


**M E M O R A N D U M**

TO: Mary Sweaney, Assistant Director, Human Resources, UNO  
Joseph Oravec, Dean, Student Affairs, UNK  
Stan R. Campbell, Associate Vice Chancellor, Student Affairs, UNL  
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FROM: John C. Wiltse   
Deputy General Counsel

DATE: November 22, 2011

RE: Drug and Alcohol Abuse Prevention Update

Enclosed please find the "Standards of Conduct for Employees and Students Regarding Alcohol and Drugs" along with the updated charts to reflect the changes that have occurred in both state and federal statutes over the last year. A federal statute, 20 U.S.C. § 1011i, requires annual distribution to each student and employee of information to prevent use of illicit drugs and alcohol abuse. I am providing these to you both electronically and by campus mail. Also, note that some of the Nebraska laws amended or enacted in the last year will not be in effect until January 1, 2012.

Please remember to conduct the biennial reviews mentioned in the last paragraph on page 10.

Enclosures  
drug memo 2011

**(A)**  
**STANDARDS OF CONDUCT FOR EMPLOYEES AND STUDENTS  
REGARDING ALCOHOL AND DRUGS**

The illegal possession, use, or distribution of drugs or alcohol by students and employees is a violation of University rules as well as State and Federal laws. The Board of Regents of the University of Nebraska has directed officers of the University to cooperate with State and Federal agencies in the prevention of drug abuse. See Board of Regents of the University of Nebraska, *Minutes*, Vol. 29, pp. 90–91 (September 12, 1967). In satisfaction of this mandate and in order to fulfill its obligations under the Drug Free Workplace Act of 1988, 41 U.S.C. § 701 and 20 U.S.C. § 1011i, the University has formulated standards of conduct for both its employees and its students which prohibit the following acts:

(1) use, possession, manufacture, distribution, or sale of illegal drugs or drug paraphernalia on University premises or while on University business or at University activities, or in University supplied vehicles either during or after working hours;

(2) unauthorized use or possession or manufacture, distribution, or sale of a controlled substance as defined by the Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., or Nebraska's Uniform Controlled Substances Act, Neb. Rev. Stat. §§ 28-401 et seq. (Reissue 2008, 2010 Cum Supp. and Supp. 2011), on University premises, or while engaged in University business or attending University activities or in University supplied vehicles, either during or after working hours;

(3) unauthorized use, manufacture, distribution, possession, or sale of alcohol on University premises or while on University business, at University activities, or in University-supplied vehicles, either during or after working hours;

(4) storing in a locker, desk, vehicle, or other place on University owned or occupied premises any unauthorized controlled substances, drug paraphernalia, or alcohol;

(5) use of alcohol off University premises that adversely affects an employee's or student's work or academic performance, or an employee's or student's safety or the safety of others;

(6) possession, use, manufacture, distribution, or sale of illegal drugs off University premises that adversely affects the employee's work performance or the student's academic performance, or an employee's or student's safety or the safety of others;

(7) violation of State or Federal laws relating to the unauthorized use, possession, manufacture, distribution, or sale of alcohol, controlled substances, or drug paraphernalia;

(8) in the case of employees, failure to notify an employee's supervisor of an employee's arrest or conviction under any criminal drug statute as a

result of a violation of law which occurs at the University of Nebraska workplace.

[The Standards of Conduct were approved by the Regents in 1990. See Board of Regents of the University of Nebraska, *Minutes*, Vol. 55, p. 205 (October 12, 1990).]

**(B)**  
**DESCRIPTION OF APPLICABLE LEGAL SANCTIONS UNDER  
FEDERAL, STATE OR LOCAL LAW FOR UNLAWFUL  
POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL**

The information on the following pages summarizes selected provisions of Federal, State, and local laws that provide criminal and civil penalties for unlawful possession or distribution of drugs and alcohol.

FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF CONTROLLED SUBSTANCES

*21 U.S.C. § 844(a)*

First Conviction: Up to 1 year imprisonment and fine of at least \$1,000 or both. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and a fine of at least \$2,500. After 2 or more prior drug convictions: at least 90 days in prison, not to exceed 3 years and a fine of at least \$5,000.

Special sentencing provisions for possession of crack cocaine: Mandatory minimum 5 years in prison, maximum 20 years and a minimum fine of \$1,000, if it is:

- (a) First conviction and the amount of crack possessed exceeds 5 grams.
- (b) Second crack conviction and the amount of crack possessed exceeds 3 grams.
- (c) Third or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

*21 U.S.C. §§ 853(a) and 881 (a)*

Forfeiture of tangible and intangible 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. (See special sentencing provisions re: crack). Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or in any manner to facilitate the sale, receipt, possession, or concealment of controlled substances.

*21 U.S.C. § 844a*

Civil fine of up to \$10,000 for each violation of 21 U.S.C. § 844 involving controlled substances listed in 21 U.S.C. § 841(b)(1)(A).

*21 U.S.C. § 862*

Denial of Federal benefits, such as food stamps, student loans, grants, contracts, and professional and commercial licenses for up to 1 year for first conviction; 5 years for second or subsequent conviction; convicted drug traffickers are subject to even longer periods of ineligibility.

*18 U.S.C. § 922(g)*

Ineligible to receive or possess a firearm or ammunition.

*Miscellaneous*

Authority to revoke certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., is vested with the officials of individual Federal agencies.

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

Chart 1 summarizes trafficking penalties under Federal law for various types of drugs. This information is published by the United States Drug Enforcement Administration and is available online at <http://www.usdoj.gov/dea/agency/penalties.htm> (last visited Nov. 15, 2011).

STATE PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF CONTROLLED SUBSTANCES

The framework for the regulation of most drugs, also called controlled substances, is set out in the Uniform Controlled Substances Act. In addition, other Nebraska State laws establish penalties for various drug-related offenses as summarized below. Charts 2 and 3 summarize the sanctions under Nebraska law for possession or distribution of various drugs.

**CRIMES INVOLVING MINORS:**

Any person 18 years of age or older who manufactures, distributes, delivers, or dispenses controlled substances to a person (i) under the age of 18 years; (ii) within 1,000 feet of a school, college, university, or playground; or (iii) within 100 feet of a youth center, public swimming pool, or video arcade shall be punished more severely. The law also provides for an enhanced penalty for anyone 18 years of age or older to knowingly employ, use, cause, persuade, or coerce any person under the age of 18 years to manufacture, transport,

distribute, carry, deliver, dispense, or possess with intent to do the same of a controlled substance or a counterfeit controlled substance. See Neb. Rev. Stat. § 28-416(4) and (5) (Supp. 2011).

### **TAX PROVISIONS:**

Anyone who possesses or sells the following amounts of controlled substances or imitation controlled substances must pay the appropriate taxes to the Nebraska Department of Revenue and have the stamps attached to the controlled substances:

Illegal marijuana is taxed at \$100 for each ounce or portion of an ounce.

Any controlled substance that is sold by weight or volume (i.e., cocaine, crack, methamphetamine, etc.) is taxed at \$150 for each gram or portion of a gram.

Any controlled substance that is not sold by weight (i.e., LSD, Quaaludes, methamphetamine in tablets, PCP, etc.) is taxed at \$500 for each 50 dosage units or portion thereof.

Failure to have the proper tax stamps attached to the controlled substance carries a criminal penalty of up to 5-year imprisonment or a \$10,000 fine or both. A penalty equal to 100% of the unpaid tax will also be assessed and both the tax and the penalty may become a lien upon the property owned by the person against whom the tax is assessed. Neb. Rev. Stat. §§ 77-4301 to 77-4316 (Reissue 2009 and Cum Supp. 2010).

### **PROPERTY FORFEITURE:**

Property used to manufacture, sell, or deliver controlled substances can be seized and forfeited to the State. Property subject to forfeiture may include cash, cars, boats, and airplanes, as well as drug paraphernalia, books, records, and research, including formulas, microfilm, tapes, and data. Neb. Rev. Stat. § 28-431 (Reissue 2008).

### **BEING UNDER THE INFLUENCE OF ANY CONTROLLED SUBSTANCE FOR UNAUTHORIZED PURPOSE:**

It is a violation of Nebraska law to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a practitioner. In a prosecution, the State need not prove that the accused was under the influence of a specific controlled substance, only that the accused manifested symptoms or reactions

caused by the use of any controlled substance. Neb. Rev. Stat. § 28-417(1)(g) (Reissue 2008).

### **DRUG PARAPHERNALIA OFFENSES:**

It is a violation of Nebraska law to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Neb. Rev. Stat. § 28-441(1) (Reissue 2008).

"Drug paraphernalia" is defined to include such things as hypodermic syringes, needles, pipes, bongs, roach clips, and other items used, intended for use, or designed for use with controlled substances. Neb. Rev. Stat. § 28-439 (Reissue 2008).

It is unlawful to deliver or manufacture drug paraphernalia under circumstances in which one should reasonably know that it will be used to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. This section does not apply to pharmacists who sell hypodermic syringes or needles for the prevention of the spread of infectious diseases. Neb. Rev. Stat. § 28-442 (Reissue 2008).

It is a violation of Nebraska law for a person 18 years of age or older to deliver drug paraphernalia to a person under the age of 18 who is at least 3 years his or her junior. Neb. Rev. Stat. § 28-443 (Reissue 2008).

A violation of Neb. Rev. Stat. § 28-441 is punishable on the first offense by a fine of up to a maximum of \$100; a second offense within two years of the first is punishable by a fine not less than \$100 and not more than \$300; a third offense within two years of the second is punishable by a fine of not less than \$200 and not more than \$500. Neb. Rev. Stat. §§ 28-441 and 29-436 (Reissue 2008). The penalty for violation of Neb. Rev. Stat. § 28-442 is not more than 6-month imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 28-442 (Reissue 2008) and § 28-106(1) (Supp. 2011). The penalty for violation of Neb. Rev. Stat. § 28-443 is imprisonment for not more than 1 year or a \$1,000 fine or both. Neb. Rev. Stat. § 28-443 (Reissue 2008) and § 28-106(1) (Supp. 2011).

### **IMITATION CONTROLLED SUBSTANCES:**

It is a violation of Nebraska law to knowingly or intentionally manufacture, distribute, deliver, or possess with intent to distribute or deliver an imitation controlled substance. "Imitation controlled substance" is a substance that is not a controlled substance but which is represented to be an illicit controlled substance. Neb. Rev. Stat. § 28-445 (Reissue 2008). First

offense violations of this law are punishable by 3-month imprisonment or a \$500 fine or both. A second offense violation of this statute is punishable by not more than 6-month imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 28-445 (Reissue 2008) and § 28-106(1) (Supp. 2011).

### **CONTROLLED SUBSTANCE ANALOGUES:**

For purposes of Nebraska's Uniform Controlled Substance Act, analogue controlled substances (often called "designer drugs") are treated as controlled substances. Such an analogue is defined as (a) substantially similar in chemical structure to the chemical structure of a controlled substance or (b) having a stimulant, depressant, analgesic or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the effect of a controlled substance. Neb. Rev. Stat. § 28-401(30) (a) (Cum. Supp. 2010).

## **SELECTED NEBRASKA ALCOHOL OFFENSES**

### **MINOR IN POSSESSION:**

It is against the law for a person under the age of 21 years to sell, dispense, consume, or possess alcohol. Neb. Rev. Stat. § 53-180.02 (Cum. Supp. 2010). Violation of this law is punishable by 3-month imprisonment or a \$500 fine or both. Neb. Rev. Stat. § 53-180.05(4)(Supp. 2011) and § 28-106(1) (Supp. 2011).

### **PROCURING ALCOHOL:**

It is a violation of Nebraska law to sell, give away, dispose of, exchange, deliver, or permit the sale, gift, or procuring of any alcoholic liquors to or for any minor or to any person who is mentally incompetent. Neb. Rev. Stat. § 53-180 (Supp. 2011). Violation of this law is punishable by not more than 1-year imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 53-180.05(1) (Supp. 2011) and § 28-106(1) (Supp. 2011). If alcohol is provided to a minor and his or her consumption of it or impaired condition attributed to the alcohol leads to the serious bodily injury or death of any person, the provider faces an enhanced penalty. See Neb. Rev. Stat. § 53-180.05(2) (Supp. 2011) and Neb. Rev. Stat. 28-105(1) (Supp. 2011).

### **CONSUMPTION ON PUBLIC PROPERTY:**

It is a violation of Nebraska law for any person to consume alcoholic liquors upon property owned or controlled by the State or any governmental subdivision thereof, unless authorized by the governing bodies having

jurisdiction over such properties. Neb. Rev. Stat. § 53-186 (Supp. 2011). A violation of this statute is punishable on the first offense by a fine of up to a maximum of \$100; a second offense within 2 years of the first is punishable by a fine not less than \$100 and not more than \$300; a third offense within 2 years of the second is punishable by a fine of not less than \$200 and not more than \$500. Neb. Rev. Stat. § 53-186 (Supp. 2011) and § 29-436 (Reissue 2008).

### **DRIVING WHILE INTOXICATED:**

Driving or being in physical control of a vehicle while under the influence of intoxicating liquors or drugs is a violation of Nebraska law when such person has a concentration of eight-hundredths (.08) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath. Neb. Rev. Stat. § 60-6,196 (Reissue 2010).

Violation of this law is punishable on first offense by not more than 60 days but not less than 7 days of imprisonment and not more than a \$500 fine. Neb. Rev. Stat § 60-6,197.03 and Neb. Rev. Stat. § 28-106(1) (Supp. 2011). In addition, an offender's driver's license is revoked for 6 months and the offender is ordered not to drive any motor vehicle for any purpose for a like period. Neb. Rev. Stat. § 60-6,197.03(1) (Supp. 2011). Suspended sentence of probation includes a mandatory requirement that probation or suspension be conditioned on an order that offender will not drive any motor vehicle for any purpose for 60 days and pay a \$500 fine. Neb. Rev. Stat. § 60-6,197.03(1) (Supp. 2011).

Penalties for second offense include a \$500 fine and a maximum of 6-month imprisonment, with no less than a mandatory 30-day imprisonment. Neb. Rev. Stat. § 28-106(1) (Supp. 2011). As part of the judgment of conviction, the offender's operator's license is revoked for 1 year. Neb. Rev. Stat. § 60-6,197.03(3) (Supp. 2011). If an offender is placed on probation or the sentence is suspended, a mandatory condition is that the offender must not drive any motor vehicle for any purpose for a period of 1 year. In addition, the probation order shall include as one of its conditions the payment of a \$500 fine and either confinement in the city or county jail for 10 days or the imposition of not less than 240 hours of community service. Neb. Rev. Stat. § 60-6,197.03(3) (Supp. 2011).

Penalties for a third offense include a \$1,000 fine and a maximum of 1-year imprisonment, with a minimum 90-day imprisonment, and an order of license revocation for 15 years. Neb. Rev. Stat. § 28-106 and Neb. Rev. Stat. § 60-6,197.03(4) (Supp. 2011). If an offender is placed on probation, or the sentence is suspended, a mandatory condition is that the offender's operator's license shall be revoked for a period of at least 2 years but not more than 15 years. In addition, the probation order shall include the payment of a \$1,000

fine and as one of its conditions either confinement in the city or county jail for 30 days. Neb. Rev. Stat. § 60-6,197.03(4) (Supp. 2011).

Fourth and subsequent convictions will result in not more than 5 years imprisonment or a \$10,000 fine, or both, and is a Class IIIA felony conviction. Neb. Rev. Stat. § 60-6,197.03 (7) and Neb. Rev. Stat. § 28-105(1) (Supp. 2011). Offenders in this class have their licenses revoked for a period of 15 years and the offender must spend at least 180 days imprisoned in a city or county jail or an adult correctional facility. Neb. Rev. Stat. § 60-6,197.03(7) (Supp. 2011). Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15 years. In addition, the probation order shall include as one of its conditions a \$2,000 dollar fine and confinement in either the city or county jail for 90 days with required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 90 days after release. Neb. Rev. Stat. § 60-6,197.03(7) (Supp. 2011). Persons with a higher concentration of alcohol, fifteen-hundredths (.15) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath on a first conviction and subsequent conviction, are subject to even stiffer penalties. Neb. Rev. Stat. § 60-6,197.03(2), (5), (6), (8) and (10) (Supp. 2011). A third DWI conviction involving these higher alcohol concentrations is a Class IIIA felony.

Persons convicted of a second or subsequent DWI violation must also have all the motor vehicles they own immobilized at their expense or have an ignition interlock device installed at their expense on each motor vehicle owned or operated by the convicted person. DWI convictions also have an impact on the ability of a person to obtain both automobile and life insurance coverage.

Local laws may also make it a crime to operate a motor vehicle under the influence of alcohol or to commit certain acts involving the consumption or possession of alcohol, e.g. "open container" laws.

## **DESCRIPTION OF HEALTH RISKS ASSOCIATED WITH USE OF ILLICIT DRUGS AND ABUSE OF ALCOHOL**

Chart 4 contains a description of health risks associated with various drugs covered by the Federal Controlled Substances Act. This information is published by the National Institute on Drug Abuse and is available online at <http://www.nida.nih.gov/drugsofabuse.html> (last visited Nov. 15, 2011).

The following summary of health risks associated with alcohol is taken from United States Department of Education, *What Works: Schools Without Drugs* (1992 edition).

## *Alcohol*

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

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

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

### **ASSISTANCE**

Persons needing help in dealing with such problems are encouraged to make voluntary use of the Faculty/Employee Assistance Program. The Faculty/Employee Assistance Program can help by offering the following services:

- Objectively assessing the situation and referring faculty/employees to the proper resource;
- Providing education and training to supervisors on how to intervene with a troubled faculty/employee;
- Supplying short-term personal counseling and problem solving.

### **UNIVERSITY SANCTIONS**

In the event a faculty or staff member violates this policy or is convicted for unlawful manufacture, distribution, dispensation, possession or use of controlled substances or alcohol on University property or as part of any University activity, the University will take appropriate action.

For Administrators, staff, and faculty not included in the UNO AAUP bargaining unit, one or more of the following actions may be taken:

- Referral to the Faculty/Employee Assistance Program for evaluation and assessment to determine the appropriate treatment for rehabilitation;
- Participation in a drug rehabilitation program;
- Disciplinary action, up to and including termination of employment and referral for prosecution.

For faculty included in the UNO AAUP bargaining unit, conviction for such offenses may be considered adequate cause for imposition of the disciplinary process provided in section 3.6.1 of the Collective Bargaining Agreement. Violation of this policy may also be considered adequate for imposition of the disciplinary process and referral for prosecution.

As required by the Drug-Free Workplace Act of 1988, faculty and staff involved in the performance of federal contracts or grants must notify their supervisor within five days if they are convicted of any criminal drug statute as a result of violation of the law that occurs at the workplace. The term “conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violation of the Federal or State criminal drug statutes. The supervisor will immediately notify the Academic Affairs Office when faculty members are affected or the Human Resources Office when staff are affected. The University in turn, will notify the applicable granting or contracting agency or agencies of the conviction within ten days after receiving notice of an employee’s criminal drug statute conviction.

## **REVIEW**

Biennially the University will review its Substance Abuse Policy/Program to determine its effectiveness and to ensure that the sanctions required for violations of the policy are consistently enforced.

## Federal Trafficking Penalties

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 - 4999 gms mixture	<p><b>First Offense :</b></p> <p>Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual</p> <p><b>Second Offense :</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual</p>	5 kgs or more mixture	<p><b>First Offense :</b></p> <p>Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p><b>Second Offense :</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p><b>2 or More Prior Offenses:</b> Life imprisonment</p>
Cocaine Base (Schedule II)	28-279 gms mixture		280 gms or more mixture	
Fentanyl (Schedule II)	40 - 399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10 - 99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100 - 999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1 - 9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5 - 49 gms pure or 50 - 499 gms mixture		50 gms or more pure or 500 gms or more mixture	
PCP (Schedule II)	10 - 99 gms pure or 100 - 999 gms mixture		100 gm or more pure or 1 kg or more mixture	

Source: <http://www.usdoj.gov/dea/agency/penalties.pdf> (last visited Nov. 15, 2011).

## PENALTIES

Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<p><b>First Offense</b> : Not more that 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p><b>Second Offense</b> : Not more than 30 yrs. If death or serious injury, not more than 15 yrs. Fine \$2 million if an individual, \$10 million if not an individual</p>
Other Schedule III drugs	Any amount	<p><b>First Offense</b> : Not more than 10 years. If death or serious injury, not more that 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p><b>Second Offense</b> : 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</p>
All other Schedule IV drugs	Any amount	<p><b>First Offense</b> : Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><b>Second Offense</b> : Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.</p>
Flunitrazepam (Schedule IV)	Less than 1 gm	
All Schedule V drugs	Any amount	<p><b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><b>Second Offense</b> : Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>

## Federal Trafficking Penalties - Marijuana

DRUG	QUANTITY	1 <sup>st</sup> OFFENSE	2 <sup>nd</sup> OFFENSE*
Marijuana (Schedule I)	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 20 years, not more than life</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine not more than \$8 million if an individual, \$20 million if other than an individual</li> </ul>
Marijuana (Schedule I)	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> <li>• Not less than 5 years, not more than 40 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$2 million if an individual, \$5 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual</li> </ul>
Marijuana (Schedule I)	more than 10 kgs hashish; 50 to 99 kg mixture more than 1 kg of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> <li>• Not more than 20 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine \$1 million if an individual, \$5 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 30 years</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine \$2 million if an individual, \$10 million if other than individual</li> </ul>
Marijuana (Schedule I)	1 to 49 plants; less than 50 kg	<ul style="list-style-type: none"> <li>• Not more than 5 years</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years</li> </ul>
Hashish (Schedule I)	10 kg or less	<ul style="list-style-type: none"> <li>• Fine not more than \$250,000, \$1 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Fine \$500,000 if an individual, \$2 million if other than individual</li> </ul>
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.

Source: <http://www.usdoj.gov/dea/agency/penalties.pdf> (last visited Nov. 15, 2011).

CHART 2  
 SANCTIONS UNDER NEBRASKA LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ANABOLIC STEROIDS  
 MARIJUANA, HASHISH OR OTHER SUBSTANCES CONTAINING TETRAHYDROCANNABINOLS

DRUG	QUANTITY	PENALTY FOR "SIMPLE" POSSESSION	PENALTY FOR MANUFACTURE, DISTRIBUTION, DELIVERY, DISPENSATION, POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE, DELIVER OR DISPENSE
Anabolic Steroids <sup>1</sup> Schedule III (d)	any detectable amount (a.d.a.)	NMT <sup>2</sup> 5 YRS or \$10,000 fine or both	NLT <sup>3</sup> 1 YR - NMT 20 YRS or \$25,000 fine or both
Hashish <sup>4</sup> Schedule I(c) (23)	a.d.a.	NMT 5 YRS or \$10,000 fine or both	NLT 1 YR - NMT 20 YRS or \$25,000 fine or both
Concentrated Cannabis <sup>4</sup> Schedule I(c) (23)	a.d.a.	NMT 5 YRS or \$10,000 fine or both	NLT 1 YR - NMT 20 YRS or \$25,000 fine or both
Marijuana <sup>5</sup> Schedule I(c) (10)	a.d.a. to 1 oz.	1st offense - \$300 fine and possible assignment to controlled substances course	NLT 1 YR - NMT 20 YRS or \$25,000 fine or both
		2nd offense - NMT 5 days and \$400	
		3rd and subsequent offenses - NMT 7 days and \$500	
	MT 1 oz. - LT 1 lb.	NMT 3 months or \$500 or both	
	MT 1 lb.	NMT 5 YRS or \$10,000 or both	
Synthetically Produced Cannabinoids <sup>6</sup> Schedule I (c) (35)	a.d.a.	NMT 5 YRS or \$10,000 fine or both	NLT 1 YR - NMT 20 YRS or \$25,000 fine or both <sup>7</sup>

<sup>1</sup> "Anabolic steroid shall mean any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids), that promotes muscle growth and includes any controlled substance in Schedule III (d) of section 28-405." Neb. Rev. Stat. § 28-401 (31) (Supp. 2010).

<sup>2</sup> Not More Than.

<sup>3</sup> Not Less Than.

<sup>4</sup> "Hashish or concentrated cannabis shall mean: (a) The separated resin, whether crude or purified, obtained from a plant of the genus cannabis; or (b) any material, preparation, mixture, compound, or other substance which contains ten percent or more by weight of tetrahydrocannabinols." Neb. Rev. Stat. § 28-401(27) (Supp. 2010).

<sup>5</sup> "Marijuana" is defined at Neb. Rev. Stat. § 28-401(13) (Supp. 2010).

<sup>6</sup> Nomenclature for these cannabinoids is not internationally recognized and may change, so as long as the chemical structure of a drug fits into this drug's enumerated categories, it shall be included. See Neb. Rev. Stat. § 28-405 Schedule I (c) (35) (Supp. 2011).

<sup>7</sup> All penalties in this column are for a Class III felony. Neb. Rev. Stat. § 28-416 (2)(b) (Supp. 2011).

CHART 3  
SANCTIONS<sup>1</sup> UNDER NEBRASKA LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS

DRUG	QUANTITY	PENALTY FOR "SIMPLE" POSSESSION	PENALTY FOR MANUFACTURE, DISTRIBUTION, DELIVERY, DISPENSATION, POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE, DELIVER OR DISPENSE
Methamphetamine "Speed" Schedule <sup>2</sup> II (c) (3)	any detectable amount (a.d.a.) - LT 10 grams	NMT 5 YRS or \$10,000 fine or both	NLT 1 YR - NMT 50 YRS
	10 grams - LT 28 grams		NLT 3 YRS - NMT 50 YRS
	28 grams - LT 140 grams		NLT 5 YRS - NMT 50 YRS
	140 grams or more		NLT 20 YRS - NMT life
Heroin Schedule I(b) (11)	a.d.a. LT 10 grams	NMT 5 YRS or \$10,000 fine or both	NLT 1 YR - NMT 50 YRS
	10 - LT 28 grams		NLT 3 YRS - NMT 50 YRS
	28- LT 140 grams		NLT 5 YRS - NMT 50 YRS
	140 grams or more		NLT 20 YRS - NMT life
Cocaine or Cocaine Base ("crack cocaine") Schedule II(a) (4)	a.d.a.-LT 10 grams	NMT 5 YRS or \$10,000 fine or both	NLT 1 YR - NMT 50 YRS
	10-LT 28 grams		NLT 3 YRS - NMT 50 YRS
	28-LT 140 grams		NLT 5 YRS - NMT 50 YRS
	140 grams or more		NLT 20 YRS - NMT life
Phencyclidine "PCP, angel dust" Schedule II(d) (4)	a.d.a.	NMT 5 YRS or \$10,000 fine or both	NLT 1 YR - NMT 50 YRS
	a.d.a.	NMT 5 YRS or \$10,000 fine or both	NLT 1 YR - NMT 20 YRS or \$25,000 fine or both
	a.d.a.	NMT 5 YRS or \$10,000 fine or both	NLT 1 YR - NMT 20 YRS or \$25,000 fine or both
	a.d.a.	NMT 5 YRS or \$10,000 fine or both	NLT 1 YR - NMT 50 YRS
"Exceptionally Hazardous Drugs" <sup>3</sup> : Narcotics such as Opium, Morphine, Codeine, Amobarbital, Secobarbital, or Pentobarbital Schedule II (a) (1) (vii), (xiii); (d) (1)-(3)	a.d.a.	NMT 5 YRS or \$10,000 fine or both	NLT 1 YR - NMT 50 YRS
	a.d.a.	NMT 5 YRS or \$10,000 fine or both	NLT 1 YR - NMT 20 YRS or \$25,000 fine or both
Schedule I, II, or III drugs not classified as exceptionally hazardous, e.g. Mescaline, Peyote, Psilocybin, Salvia, Schedule I(c) (11)-(13), (34)	a.d.a.	NMT 5 YRS or \$10,000 fine or both	NLT 1 YR - NMT 20 YRS or \$25,000 fine or both
Any controlled substance classified in Schedule IV or V such as Pentazocine, brand name "Talwin", or Buprenorphine	a.d.a.	NMT 5 YRS or \$10,000 fine or both	NMT 5 YRS or \$10,000 fine or both

<sup>1</sup> See Neb. Rev. Stat. § 28-416 (Supp. 2011).

<sup>2</sup> All references are to the controlled substances schedules enumerated in Neb. Rev. Stat. § 28-405 (Supp. 2011).

<sup>3</sup> "Exceptionally hazardous drug" is defined by Neb. Rev. Stat. § 28-401 (28) (Cum. Supp. 2010).

CHART 4  
COMMONLY ABUSED DRUGS AND POTENTIAL HEALTH CONSEQUENCES

Substances: Category and Name	Examples of <i>Commercial</i> and Street Names	DEA Schedule*/ How Administered**	Acute ( <i>Intoxicating</i> ) Effects/ <i>Health Consequences</i>
<i>Cannaboids</i>			<i>Euphoria; relaxation; slowed thinking and reaction time; distorted sensory perception; impaired balance and coordination; increased heart rate and appetite; impaired learning and memory; anxiety; panic attacks; psychosis/cough, frequent respiratory infections; possible mental health decline; addiction</i>
Hashish	Boom, gangster, hash, hash oil, hemp	I/smoked, swallowed	
Marijuana	Blunt, dope, ganja, grass, herb, joint, bud, Mary Jane, pot, reefer, sinsemilla, skunk, weed	I/smoked, swallowed,	
<i>Depressants</i>			<i>Sedation/drowsiness; reduced anxiety; feelings of well-being; lowered inhibitions; slurred speech; poor concentration; confusion; dizziness; impaired coordination and memory/lowered blood pressure; slowed breathing; tolerance; withdrawal; addiction; increased risk of respiratory distress and death when combined with alcohol</i>  <i>Also, for barbiturates—euphoria; unusual excitement; fever; irritability/life-threatening withdrawal in chronic users</i>  <i>Also, for flunitrazepam—visual and gastrointestinal disturbances; urinary retention; memory loss for the time under the drug's effects</i>  <i>Also, for GHB—nausea/vomiting; loss of reflexes/headache; loss of consciousness; seizures; coma; death</i>  <i>Also, for methaqualone—euphoria; poor reflexes; slurred speech/depression; coma</i>
Barbiturates	<i>Amytal, Nembutal, Seconal, Phenobarbital</i> ; barbs, reds, red birds, phennies, tooies, yellows, yellow jackets	II, III, V/injected, swallowed	
Benzodiazepines (other than flunitrazepam)	<i>Ativan, Halcion, Librium, Valium, Xanax</i> ; candy, downers, sleeping pills, tranks	IV/swallowed	
Flunitrazepam***	<i>Rohypnol</i> ; forget-me pill, Mexican Valium, R2, Roche, roofies, roofinol, rope, rophies	IV/swallowed, snorted	
GHB***	<i>Gamma-hydroxybutyrate</i> ; G, Georgia home boy, grievous bodily harm, liquid ecstasy	I/swallowed	
Methaqualone	<i>Quaalude, Sopor, Parest</i> ; ludes, mandrex, quad, quay	I/injected, swallowed	
<i>Dissociative Drugs</i>			<i>Feelings of being separate from one's body and environment; impaired motor function; nausea; anxiety/tremors, numbness, memory loss</i>  <i>Also, for ketamine—analgesia/delirium; respiratory depression and arrest; death</i>  <i>Also, for PCP and analogs—analgesia; aggression; violence; slurred speech; hallucinations/psychosis</i>
Ketamine	<i>Ketalar SV</i> ; cat Valium, K, Special K, vitamin K	III/injected, snorted, smoked	
PCP and analogs	<i>Phencyclidine</i> ; angel dust, boat, hog, love boat, peace pill	I, II/swallowed, smoked, injected	
<i>Hallucinogens</i>			<i>Altered states of perception and feeling; hallucinations; nausea</i>  <i>Also, for LSD— persisting perception disorder (flashbacks)</i>  <i>Also, for LSD and mescaline—increased body temperature, heart rate, and blood pressure; loss of appetite/sleeplessness, numbness, weakness, tremors</i>  <i>Also, for psilocybin—nervousness; paranoia; panic</i>
LSD	<i>Lysergic acid diethylamide</i> ; acid, blotter, boomers, cubes, microdot yellow sunshines, blue heaven	I/swallowed, absorbed through mouth tissues	
Mescaline	Buttons, cactus, mesc, peyote	I/swallowed, smoked	
Psilocybin	Magic mushrooms, purple passion, shrooms, little smoke	I/swallowed	

Chart 4 continued

Substances: Category and Name	Examples of <i>Commercial</i> and Street Names	<i>DEA Schedule*/</i> <i>How Administered**</i>	<i>Acute (Intoxicating) Effects/Health Consequences</i>
<i>Opioids and Morphine Derivatives</i>			<i>Euphoria; drowsiness/sedation; dizziness; nausea; impaired coordination; confusion/constipation; respiratory depression and arrest; addiction</i>
Codeine	<i>Empirin with Codeine, Fiorinal with Codeine, Robitussin A-C, Tylenol with Codeine; Captain Cody, Cody, schoolboy; (with glutethimide) doors &amp; fours, loads, pancakes and syrup</i>	II, III, IV/injected, swallowed	<b>Also, for codeine, fentanyl, methadone, and other opioid pain relievers—</b> <i>weakness; dry mouth; itching; sweating; clammy skin/lowered pulse and blood pressure; tolerance; unconsciousness; coma; increased risk of death when combined with alcohol or other CNS depressants</i>
Fentanyl, and fentanyl analogs	<i>Actiq, Duragesic, Sublimaze; Apache, China girl, China white, dance fever, friend, goodfella, jackpot, murder 8, TNT, Tango and Cash</i>	I, II/injected, smoked, snorted	<b>Also, for codeine—</b> <i>pain relief; but less analgesia, sedation, and respiratory depression than morphine</i>  <b>Also, for fentanyl—</b> <i>80 to 100 times more potent analgesic than morphine</i>
Heroin	<i>diacetylmorphine; brown sugar, dope, H, horse, junk, skag, skunk, smack, white horse</i>	I/injected, smoked, snorted	<b>Also, for heroin and opium—</b> <i>feelings of heaviness in the body/endocarditis; hepatitis; HIV; fatal overdose</i>
Opium	<i>laudanum, paregoric; big O, black stuff, block, gum, hop</i>	II, III, V/swallowed, smoked	
Morphine	<i>Roxanol, Duramorph; M, Miss Emma, monkey, white stuff</i>	II, III/injected, swallowed, smoked	<b>Also, for oxycodone—</b> <i>muscle relaxation; twice as potent an analgesic as morphine/high abuse potential</i>
Oxycodone HCL	<i>Oxycontin; Oxy, O.C., killer</i>	II/swallowed, snorted, injected	
Hydrocodone, bitartrate, acetaminophen	<i>Oxycontin, Percocet; Vicodin; vike, Watson-387; Demerol, demmies, pain killer</i>	II, III, IV/chewed, swallowed, snorted, injected, suppository	
<i>Stimulants</i>			<i>Increased heart rate, blood pressure, body temperature, and metabolism; feelings of exhilaration; increased energy and mental alertness; reduced appetite; anxiety; panic; paranoia; irritability; violent behavior/weight loss; insomnia; heart failure; strokes; seizures; addiction</i>
Amphetamine	<i>Biphetamine, Dexedrine, Adderall; bennies, black beauties, crosses, hearts, LA turnaround, speed, truck drivers, uppers</i>	II/swallowed, snorted, smoked, injected	<b>Also, for amphetamine—</b> <i>rapid breathing; loss of coordination; restlessness; delirium; impulsive behavior; aggressiveness/tolerance; hallucinations</i>
Cocaine	<i>Cocaine hydrochloride; blow, bump, C, candy, Charlie, coke, crack, flake, rock, snow, toot</i>	II/injected, smoked, snorted	<b>Also, for cocaine—</b> <i>nausea; panic attacks/chest pain; respiratory failure; abdominal pain; headaches; malnutrition; nasal damage from snorting</i>
Methamphetamine	<i>Desoxyn; meth, ice, crank, chalk, crystal, fire, glass, go fast, speed</i>	II/swallowed, snorted, smoked, injected	<b>Also, for methamphetamine—</b> <i>aggression; psychotic behavior/cardiac and neurological damage; impaired memory; tolerance; dental problems</i>
MDMA (methylenedioxy-methamphetamine)	<i>Adam, clarity, ecstasy, Eve, lover's speed, peace, STP, X, XTC</i>	I/swallowed	<b>For MDMA only—</b> <i>mild hallucinogenic effects; increased tactile sensitivity; empathic feelings; lowered inhibitions/impaired memory and learning; hyperthermia; cardiac toxicity; renal failure; liver toxicity</i>
Methylphenidate (safe & effective for treatment of ADHD)	<i>Concerta, Ritalin; JIF, MPH, R-ball, Skippy, the smart drug, vitamin R</i>	II/injected, swallowed, snorted	<b>For methylphenidate only—</b> <i>increased or decreased blood pressure; loss of appetite/digestive problems; weight loss</i>
<i>Tobacco</i>			
Nicotine	<i>Cigarettes, cigars, bidis, and smokeless tobacco (snuff, spit tobacco, chew)</i>	Not scheduled/smoked, snorted, taken in snuff and spit tobacco	<i>Increased blood pressure and heart rate/lung and heart disease; stroke; cancer of the mouth, pharynx, larynx, esophagus, stomach, pancreas, cervix, kidney, bladder, and leukemia; birth defects; addiction</i>

Chart 4 continued

Substances: Category and Name	Examples of <i>Commercial</i> and Street Names	<i>DEA Schedule*/</i> <i>How Administered**</i>	<i>Acute (Intoxicating) Effects/Health Consequences</i>
<i>Other Compounds</i>			
Anabolic steroids	<i>Anadrol, Oxandrin, Durabolin, Depo-Testosterone, Equipoise; roids, juice, gym candy, pumpers</i>	III/injected, swallowed, applied to skin	<i>No intoxication effects/hypertension; blood clotting and cholesterol changes; liver cysts and cancer; kidney cancer; hostility and aggression; acne; in adolescents, premature stoppage of growth; in males, prostate cancer, reduced sperm production, shrunken testicles, and breast enlargement; in females, menstrual irregularities, development of beard, and other masculine characteristics</i>
Dextromethorphan (DXM)	<i>Found in some cough and cold medication; Robotripping, Robo, Triple C</i>	Not scheduled/swallowed	<i>Dissociative effects, distorted visual perceptions, euphoria, slurred speech, confusion/tremors; numbness; memory loss</i>
Inhalants	<i>Solvents (paint thinners, gasoline, glues), gases (butane, propane, aerosol propellants, nitrous oxide), nitrites (isoamyl, isobutyl, cyclohexyl); laughing gas, poppers, snappers, whippets</i>	Not scheduled/inhaled through nose or mouth	<i>(Varies by chemical) Stimulation; loss of inhibition; headache; nausea or vomiting; slurred speech; loss of motor coordination; wheezing/cramps; muscle weakness; depression; memory impairment; damage to cardiovascular and nervous systems; unconsciousness; sudden death</i>

\*Schedule I and II drugs have a high potential for abuse. They require greater storage security and have a quota on manufacturing, among other restrictions. Schedule I drugs are available for research only and have no approved medical use; Schedule II drugs are available only by prescription (unrefillable) and require a form for ordering. Schedule III and IV drugs are available by prescription, may have five refills in 6 months, and may be ordered orally. Most Schedule V drugs are available over the counter.

\*\*Taking drugs by injection can increase the risk of infection through needle contamination with staphylococci, HIV, hepatitis, and other organisms.

\*\*\*Associated with sexual assaults.

Source: National Institute on Drug Abuse, [www.drugabuse.gov/DrugPages/DrugsofAbuse.html](http://www.drugabuse.gov/DrugPages/DrugsofAbuse.html) and <http://www.nida.nih.gov/DrugPages/PrescripDrugsChart.html> (last visited Nov. 21, 2011)

Chart 4 2011; Revised 11/2011