
THE GEORGE WASHINGTON UNIVERSITY

WASHINGTON, DC

October 2016

Dear Members of the GW Community:

The Drug-Free Schools and Communities Act Amendments of 1989 require that the university advise faculty, staff, and students of certain laws pertaining to the illicit manufacture, possession, distribution, and use of drugs and alcohol. In addition, we are required to notify you of the penalties for violations of those statutes and the health risks associated with the use of controlled substances and alcohol. Therefore, the following information is attached:

1. A summary of the penalties for the possession of drug paraphernalia and illegal possession of alcohol under D.C. law;
2. A summary of the penalties for manufacture or distribution of controlled substances under D.C. law;
3. A summary of the penalties for the possession of drug paraphernalia and illegal possession of alcohol under Virginia law;
4. A summary of the penalties for manufacture or distribution of controlled substances under Virginia law;
5. A summary of federal penalties and sanctions for illegal possession of a controlled substance;
6. A copy of federal trafficking penalties [taken from a Department of Justice publication entitled *Drugs of Abuse* (2015 edition)];
7. A copy of federal trafficking penalties for marijuana [taken from a Department of Justice publication entitled *Drugs of Abuse* (2015 edition)];
8. A description of the health risks associated with substances covered by the Controlled Substances Act [taken from a Department of Justice publication entitled *Drugs of Abuse* (2005 edition)]; and
9. A description of the health risks associated with alcohol as described in *What Works: Schools Without Drugs* (1989 edition), a Department of Education publication.

In addition, we would like to direct your attention to existing university policies concerning abuse of alcohol and drugs.

Our standards of conduct clearly prohibit the illegal manufacture, possession, distribution, or use of alcohol and drugs. Our manuals, codes of conduct, and publications specify penalties for violations of these policies including suspension or dismissal from the university. For students, illegal possession and/or use of drugs will at a minimum mean a \$50 fine, required participation in a drug abuse education program, and possible eviction from residence halls. Manufacture, distribution, and/or possession of drugs with the intent to distribute will mean suspension or expulsion. We have implemented a parental notification policy for underage alcohol offenses. Additionally, violation of the Alcoholic Beverage Consumption and Distribution Policy will at a minimum mean a \$50 fine and required participation in an alcohol education program. Employees may be dismissed for drug related offenses including unauthorized use or possession of alcoholic beverages or controlled or illegal substances or reporting to or being at work under their influence. Concerns about substance abuse which involve employees may be discussed either with Employee/Labor Relations in Human Resources or the Office of the Provost and Executive Vice President for Academic Affairs, as appropriate.

The use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful. Abuse of alcohol and drugs can have a dramatic impact on professional, academic, and family life. We encourage staff, faculty, and students experiencing difficulty with drugs or alcohol to contact one of the many resources available on campus. Among these resources are:

Colonial Health Center – Health Promotion & Prevention Services

Phone 202-994-2599

The Colonial Health Center – Health Promotion & Prevention Services is available to currently registered students. Employees who are currently registered students are also eligible to use this service.

Faculty/Employee Assistance Program

Phone 866-522-8509

The services of the Faculty/Employee Assistance Program are available to all eligible faculty and staff.

Psychiatry and Behavioral Sciences

Phone 202-741-2900

The Department of Psychiatry and Behavioral Sciences is a fee for service department of the Medical Faculty Associates. Its services are available to all university staff and students.

Colonial Health Center – Medical Services

Phone 202-994-6827

The Colonial Health Center – Medical Services is available to currently registered students. Employees who are currently registered students are also eligible to use this service.

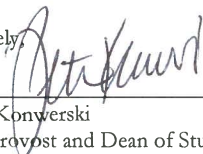
Colonial Health Center – Mental Health Services

Phone 202-994-5300

The Colonial Health Center – Mental Health Services is primarily a student service and will refer employees to appropriate resources.

A number of community resources are also available. Their locations and phone numbers may be obtained by calling the Faculty/Employee Assistance Program or the Colonial Health Center – Mental Health Services. We are sure you agree that this continues to be an important issue not just in our university community but also throughout the nation. We request that you help us work toward a campus free from alcohol abuse and the unlawful manufacture, possession, distribution, and use of illicit drugs.

Sincerely,



Peter Konwerski
Vice Provost and Dean of Student Affairs



Louis H. Katz
Executive Vice President and Treasurer

PENALTIES FOR POSSESSION OF DRUG PARAPHERNALIA UNDER D.C. LAW

D.C. Code § 48-1103: Drug paraphernalia

Possession of drug paraphernalia: Punishable by not more than 30 days imprisonment, fine of not more than \$250, or both.

Manufacture or sale of drug paraphernalia: Punishable by not more than 6 months imprisonment, fine of not more than \$1,000 or both (1st offense), and by not more than 2 years imprisonment, fine of not more than \$12,500 or both (2nd offense).

Delivery of drug paraphernalia to a person under 18 years of age: Punishable by not more than 8 years imprisonment, fine of not more than \$25,000, or both.

PENALTIES FOR ILLEGAL POSSESSION OF ALCOHOL UNDER D.C. LAW

D.C. Code § 25-1002: Purchase, possession or consumption by persons under 21; misrepresentation of age

Any person under twenty-one years of age who falsely represents his or her age for the purpose of purchasing, possessing, or drinking an alcoholic beverage shall be deemed guilty of a misdemeanor.

For each offense, in addition to imprisonment for up to 30 days for default of payment of applicable fines, the following penalties apply:

1 st offense	driving privileges in the District suspended 90 consecutive days, fine of not more than \$300.
2 nd offense	driving privileges in the District suspended 180 days, fine of not more than \$600.
3 rd or subsequent offense	driving privileges in the District suspended for 1 year, fine of not more than \$1,000.

D.C. Code § 25-785: Delivery, offer, or otherwise making available to a person under age 21

For each offense, the following penalties apply:

1 st offense	imprisonment for not more than 180 days, fine of not more than \$1,000, or both.
2 nd offense within 2 years	imprisonment for not more than 180 days, fine of not more than \$2,500, or both.
3 rd or subsequent offense within 2 years	imprisonment of not more than 1 year, fine of not more than \$5,000, or both.

D.C. Code § 50-2206: Driving under the influence of alcohol or drugs

Driving under the influence of alcohol or a drug (§ 50-2206.13)

For each offense, in addition to mandatory imprisonment depending upon alcohol level, the following penalties apply:

1 st offense	fine of \$1,000, imprisonment for not more than 180 days, or both.
2 nd offense	fine of not less than \$2,500 and not more than \$5,000, imprisonment of not more than 1 year, or both.
3 rd or subsequent offense	fine of not less than \$2,500 and not more than \$10,000, imprisonment of not more than 1 year, or both.

Driving while impaired by alcohol (§ 50-2206.15)

For each offense, in addition to mandatory imprisonment depending upon prior offenses, the following penalties apply:

1 st offense	fine of \$500, imprisonment for not more than 90 days, or both.
2 nd offense	fine of not less than \$1,000 and not more than \$2,500, imprisonment for not more than 1 year, or both.
3 rd or subsequent offense	fine of not less than \$1,000 and not more than \$5,000, imprisonment for not more than 1 year, or both.

PENALTIES FOR POSSESSION, MANUFACTURE, OR DISTRIBUTION OF CONTROLLED SUBSTANCES UNDER D.C. LAW

D.C. Code § 48-904.01: Possession

Possession of any controlled substance is a misdemeanor punishable by imprisonment of up to 180 days, a fine of \$1,000, or both. Possession of phencyclidine (PCP) in liquid form is a felony punishable by imprisonment of up to 3 years and a fine of up to \$12,500.

D.C. Code § 48-1201: Possession or Transfer of One Ounce or Less of Marijuana

Possession or transfer without remuneration of marijuana weighing one ounce or less is a civil violation, not criminal offense.

D.C. Code § 48-904.01: Manufacture or Distribution of Controlled Substances (Schedule I through V substances are defined in D.C. Code §§ 48-902.03 through 902.12.)

- (a) a Schedule I or II substance that is a narcotic or abusive drug: imprisonment for not more than 30 years, fine of not more than \$75,000, or both;
- (b) any other controlled substance classified in Schedule I, II, III except as above for a narcotic or abusive drug: imprisonment for not more than 5 years, fine of not more than \$12,500, or both. Upon conviction of manufacturing or distributing ½ pound or less of marijuana, a first time offender may be imprisoned not more than 180 days or fined not more than \$1,000 or both.
- (c) a Schedule IV substance: imprisonment for not more than 3 years, fine of not more than \$12,500 or both;
- (d) a Schedule V substance: imprisonment for not more than 1 year, fine of not more than \$2,500, or both.

D.C. Code § 48-904.06: Distribution to Minors

For distributing a Schedule I or II narcotic or abusive drug, imprisonment for up to 60 years, fine of not more than \$75,000, or both. For distributing for remuneration any other scheduled controlled substance, imprisonment of up to 10 years, depending on the substance, a fine of up to \$12,500 or both.

D.C. Code § 48-904.07: Enlistment of Minors to Distribute

Penalties in addition to § 48.904.01:

1 st conviction	not more than 10 years, fine of not more than \$25,000, or both.
2 nd or subsequent conviction	not more than 20 years, fine of not more than \$50,000, or both.

D.C. Code § 48-904.08: Second or Subsequent Offenses

May be imprisoned and fined up to twice that authorized for 1st offense, or both.

PENALTIES FOR POSSESSION OF DRUG PARAPHERNALIA UNDER VIRGINIA LAW

Va. Code Ann. § 18.2-265.3(A-B): Possession or distribution of controlled paraphernalia for use to illegally plant, propagate, harvest, manufacture, ingest, inhale, or otherwise introduce into the human body marijuana or a controlled substance.

Any person found in violation of this statute will be punished by confinement in jail for not more than 12 months and/or a fine of not more than \$2,500. Any person over the age of 18 who violates this law by selling paraphernalia for the abovementioned purpose to a minor who is at least three years younger shall be punished by a term of imprisonment of not less than 1 year nor more than 5 years, or confinement in jail for not more than 12 months and/or a fine of not more than \$2,500.

Va. Code Ann. § 18.2-265.3(C): Distribution of Drug Paraphernalia to a Minor.

Any person 18 years of age or older who distributes drug paraphernalia to a minor will be punished by confinement in jail for not more than 12 months and/or a fine of not more than \$2,500.

PENALTIES FOR ILLEGAL POSSESSION OF ALCOHOL UNDER VIRGINIA LAW

Va. Code Ann. § 46.2-347: Fraudulent use of driver's license or Department of Motor Vehicles identification card to obtain alcoholic beverages.

Punishable by revocation of license for 30 days to 1 year and a fine of not more than \$500.

Va. Code Ann. § 4.1-306: Purchasing alcoholic beverages for a person under the age of 21.

Punishable by not more than 12 months and/or not more than a \$2,500 fine; Driver's License suspended for a period not more than 1 year.

Va. Code Ann. § 4.1-305: Illegal possession, purchase, or consumption of alcohol.

Punishable by (1) imprisonment for not more than 12 months; (2) a fine not less than \$500, and not more than \$2,500, or mandatory minimum of 50 hours of community service; and (3) suspension of driver's license for a period greater than 6 months, but not more than 1 year.

Va. Code Ann. § 18.2-266.1: Persons under age 21 driving after illegally consuming alcohol where blood alcohol concentration is between .02% and .08%: Punishable by (1) imprisonment for not more than 12 months; (2) a fine not less than \$500, and not more than \$2,500, or mandatory minimum of 50 hours of community service; and (3) suspension of driver's license for 1 year plus additional days based upon prior offenses.

Va. Code Ann. § 18.2-270: Driving a motor vehicle while intoxicated with blood alcohol concentration of .08% or more:

For each offense, in addition to mandatory imprisonment depending upon alcohol level, the following penalties apply:

1 st offense	Minimum fine of \$250 and suspended driver's license for 1 year.
2 nd offense within 5 years	Minimum fine of \$500; imprisonment for not less than 1 month or more than 1 year, with a minimum sentence of at least 20 days.
2 nd offense within 5 to 10 years	Minimum fine of \$500; imprisonment for not less than 1 month, with a minimum sentence of at least 10 days. If the blood alcohol level of the second offense within 10 years of a prior offense is between 0.15 and 0.20, will be subject to confinement in jail for an additional mandatory minimum period of 10 days. If the blood alcohol level of the second offense within 10 years is more than 0.20, will be subject to additional mandatory minimum period of confinement for 20 days and an additional mandatory minimum fine of \$500.
3 rd offense within a 5-year period	Minimum fine of \$1,000 but not more than \$2,500; imprisonment for not less than 1 year or more than 5 years, with a minimum sentence of at least 6 months.
3 rd offense within a 10-year period	Minimum fine of \$1,000 but not more than \$2,500; imprisonment for not less than 1 year or more than 5 years, with a minimum sentence of at least 90 days.
4 th offense or subsequent offense within a 10-year period	Minimum fine of \$1,000 but not more than \$2,500; imprisonment for not less than 1 year or more than 5 years.
Persons under the age of 21	Subject to the same penalties as persons age 21 or older.

Mandatory minimum punishments shall be cumulative, and mandatory minimum terms of confinement shall be served consecutively. However, in no case shall the punishment imposed exceed the applicable statutory maximum term of confinement of 1 year and a \$2,500 fine upon conviction of a first or second offense, or term of confinement between 1 and 5 years and a fine of \$2,500 upon conviction of a third or subsequent offense.

PENALTIES FOR POSSESSION, MANUFACTURE, OR DISTRIBUTION OF CONTROLLED SUBSTANCES UNDER VIRGINIA LAW

Va. Code Ann. § 18.2-250.1: Possession of marijuana

- | | |
|---------------------------------------|--|
| 1 st offense | Punishable by imprisonment for not more than 30 days and/or a fine of not more than \$500. |
| 2 nd or subsequent offense | Punishable by imprisonment for not more than 12 months and/or a fine of not more than \$2,500. |

Va. Code Ann. § 18.2-250: Possession of controlled substances

- (a) For a Schedule I or II substance, imprisonment of not less than 1 year nor more than 10 years or confinement in jail for not more than 1 year and a fine of not more than \$2,500.
- (b) For a Schedule III substance, imprisonment for not more than 1 year and/or a fine not more than \$2,500.
- (c) For a Schedule IV substance: imprisonment for not more than 6 months and/or a fine of not more than \$1,000.
- (d) For a Schedule V substance, a fine of not more than \$500.
- (e) For a Schedule VI substance, a fine of not more than \$250.

Va. Code Ann. § 18.2-248: Manufacturing, selling, distributing, or possessing with the intent to manufacture, sell, give or distribute controlled substances.

- (a) For Schedule I and II substances, imprisonment for not less than 5 years or more than 40 years; fine not more than \$500,000. On second offense, the court or jury may impose a sentence of imprisonment for life or for any period not less than 5 years and be fined not more than \$500,000.
- (b) For Schedule III, IV, and V substances, punishable by confinement for between 1 to 10 years or, at the discretion of the judge or jury, by confinement in jail not more than 12 months and/or a fine of not more than \$2,500.

Va. Code Ann. § 18.2-248.1: Penalties for sale, gift, distribution or possession with intent to sell, give or distribute marijuana.

- (a) For .5 ounces or less – Imprisonment for not more than 12 months and/or a fine not more than \$2,500.
- (b) For more than .5 ounces but less than 5 lbs.– Imprisonment for not less than 1 year or more than 10 years and/or a fine not more than \$2,500 or up to 12 months in jail and/or a fine of \$2,500.
- (c) For more than 5 lbs. – Imprisonment for not less than 5 years or more than 30 years.
- (d) For manufacturing of marijuana – Imprisonment for not less than 5 years or more than 30 years and/or a fine not more than \$10,000.

FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE

21 U.S.C. § 844(a)- Unlawful Possession

1 st offense	Up to 1 year imprisonment and fined at least \$1,000, or both, as well as costs of investigation and prosecution.
2 nd offense	At least 15 days in prison, not to exceed 2 years and fined at least \$2,500, as well as costs of investigation and prosecution.
3 rd or subsequent offense	At least 90 days in prison, not to exceed 3 years and fined at least \$5,000, as well as costs of investigation and prosecution.

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. § 862(a)-Penalties for Distribution

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses for up to:

1 st offense	5 years.
2 nd offense	10 years.
3 rd or subsequent offense	Permanently.

21 U.S.C. § 862(b)-Penalties for Possession

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses; community service; and/or attendance in a drug treatment program for up to:

1 st offense	1 year.
2 nd or subsequent offense	5 years.

18 U.S.C. § 922(g)

Persons convicted of certain drug offenses may be 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.

NOTE: These are only Federal penalties and sanctions. Additional State penalties and sanctions may apply.

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 kg 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.
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 gram 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 injury, not more than 15 yrs. Fine \$2 million if an individual, \$10 million if not an individual.		
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 \$1.5 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount	First Offense: Not more than 5 years. 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 not an individual.		
Flunitrazepam (Schedule IV)	Less than 1 gram			
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 mixture; or 1,000 or more plants	<ul style="list-style-type: none"> • Not less than 10 years, not more than life • If death or serious injury, not less than 20 years, not more than life • Fine not more than \$4 million if an individual, \$10 million if other than an individual 	<ul style="list-style-type: none"> • Not less than 20 years, not more than life • If death or serious injury, mandatory life • Fine not more than \$8 million if an individual, \$20 million if other than an individual
Marijuana (Schedule I)	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> • Not less than 5 years, not more than 40 years • If death or serious injury, not less than 20 years, not more than life • Fine not more than \$2 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> • Not less than 10 years, not more than life • If death or serious injury, mandatory life • Fine not more than \$4 million if an individual, \$10 million if other than an individual
Marijuana (Schedule I)	More than 10 kg hashish; 50 to 99 kg mixture More than 1 kg of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> • Not more than 20 years • If death or serious injury, not less than 20 years, not more than life • Fine \$1 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> • Not more than 30 years • If death or serious injury, mandatory life • Fine \$2 million if an individual, \$10 million if other than individual
Marijuana (Schedule I)	1 to 49 plants; less than 50 kg	<ul style="list-style-type: none"> • Not more than 5 years 	<ul style="list-style-type: none"> • Not more than 10 years
Hashish (Schedule I)	10 kg or less	<ul style="list-style-type: none"> • Fine not more than \$250,000, \$1 million other than individual 	<ul style="list-style-type: none"> • Fine \$500,000 if an individual, \$2 million if other than individual
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 \$8 million if an individual and \$20 million if other than an individual.