault and financial management prior to arrival on campus;
- Multiple sessions during orientation to provide information on resources and campus culture;
- Resident Advisors undergo extensive training to prevent alcohol and drug misuse and/or abuse;
- Resident Advisors lead alcohol-free floor meetings and activities;
- Education on drug and alcohol policies and expectations provided to parents during orientation and through newsletters;
- Student government coordinates a “wetlab” with local law enforcement agencies;
- University upholds a tobacco-free campus policy.

c. How does your AOD prevention program limit alcohol availability?

- Alcohol is restricted on campus;
- Events with alcohol are subject to review and approval;
- Alcohol use is prohibited in public places;
- Delivery or use of kegs or other common containers is prohibited on campus;
- Alcohol servers are required to be registered and trained;
- Server training programs are mandatory;
- Code of Conduct extends off campus;
- Dean of Students Office works closely with Office of Health Advancement, Residence Life and University Police on policy enforcement on and off campus;

- University Police works closely with local law enforcement agencies regarding students in violation of university code of conduct;
- Bozeman Police conducts regular compliance checks on local bars and restaurants;
- Residence Life staff, including Desk Clerks, are trained to respond to incidents of illegal alcohol or drug use;
- Residence Life maintains 24-hour coverage to monitor student safety and wellness.

d. How does our AOD prevention program limit marketing and promotion of alcohol on and off campus?

- Alcohol advertising on campus is restricted and subject to university approval;
- Alcohol industry sponsorship for on-campus events is limited;
- Content of party or event announcement is limited;
- Pro-health messages that counterbalance alcohol advertising are required;
- Student Organizations operate under policies restricting alcohol-related sponsorships;
- Residence Life maintains policies regarding appropriate soliciting and posting policies;
- Administrators are revising the MSU policy on alcohol marketing guidelines.

e. How does our AOD prevention program develop and enforce AOD policies on and off campus?

- On-campus functions with alcohol must be registered and are subject to approval;
- ID checks at on-campus functions are enforced;
- Law Enforcement patrols observe on-campus parties;
- Law Enforcement patrols observe off-campus parties;
- Disciplinary sanctions for violation of campus AOD policies are enforced consistently;
- Criminal prosecution of students for alcohol or drug-related offenses is consistent with non-students;
- Sellers/servers are educated about potential legal liability;
- ID checks at off-campus bars and liquor stores are enforced;
- Penalties for sale of liquor to minors are enforced;
- Laws against buying alcohol for minors are enforced;
- Penalties for possessing fake IDs are enforced;
- Undercover operations are used at retail alcohol outlets;
- DUI laws are enforced;
- University Police play active role in policy and law enforcement and have strong relationships with local law enforcement agencies from whom they receive referrals involving MSU students;
- University supports a DUI task force;

- The SAFE (Substance Abuse Free Environment) coalition reviews policies and brings together a consortium university and non-university members;
- Dean of Students' Office acts on law and/or conduct code violations/referrals from other law enforcement agencies and university officials involving MSU students;
- Student Affairs staff works with a local Good Neighbor program. Together, they host webinars, seminars and educate students and the local community.

III. AOD Program Goals and Achievement

a. How does Montana State rate in achieving the following:

- i. Articulating and enforcing policies that promote an educational environment free from substance use/abuse:

[] Needs Improvement [] Meets Goal

How was goal achieved?

Policy enforcement is a strength of our program. Residence Life, DOS and UPD all work closely to ensure this.

How can this be improved?

Additional and consistent marketing efforts are needed campus-wide and prior to first-year matriculation. Policy review and updating should occur on a regular or at least annual basis. Aggressive marketing and student awareness for Medical Amnesty Policy and other elements of the AOD policy within the first four weeks of the fall semester. Marketing on these policies for events and functions open to public. Tightening up of alcohol advertising policies to include video messaging during athletic events.

- ii. Providing ongoing education for members of the campus community for the purpose of preventing alcohol abuse and other drug use:

[] Needs Improvement [] Meets Goal

How was goal achieved?

Providing education to Fraternity and Sorority Life on Alcohol/Drug Behaviors and consequences annually. Provide education to Residence Halls and Student Groups as requested. Provide alcohol and drug intervention classes for students in violation of the MSU Conduct Code and require Alcohol EDU for all incoming students.

How can this be improved?

Earlier notice to students regarding policies. Enact marketing campaign. Send out Notice to campus during first week of school. Aggressive marketing and student awareness raising of Medical Amnesty Policy and other elements of the AOD policy within the first 4 weeks of

the fall semester. Send a letter to all incoming students regarding their rights and responsibilities in early August. Support from the entire institution. Consistent programming to support a culture of responsible alcohol consumption.

- iii. Providing a reasonable level of care for substance abusers through counseling, treatment, and referral:

[] Needs Improvement [X] Meets Goal

How was goal achieved?

Continued support for and development of Center for Students in Recovery. Pursuit of funding for substance free housing. Referrals to Alcohol and Drug education courses for students in violation of alcohol or drug policies. Safety and Welfare team has strong relationship with on and off campus partners. Students are referred to Counseling and Psychological Services and INSIGHT for help by licensed substance abuse counselors. as well as in-patient treatment programs. Faculty are engaged and submit reports on students of concern. Residence Life staff are engaged and provide a safe resource for students to consult. Enhanced joint integration of Residence Life and Dean of Students staff and common training is also helpful. Counseling through INSIGHT for self -referrals, family, friends and others impacted by substance misuse as well as classes provided to those in violation of our student conduct code.

How can this be improved?

Increased communication with INSIGHT and Center for Students In Recovery Mentorship program. Access to resources for those returning to campus after treatment or from prior experience with substance abuse.

- iv. Implementing campus activities that promote and reinforce health, responsible living, respect for community and campus standards, individual responsibility on the campus, and intellectual, social, emotional, spiritual or ethical, and physical well-being of the members:

[] Needs Improvement [X] Meets Goal

How was goal achieved?

OHA provides substance free programs during high risk times of year. Increased support and financial resources for student organizations. New Recreational facilities to promote student engagement. Residence Life regularly hosts events for students. RL staff also leads discussions on community and campus standards. The university Conduct Code is built upon community standards, accountability and responsibility.

How can this be improved?

Dedicated University funding for regular late-night programs. Research shows that providing a regular schedule of substance free events for all students reduces risk associated with overconsumption of substances. Shifting the culture that the norm is not around substance use through social norms, continued education and consistent messaging from both University departments and ASMSU. Making sure that courses are scheduled to reduce risk around substance use. Research supports scheduling classes on Friday mornings reducing high risk behaviors on Thursday evenings.

- v. Being vocal and visionary in combating the negative issues surrounding alcohol and other drug use and abuse on campus

[] Needs Improvement

[] Meets Goal

How was goal achieved?

How can this be improved?

Increased marketing efforts. Utilize SAFE to refine and put forth policies. Improve awareness of alcohol and tobacco-free policies during Athletics events. Work more closely with fraternities and sororities and ASMSU to reduce the consumption of alcohol at their events. University policies and environments should support that of responsible substance use.

IV. What are the strengths and weaknesses of our overall Program?

a. Strengths

Strong working relationships with divisions across campus. The creation of SAFE. Existence of a Center for Students in Recovery, mentoring, substance abuse counseling and positive relationships with the community.

b. Weaknesses

Not enough awareness of policies, programs, processes. There remains a continued need to work closely with all student groups. A need to align university policies with a culture and environment that supports prevention. Lack of resources for programs like Students in Recovery and a Lack of financing for regular late night programming that is substance free.

V. AOD Policy

a. We distribute the following information to employees and students:

- A description of the health risks associated with alcohol abuse and the use of illegal drugs.
- A description of applicable legal sanctions under local, state, and federal laws.
- A description of any treatment, counseling, rehabilitation, or re-entry programs available at your institution.

- A statement of the institution's disciplinary measures regarding alcohol and illegal drug use by students and employees.
- Description of campus policies on substance use.

b. We publicize our Alcohol and Drug Policy in the following places:

- Student Code of Conduct
- Staff and faculty policies
- Student's academic orientation
- Residence hall orientation
- Staff and faculty orientation
- Formal speaking engagements
- Alcohol EDU
- Residence Life Policy Guide
- Online
- Annual Security Report
- Drug Free Schools and Communities Act Notice to Campus
- Letter to incoming students

VI. Recommendations for revising AOD Prevention Programs

Comments: Consider a comprehensive MUS review of the Alcohol.Edu program and its effectiveness. Consider a comprehensive MUS review of policies related to alcohol use and availability on campuses.

VII. Index of Program Elements

Alcohol.edu - Because of the health and social risks of alcohol and drug abuse, Montana State University provides alcohol and drug abuse prevention education, counseling and treatment programs designed to reach all segments of the campus community.

All incoming students regardless of their age are required to take Alcohol EDU. [AlcoholEdu](#) for College, a science-based, interactive online program, provides students with facts and skill-based information on alcohol and sexual assault, other consequences of alcohol abuse, including alcohol's impact on the brain, body, and behavior. All incoming MSU students regardless of age, are required to take [AlcoholEdu](#). The program matches course content to each student based on his or her behavior, attitudes, and what he or she already knows about alcohol.

Whether students choose to drink or not, [AlcoholEdu](#) is designed to encourage informed decision-making about alcohol use as well as providing skills to respond to the drinking and risk behaviors of

friends and peers. The program delivers information with a non-judgmental tone that supports students in making their own plan to reduce the risk of harm associated with drinking while in college.

This program is one of many efforts at MSU to support better decision-making and a healthier campus environment where everyone can live, study, work and have fun safely. MSU Health Advancement also works on campus and community education and policies to reduce risk and prevent intoxicated driving.

Details about [AlcoholEdu](#) and [MSU Health Advancement](#) are available at 406-994-4380 or the links above.

Center for Students in Recovery - The MSU Office of Health Advancement provides the Center for Students in Recovery. This is a community for students in sobriety, their allies, and those looking to gain or maintain recovery from addictive disorders. They provide sober events, fellowship, wellness mentoring and other resources. The Center provides recreational opportunities, service work, academic and professional growth as well as a peer-based recovery mentorship program that helps students manage and excel in challenging situations, on and off campus.

Details are available www.montana.edu/oha or email at crs@montana.edu. The Center is located at 1215 Gopher Court.

Code of Student Conduct - The Code of Conduct at Montana State is guided by, but not limited to, the following:

1. Fostering a healthy, safe and productive campus and community;
2. Promoting moral and ethical development;
3. Abiding by city, state and federal laws.

The University's alcohol and drug policies echo the aforementioned principles. And, as a federally-funded institution, we must adhere to all federal laws when it comes to alcohol and drug use or distribution. This holds true for marijuana as well. Using or distributing marijuana on or off campus is a violation of our code of conduct even if a student has a medical card or comes from a state in which marijuana is legal or has been decriminalized.

MSU's policy provides that students who violate the University alcohol and drug abuse policy, city or state laws are subject to disciplinary action as a student under the Student Conduct Code; and employees violating the policy are subject to discipline under personnel policies or applicable collective bargaining agreement. Individuals may also be subject to criminal prosecution.

Student sanctions may include reprimand, probation, suspension, expulsion and/or restitution as well as required attendance at educational and/or treatment programs.

Employee sanctions may include disciplinary measures up to and including termination. MSU may require the satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who violates ... policy." ([Section 1230.30 Personnel Policies and Procedures Manual](#))

Criminal sanctions, regardless of status, may include jail, probation, mandatory counseling and/or education, fines, and suspension or revocation of driving privileges. Groups displaying unreasonable and irresponsible conduct or violating this University Alcohol/ Other Drugs policy will jeopardize continuance of the University- recognized or supported event and access to University service and facilities.

When considering outcomes for alcohol or drug violations, all cases are contextualized. For instance, not all violations are resolved exactly the same way. There are obvious variables that could impact the outcomes listed below, including level of intoxication, the intoxicant, etc.

If a student has been cited or arrested for an alcohol or drug-related law violation, the conduct officer may allow court-ordered sanctions to substitute for University sanctions. This is especially relevant to alcohol and drug education classes and community service.

- Recommended Sanctions for a **first violation** of an alcohol or drug policy are a University Warning and the completion of an Alcohol/Drug Education course.
- Recommended Sanctions for a **second violation** are conduct probation/residence hall probation or relocation and/or an additional level of Alcohol or Drug Education.
- Recommended Sanctions for a **third violation** are conduct suspension, housing removal and/or additional Alcohol or Drug Education, including a substance abuse assessment.

Insert table of alcohol and drug policy violations since 1/1/16

Counseling & Psychological Services - In addition to the Student Alcohol and Drug Assistance/Insight Program, general counseling and rehabilitation programs are available through [MSU's Counseling and Psychological Services](#) located in 211 Swingle, 406-994-4531.

Assessments, treatment groups, and individual counseling for students whose lives have been affected by their own or someone else's substance abuse are available. Persons who voluntarily avail themselves of university services shall be assured that applicable professional standards of confidentiality will be observed.

These counseling and rehabilitation services include:

1. Training professional staff and student staff on drug abuse information, intervention and referral;
2. Conducting education programs for students who have demonstrated abusive behavior with drugs;
3. Conducting individual and group counseling for members of the university community with drug problems;
4. Conducting drug abuse assessments;
5. Organizing campus self-help groups;
6. Providing consultation, information and referral for students, staff and faculty with drug problems;
7. Designing and developing referral opportunities for members of the university community who desire to seek professional assistance beyond the campus. This will be done in cooperation with the employee assistance program and MSU Human Resources; and
8. Providing, with peer involvement, a system of intervention and referral services for students, faculty and staff.

This program has been designed to make faculty, students, administrators, and other employees served by the program comfortable, to give choice in the selection of assistance, to maintain confidentiality of clients, and to provide professional service.

An employee assistance program (EAP) is also available to provide information or confidential referral to drug and/or alcohol counseling or rehabilitation programs. An employee wishing to access the services may go to: www.montana.edu/wellness; click on TLC button and access the TLC website (company code MUS) or call toll free 1-866-248-4532.

Employees needing help in dealing with drug/alcohol problems or information on insurance coverage for treatment and rehabilitation programs may also contact Human Resources.

Good Neighbor Committee - The Good Neighbor Committee (GNC) is a collaborative effort between Montana State University, the City of Bozeman and other community partners. Our focus is promoting positive neighborly behaviors and encouraging engagement between community residents and students.

Student Treatment and Assistance - Alcohol and Drug Assistance Center/Insight Program

- The MSU Office of Health Advancement provides a voluntary, confidential resource to assist all students. MSU provides a voluntary, confidential resource to assist all students who are impacted directly or indirectly by chemical abuse through its [Alcohol and Drug Assistance Center/Insight Program](#), including the MIP (Minor in Possession) program.

This is a three-level assistance and intervention program open to all MSU students, either by self-referral or by referral from MSU offices, departments or the local court system. This program can be contacted

at (406) 994-5937, and is located at 1215 Gopher Court (across the street from the SOB Barn). Student confidentiality will be respected. The Center provides referral and pre- assessment support.

The Center:

- Offers referral assistance to students and their friends who have alcohol and other drug use issues.
- Offers workshops, seminars and training related to substance abuse.
- Provides support to friends and family who are affected by someone else's substance use/abuse.
- Supports other MSU offices, faculty and staff in issues relating to alcohol/drugs.
- Provides factual information and dispels myths about alcohol and other drugs.
- Disseminates information on local treatment and recovery program options.
- Provides information, support and referral for those students affected by behavioral compulsions and for students who are/were affected by chemical abuse within a family.

The Center also offers limited family counseling and referral. A licensed counselor will meet and consult with family or friends of students on a limited basis in order to discuss options and offer support. The Center also provides treatment referrals. The three levels (Focus Seminar, Brief Alcohol Screening and Interventions for College Student— BASICS, and Intervention and Referral) are described in detail at the [Insight](#) website. Students can also call Insight at 406-587- 2306.

A full-time licensed clinical and addiction counselor works specifically with substance abuse issues. This service is provided as part of the health fees and is free to participants.

The Office of Health Advancement/Insight program also supports Students in Recovery group providing support to students in recovery as they navigate their experience at MSU. The Insight office staff also includes an MIP Case Coordinator and graduate student employees. Graduate students facilitate the Level I Focus Seminars; the licensed counselor conducts the BASICS program and oversees the Levels III interventions.

MSU Debut – A series of alcohol-free events for first-year students. The events encourage engagement, involvement and interaction with peers in substance-free settings.

PCSAP (President's Commission on Substance Abuse Prevention) - PCSAP was established to serve the MSU community and provide expertise and advice to the president's office on the subject of alcohol and substance abuse prevention. The commission has a particular focus on reducing harm and improving the health and safety of Montana State University students and the MSU community. The commission began meeting in 2013 and included representation from the campus and Bozeman community.

The commission conducted a series of interviews, meetings with stakeholders and reviews of professional literature. Based upon its inquiry into this issue, the commission has issued a report with 10 recommendations intended to enhance the safety and wellbeing of student life culture with regard to high risk drinking and substance abuse.

Residence Life Handbook - All events involving alcohol held on campus must receive approval from University Catering. University Catering provides information about policies, laws, and the procedures to initiate the University's approval process. The requirements for events with service of alcoholic beverages are found in the [Campus Alcohol and Drug Policy](#) and the Facilities Use Manual

MSU's policy allows the possession and consumption of alcohol in the privacy of student rooms or individual family and graduate housing units, in accordance with applicable State law (legal drinking age in Montana is 21). However, it does not allow alcoholic beverages to be consumed in public areas such as hallways and lounges. If a public area is used for an event and alcohol will be present, the event sponsor must follow the requirements of [Section 890, Facilities Use Manual](#). Also, the Policy does not allow parties or activities in student rooms where large amounts of alcohol are present.

Residence Hall social funds (managed by Residence Hall Association (RHA)) may not be used for the purchase of alcoholic beverages. Approved residence life and family and graduate housing sponsored functions involving alcohol must also adhere to the state law and the policies of the university. Off-campus events organized or sponsored by MSU Residence Life or Family and Graduate Housing may serve alcohol only in accordance with the Campus Alcohol and Drug Policy.

SAFE (Substance Abuse Free Environment) - The coalition is intended to be a diverse and engaged group of community leaders, campus administrators, faculty, and students working together to identify evidence-based and promising environmental strategies to reduce high risk substance misuse. As a coalition, we will be charged with making recommendations regarding policy and program development.

University Police - The Montana State University Police Department (UPD or Department), established by Montana law (Section 20-25-321 Montana Code Annotated), has primary responsibility for law enforcement on the MSU campus and its jurisdiction extends one mile beyond the campus for University related activities. UPD police officers have full authority within this jurisdiction and provide a broad range of services to the campus. The Department provides continuous year-round security and law enforcement protection to the Montana State University community. Twenty-four-hour police services are provided with access to municipal fire and emergency medical services.

Alcohol and/or Drug Citations Issued within Clery Geography between Jan 1 2016 and Dec 31 2017

VIII. Index of Policies

1. **Board of Regents Policy** (<http://www.mus.edu/borpol/bor500/503-1.pdf>): provides that consumption of alcoholic beverages is permitted on property belonging to the Montana University System only as follows:
 1. Within student living quarters, consumption of alcohol is allowed only by persons of legal age. Legal consumption by students in student living quarters shall not interfere with the rights of other residents and their guests or cause the normal operation of residence halls/student housing to be disrupted.
 2. Within approved areas on campus property that are used or rented as approved by the President.

2. **Campus Alcohol and Drug Policy**(http://www.montana.edu/policy/campus_alcohol_drug/): Montana State University is committed to a campus community environment that promotes the health, safety, personal development and academic success of students, faculty and staff.

The Drug Free Schools and Communities Act, [20. U.S.C. 1145g, (34 CFR Part 86)], requires institutions of higher education to enact policies for preventing the unlawful possession, use, or distribution of alcohol and illicit drugs by students and employees.

The Board of Regents has adopted [Policy 503.1](#), Alcoholic Beverages which establishes certain requirements and guidelines for the possession, consumption, sale, and distribution of alcoholic beverages on Montana University System property.

Montana State University is an environment where unlawful possession, consumption, use or distribution of illicit drugs and alcohol by students and employees on campus property is prohibited.

Montana State University's standards of conduct prohibit the unlawful possession, use, distribution, or sale of alcohol and other drugs on institutional property. See Section 635.00 of the [Student Conduct Code](#); Section 1230.00 of the [Personnel Policies and Procedures Manual](#).

3. **Tobacco Free Campus Policy** (http://www.montana.edu/policy/smoking_facilities/): The use of tobacco (including cigarettes, cigars, pipes, smokeless tobacco and all other tobacco products) by students, faculty, staff, guests, visitors, and contractors is prohibited on all properties owned or leased by MSU, including:
 - a. all interior space on the MSU campus and property leased by MSU, including the agricultural research centers and other remote sites;
 - b. all outside property or grounds on MSU's campuses, including areas such as walkways, breezeways, parking lots, and patios;
 - c. all outside property leased by MSU;
 - d. all vehicles leased or owned by MSU;
 - e. all indoor and outdoor athletic facilities.

1. Advertising, sale, or distribution of tobacco is prohibited on MSU's campus.
 2. Tobacco industry and related company sponsorship of campus groups, events, individuals, and departments is prohibited. This includes scholarships, sponsorship of faculty positions, and recruiting for employment. Tobacco industry and related company sponsorship of MSU athletic events and MSU athletes is prohibited.
 3. Littering any university property, whether owned or leased, with the remains of tobacco products is prohibited.
 4. Organizers and attendees at public events, such as conferences, meetings, public lectures, social events, cultural events, and sporting events using MSU facilities are required to abide by MSU's tobacco-free policy. Organizers of such events are responsible for communicating the policy to attendees and for enforcing this policy.
4. **Personnel Policy** (<http://www.montana.edu/policy/personnel/per1200.html#1230.00>): Montana State University-Bozeman is committed to maintaining a work environment which is drug and alcohol free. The unlawful and unauthorized use, possession, manufacture, distribution, or sale of controlled substances and alcohol are prohibited in and on MSU-Bozeman property and during the performance of one's duties.

Compliance with Montana State University - Bozeman's Drug and Alcohol Abuse policy is a condition of continued employment. Violations of this policy will result in disciplinary action, up to and including termination of employment. An employee who violates the provisions of this policy may be required to successfully complete a drug/alcohol abuse rehabilitation program as an alternative to termination.

5. **Code of Student Conduct** (<http://www.montana.edu/deanofstudents/alcoholanddrugs.html>)—The Code of Conduct at Montana State is guided by, but not limited to, the following:

- Fostering a healthy, safe and productive campus and community;
- Promoting moral and ethical development;
- Abiding by city, state and federal laws.

The University's alcohol and drug policies echo the aforementioned principles. And, as a federally-funded institution, we must adhere to all federal laws when it comes to alcohol and drug use or distribution. This holds true for marijuana as well. Using or distributing marijuana on or off campus is a violation of our code of conduct even if a student has a medical card or comes from a state in which marijuana is legal or has been decriminalized.

- a. **Alcohol Illegal-Use** - Use or possession of intoxicants, including alcohol, in the buildings or on the grounds of Montana State University except as expressly permitted by law or University policy.
- b. **Alcohol Distribution** - Distribution of intoxicants, including alcohol, in the buildings or on the grounds of Montana State University except as expressly permitted by law or University policy.

- c. **Drugs Illegal-Use** - Use, possession, manufacture, distribution or sale of narcotics or dangerous drugs as defined by city, state or federal laws. This includes mind-altering drugs, designer drugs or synthetic substances used as a substitute for a controlled substance, except as expressly permitted by law or University policy. This also includes the abuse, distribution or improper use of prescription drugs.
- d. **Drugs Distribution** - Manufacture, distribution or sale of narcotics or dangerous drugs, except as expressly permitted by law or University policy.

6. **Res Life Policies** (<https://issuu.com/montanastateuniversity/docs/residence-hall-handbook-2016>): MSU's policy allows the possession and consumption of alcohol in the privacy of student rooms or individual family and graduate housing units, in accordance with applicable State law (legal drinking age in Montana is 21). However, it does not allow alcoholic beverages to be consumed in public areas such as hallways and lounges. If a public area is used for an event and alcohol will be present, the event sponsor must follow the requirements of [Section 890, Facilities Use Manual](#). Also, the Policy does not allow parties or activities in student rooms where large amounts of alcohol are present.

Residence Hall social funds (managed by Residence Hall Association (RHA) may not be used for the purchase of alcoholic beverages. Approved residence life and family and graduate housing sponsored functions involving alcohol must also adhere to the state law and the policies of the university. Off-campus events organized or sponsored by MSU Residence Life or Family and Graduate Housing may serve alcohol only in accordance with the Campus Alcohol and Drug Policy.

- a. **Open Container** - While the possession and/or consumption of alcoholic beverages is permitted by residents of legal age in private student rooms. Consuming alcohol or carrying an open container in any other areas of the residence halls is prohibited. An open container is defined as any container of alcohol with a broken seal.
- b. **Excessive Amount** - University regulations limit the amount of alcohol permitted in a private room. Kegs of beer and mini-kegs are prohibited.
- c. **Alcoholic Beverage Containers** - Students under the age of 21 may not use alcoholic beverage containers (cans, bottles, kegs, etc.) as decorations, "trophy bottles," or for any other purpose in your room regardless of your age. This includes, but is not limited to: beer bongs, shot glasses, flasks or other devices (such as "beer pong" tables, real or simulated) used to drink alcohol, with or with or without alcohol in them.
- d. **Passive Involvement** - If you are ever in the presence of a policy violation, you may contact residence hall staff, or you may remove yourself from the situation. If you choose to remain at the scene of a policy violation, you may be included on the incident report and may be held accountable for a policy violation.
- e. **Drug Paraphernalia** - Drug paraphernalia is not permitted in the residence halls. This includes, but is not limited to: Bongs, Pipes, water pipes or any items modified or adapted so

that they can be used to consume drugs.

7. Fraternity Events with Alcohol

(<http://www.montana.edu/fslife/documents/Guidelines%20for%20Fraternity%20Events%20Final.pdf>):

An event with alcohol is defined as: Any time non-affiliated individuals present outnumber chapter residents and alcohol is present on chapter property.

Planned events shall be registered with the Office of the Dean of Students six (6) business days prior to the event and the event will be approved or denied by DOS no later than four [4] business days prior to said event. However, the Dean of Students reserves the right to not approve a late request and/or a poorly planned function.

The Dean of Students' Office will forward the event notification to University Police and the Officer in Charge of the hosting fraternity must also check in with police by phone the day of the event to notify them. This allows the University Police to appropriately respond to any emergency or safety calls from host fraternity or Safety & Compliance Team during the event.

When a spontaneous gathering becomes an event by this definition, the University Police and the Safety & Compliance Team must be called and the event registered through verbal notification.

1. Alcohol will not be permitted during any recruitment event, new member event, or initiation ritual.
2. Events shall either be BYOB or hosted by a Third-Party Vendor. All BYOB events shall adhere to guidelines established by the North-American Interfraternity Conference (NIC) for hosting safe social events. If a chapter member illegally serves alcohol to a non-member, he will be held responsible both legally and by the Dean of Students' office.
3. Alcohol can only be sold directly or indirectly to chapter members and non-members by a licensed third-party vendor. Any event where tickets for alcohol are sold for fundraising purposes must be approved by the Dean of Students' office.
4. Common sources of alcohol, such as kegs or alcohol punches, shall be prohibited at all times.
5. Chapter funds shall never be used to purchase alcohol.
6. Alcohol over 40 proof shall not be allowed on chapter property during events with alcohol. Chapter members of legal drinking age can consume "hard" alcohol in the privacy of their room, but it is strongly recommended that the member does not do so during a registered or spontaneous event. Additionally, any chapter member who serves hard alcohol to an of-age or illegally to an underage chapter member or non-member will be held responsible legally and/or through the Dean of Students' office.

8. Amnesty Policies

Montana's Medical Amnesty Law 45-5-624.

Possession of or unlawful attempt to purchase intoxicating substance - A person under 21 years of age may not be charged or prosecuted under subsection (1) if:

- i. the person has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment;
- ii. the person accompanies another person under 21 years of age who has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment for the other person; or
- iii. the person requires medical treatment as a result of consuming an intoxicating substance and evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.

Montana State University recently passed a Medical Amnesty Policy, which can be found here:

<http://www.montana.edu/deanofstudents/documents/Medical%20Amnesty%20Policy%20Final%20copy.pdf>

9. Student-Athletes

Alcohol: Prohibited acts include 1) possessing or consuming alcohol if under the age of 21, 2) Operating a motor vehicle while under the influence of alcohol, 3) Misrepresenting one's age for the purpose of purchasing, possessing, or consuming alcohol, 4) Purchasing, furnishing, or serving alcohol to or for an underage person, 5) Public intoxication 6) Violations of additional Team Rules regarding alcohol use, and/or 7) Consumption of alcohol during team travel or team functions.

Other Drugs: Prohibited acts include 1) Possessing or using illegal substances, as defined by law, 2) Possessing or using controlled substances as defined by law, 3) Distributing, selling, or possessing with the intent to distribute illegal or controlled substances, as defined by law, 4) The use of tobacco products by a student-athlete during practice, competition, or other team functions. Student-Athletes also agree to NCAA and MSU drug testing.

10. ASMSU, Departmental and Other Registered Student Organizations

MSU's Alcohol and Drug Policy also regulates the use of alcohol at gatherings or events of ASMSU, registered student organizations, and other organized student groups. Such groups must follow MSU's policies and procedures governing the use of alcohol at events and must receive prior approval in accordance with Section 890.00 of the Facilities Use Manual. No organizational or ASMSU funds are allowed to be used to buy alcohol.

11. Stadium and Sports Facilities

Alcohol use is not allowed in sports facilities except in certain specific locations (e.g., Stadium Club) or as authorized under Section 890.00 of the Facilities Use Manual. Alcohol concessions at Football games and at tailgating are allowed in accordance with the requirement of MSU policies.

12. Alcohol Marketing Guidelines

MSU's Policy also regulates alcohol advertising and marketing on campus. It prohibits reference to alcoholic beverages, free drinks, and drinking games, and regulates any allowed advertising.

State of Montana Laws on Alcohol and other Illegal Drugs

Montana's Underage Consumption of Alcohol Law

45-5-624. Possession of or unlawful attempt to purchase intoxicating substance. A person under 21 years of age commits the offense of possession of an intoxicating substance if the person knowingly consumes or has in the person's possession an intoxicating substance. A person may not be arrested for or charged with the offense solely because the person was at a place where other persons were possessing or consuming alcoholic beverages. A person does not commit the offense if the person consumes or gains possession of an alcoholic beverage because it was lawfully supplied to the person under 16-6-305 or when in the course of employment it is necessary to possess alcoholic beverages.

Relevant Age	Offense Level	Penalty
<i>Under 18 years of age who is convicted</i>	1st Offense	Shall be fined an amount not less than \$100 and not to exceed \$300 and: <ul style="list-style-type: none">• shall be ordered to perform 20 hours of community service;• shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available; and• if the person has a driver's license, must have the license confiscated by the court for 30 days, except as provided in subsection (2)(b).
	2nd Offense	Shall be fined an amount not less than \$200 and not to exceed \$600 and: <ul style="list-style-type: none">• shall be ordered to perform 40 hours of community service;• shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available;• if the person has a driver's license, must have the license confiscated by the court for 6 months, except as provided in subsection (2)(b); and• shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8).

	3rd or Subsequent Offense	<p>Shall be fined an amount not less than \$300 or more than \$900 and:</p> <ul style="list-style-type: none"> • shall be ordered to perform 60 hours of community service; • shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available, and • shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8). <p>If the person has a driver's license, the court shall confiscate the license for 6 months, except as provided in subsection (2)(b).</p>
<i>18 Years of age or older who is convicted</i>	1st Offense	<p>Shall be fined an amount not less than \$100 or more than \$300 and:</p> <ul style="list-style-type: none"> • shall be ordered to perform 20 hours of community service; and • shall be ordered to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9).
	2nd Offense	<p>Shall be fined an amount not less than \$200 or more than \$600 and:</p> <ul style="list-style-type: none"> • shall be ordered to perform 40 hours of community service; and • shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (9), which may, in the court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both.
	3rd or Subsequent Offense	<p>Shall be fined an amount not less than \$300 or more than \$900, and:</p> <ul style="list-style-type: none"> • shall be ordered to perform 60 hours of community service; • shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (9), which may, in the sentencing court's discretion and on

		<p>recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and</p> <ul style="list-style-type: none"> • in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months
<i>A person under the age of 21 (Attempts to purchase an intoxicating substance)</i>		<p>A person convicted of attempt to purchase an intoxicating substance shall be fined an amount not to exceed \$150 if the person was under 21 years of age at the time that the offense was committed and may be ordered to perform community service.</p>

Montana's Medical Amnesty Law

45-5-624. Possession of or unlawful attempt to purchase intoxicating substance - A person under 21 years of age may not be charged or prosecuted under subsection (1) if:

- i. the person has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment;
- ii. the person accompanies another person under 21 years of age who has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment for the other person; or
- iii. the person requires medical treatment as a result of consuming an intoxicating substance and evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.

Montana's Carrying False Identification Law

61-5-302. Unlawful use of license or identification card. It is a misdemeanor for a person to:

1. display or cause or permit to be displayed or have in the person's possession a canceled, revoked, suspended, fictitious, or altered driver's license, identification card, or tribal identification card;
2. lend the person's driver's license, identification card, or tribal identification card to any other person or knowingly permit its use by another;
3. display or represent as one's own any driver's license, identification card, or tribal identification card not issued to the person;
4. fail or refuse to surrender to the department upon its lawful demand a driver's license or identification card that has been suspended, revoked, or canceled;
5. use a false or fictitious name in an application for a driver's license or identification card or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in an application; or
6. permit any unlawful use of a driver's license, identification card, or tribal identification card issued to the person.

Montana's Public Drunkenness Law

61-8-508. Intoxicated pedestrian. Except in an authorized crosswalk, a person who is under the influence of alcohol or any drug may walk or stand in the public right-of-way, as defined in 60-1-103, but not on a roadway or a shoulder as is otherwise permissible under 61-8-506(2).

Montana's Driving Under the Influence of Substances Law

61-8-401. Driving under influence of alcohol or drugs -- definitions.

1. It is unlawful and punishable, as provided in 61-8-442, 61-8-714, and 61-8-731 through 61-8-734, for a person who is under the influence of:
 - a. alcohol to drive or be in actual physical control of a vehicle upon the ways of this state open to the public;
 - b. a dangerous drug to drive or be in actual physical control of a vehicle within this state;
 - c. any other drug to drive or be in actual physical control of a vehicle within this state; or
 - d. alcohol and any dangerous or other drug to drive or be in actual physical control of a vehicle within this state.

Offense Level	Penalty
1st Offense	<ol style="list-style-type: none">a) Shall be punished by imprisonment for not less than 24 consecutive hours or more than 6 months and by a fine of not less than \$600 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 48 consecutive hours or more than 1 year and by a fine of not less than \$1,200 or more than \$2,000.b) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending successful completion of court-ordered chemical dependency assessment, education, or treatment by the person.
2nd Offense	<ol style="list-style-type: none">a) Except as provided in subsection (4) or (5), a person convicted of a second violation of 61-8-401 shall be punished by a fine of not less than \$1,200 or more than \$2,000 and by imprisonment for not less than 7 days or more than 1 year, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by a fine of not less than \$2,400 or more than \$4,000 and by imprisonment for not less than 14 days or more than 1 year.b) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful

	completion of a chemical dependency treatment program pursuant to 61-8-732.
3rd Offense	<ul style="list-style-type: none"> a) Except as provided in subsection (4) or (5), a person convicted of a third violation of 61-8-401 shall be punished by imprisonment for a term of not less than 30 days or more than 1 year and by a fine of not less than \$2,500 or more than \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for a term of not less than 60 days or more than 1 year and by a fine of not less than \$5,000 or more than \$10,000. b) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being. c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.
4th Offense -Felony	<ul style="list-style-type: none"> 4. If the person has a prior conviction under 45-5-106, the person shall be punished as provided in 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive alcohol concentration, driving under the influence of delta-9-tetrahydrocannabinol, or aggravated driving under the influence. 5. If the person has a prior conviction or pending charge for a violation of 61-8-465, the person shall be punished as provided in 61-8-465.

Montana's law on selling or furnishing alcohol to minors

16-6-305. Age limit for sale or provision of alcoholic beverages -- liability of provider.

- a) Except in the case of an alcoholic beverage provided in a nonintoxicating quantity to a person under 21 years of age by the person's parent or guardian, physician or dentist for medicinal purposes, a licensed pharmacist upon the prescription of a physician, or an ordained minister or priest in connection with a religious observance, a person may not sell or otherwise provide an alcoholic beverage to a person under 21 years of age.
 - b) A parent, guardian, or other person may not knowingly sell or otherwise provide an alcoholic beverage in an intoxicating quantity to a person under 21 years of age.
 - c) For the purposes of this section, "intoxicating quantity" means a quantity of an alcoholic beverage that is sufficient to produce:
 - i. a blood, breath, or urine alcohol concentration in excess of 0.05; or
 - ii. substantial or visible mental or physical impairment.
2. A person is guilty of a misdemeanor who:
- a) invites a person under the age of 21 years into a public place where an alcoholic beverage is sold and treats, gives, or purchases an alcoholic beverage for the person;

- b) permits the person in a public place where an alcoholic beverage is sold to treat, give, or purchase alcoholic beverages for the person; or
 - c) holds out the person to be 21 years of age or older to the owner of the establishment or to the owner's employee.
3. It is unlawful for any person to fraudulently misrepresent the person's age to any dispenser of alcoholic beverages or to falsely procure any identification card or to alter any of the statements contained in any identification card, including a tribal identification card.
 4. A person 21 years of age or older who violates the provisions of subsection (1)(b) is, in addition to applicable criminal penalties, subject to civil liability for damages resulting from a tortious act committed by the person to whom the intoxicating substance was sold or provided if the act is judicially determined to be the result of the intoxicated condition created by the violation.

Montana's open container laws

61-8-460. Unlawful possession of open alcoholic beverage container in motor vehicle on highway.

- 1) Except as provided in subsection 2), a person commits the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle if the person knowingly possesses an open alcoholic beverage container within the passenger area of a motor vehicle on a highway.
- 2) This section does not apply to an open alcoholic beverage container:
 - a) in a locked glove compartment or storage compartment;
 - b) in a motor vehicle trunk or luggage compartment or in a truck bed or cargo compartment;
 - c) behind the last upright seat of a motor vehicle that is not equipped with a trunk;
 - d) in a closed container in the area of a motor vehicle that is not equipped with a trunk and that is not normally occupied by the driver or a passenger; or
 - e) in the immediate possession of a passenger:
 - i. of a motor vehicle, including a bus, taxi, or limousine, that is used for the transportation of persons for compensation and that includes the provision of a hired driver; or
 - ii. in the living quarters of a camper, travel trailer, or motor home.
- 3)
 - a. A person convicted of the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle shall be fined an amount not to exceed \$100.
 - b. A violation of this section is not a criminal offense within the meaning of 3-1-317, 3-1-318, 45-2-101, 46-18-236, 61-8-104, and 61-8-711 and may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of this section against the insured or increase premiums because of the violation. The surcharges provided for in 3-1-317, 3-1-318, and 46-18-236 may not be imposed for a violation of this section.

Sec. 4.04.030. - Public drinking or display of open alcoholic beverages; open containers; prohibited. Public drinking or display or exhibition of open alcoholic beverages (open container) as defined in section 4.04.020 is prohibited, and it is unlawful for any person to engage in public drinking, public display or exhibition of open alcoholic beverages (open container) within the city limits.

Sec. 4.04.070. - Violation; penalty.

- a) It is a misdemeanor for any person to violate any of the provisions of this article.
- b) Anyone found guilty of the offense of having an open container under section 4.04.030 shall be fined an amount not less than \$100.00 and not to exceed \$500.00 or be imprisoned in the county jail for a term not to exceed six months, or both. The first \$100.00 of a fine under this section may not be suspended.
- c) Upon conviction, the court may, in its discretion, order the payment of the costs of prosecution or imprisonment, or both, as part of the sentence.

Montana's public urination or defecation laws

Sec. 24.06.010. - Public urination and defecation. No person within the jurisdictional limits of the city shall publicly defecate or urinate on streets, sidewalks, alleys, parks, parking lots or other places open to the public including areas open to the public in buildings unless a sanitary facility capable of and commonly used for disposal of human urine or excrement is used.

Possession of Dangerous Drugs (PODD)

45-9-102. Criminal possession of dangerous drugs. Except as provided in Title 50, chapter 46, a person commits the offense of criminal possession of dangerous drugs if the person possesses any dangerous drug, as defined in 50-32-101. This subsection does not apply to the possession of synthetic cannabinoids listed as dangerous drugs in 50-32-222.

Drug Type	Level of Offense	Penalty
Marijuana or its derivatives in an amount the aggregate weight of which does not exceed 60 grams of marijuana or 1 gram of hashish	1st Offense	Guilty of a misdemeanor and shall be punished by a fine of not less than \$100 or more than \$500 and by imprisonment in the county jail for not more than 6 months. The minimum fine must be imposed as a condition of a suspended or deferred sentence
	2nd or Subsequent Offense	Fine not to exceed \$1,000 or by imprisonment in the county jail for a term not to exceed 1 year or in the state prison for a term not to exceed 3 years or by both.
Anabolic steroid as listed in 50-32-226	1st Offense	Guilty of a misdemeanor and shall be punished by a fine of not less than \$100 or more than \$500 or by imprisonment in the county jail for not more than 6 months, or both
Opiate, as defined in 50-32-101-Felony	1st Offense	Shall be imprisoned in the state prison for a term of not less than 2 years or more than 5 years and may be fined not more than \$50,000, except as provided in 46-18-222
Methamphetamine	2nd or Subsequent Offense	Shall be punished by: <ol style="list-style-type: none"> i. imprisonment for a term not to exceed 5 years or by a fine not to exceed \$50,000, or both; or ii. commitment to the department of corrections for placement in an

		appropriate correctional facility or program for a term of not less than 3 years or more than 5 years. If the person successfully completes a residential methamphetamine treatment program operated or approved by the department of corrections during the first 3 years of a term, the remainder of the term must be suspended. The court may also impose a fine not to exceed \$50,000.
		A person convicted of criminal possession of dangerous drugs not otherwise provided for in subsections (2) through (5) shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed \$50,000, or both.

Possession of Dangerous Paraphilia (PODP)

45-10-103. Criminal possession of drug paraphernalia. Except as provided in Title 50, chapter 46, it is unlawful for a person to use or to possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a dangerous drug. A person who violates this section is guilty of a misdemeanor and upon conviction shall be imprisoned in the county jail for not more than 6 months, fined an amount of not more than \$500, or both. A person convicted of a first violation of this section is presumed to be entitled to a deferred imposition of sentence of imprisonment.

Federal Trafficking Laws

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.	Cocaine 5 kilograms or more mixture	First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
II	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture	Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Heroin 1 kilogram or more mixture	Second Offense: Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.

Substance/Quantity	Penalty
Any Amount Of Other Schedule I & II Substances	First Offense: Not more 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 not an individual.
Any Drug Product Containing Gamma Hydroxybutyric Acid	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 or less	First Offense: Not more than 10 yrs. If death or serious bodily 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 bodily injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
Any Amount Of Other Schedule III Drugs	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	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 for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	First Offense: 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 \$10 million if an individual, \$50 million if other than an individual. Second Offense: 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 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants	First Offense: 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 \$5 million if an individual, \$25 million if other than an individual. Second Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50 million if other than an individual.
Marijuana 50 to 99 kilograms marijuana	First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than

mixture, 50 to 99 marijuana plants	life. Fine \$1 million if an individual, \$5 million if other than an individual.
Hashish More than 10 kilograms	Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Hashish Oil More than 1 kilogram	
Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)	First Offense: Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual. Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
1 to 49 marijuana plants	
Hashish 10 kilograms or less	
Hashish Oil 1 kilogram or less	