

DRUG UPDATE 2016

(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 and the Safe and Drug-Free Schools and Communities Act of 1994, 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, Cum. Supp. 2014; Supp. 2015), available at <http://uniweb.legislature.ne.gov>, 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.

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. Forfeiture of vehicles, boats, aircraft, or any other conveyance used, or intended for use, to transport or in

any manner to facilitate the transportation, 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 financial aid grants, contracts, student loans, and professional and commercial licenses, for individuals convicted of distributing controlled substances (drug trafficking). The denial can last up to 5 years for the first conviction and up to 10 years for the second conviction. Those who have three or more convictions will be permanently ineligible for all Federal benefits.

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.justice.gov/dea/druginfo/ftp3.shtml> (last visited November 17, 2015).

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 knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver or dispense a controlled substance or a counterfeit controlled substance (i) to a person (under the age of 18 years; (ii) in, on, or 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 and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of 18 years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance. See Neb. Rev. Stat. § 28-416(4) and (5) (Reissue 2008, Cum. Supp. 2014; Supp. 2015).

Persons under the age of eighteen who violate the drug laws may be subject to additional sentencing provisions found in Neb. Rev. Stat. § 28-416 (18) (Reissue 2008, Cum. Supp. 2014; Supp. 2015), these include impounding licenses or permits issued under the Motor Vehicle Operator's License Act, completion of community service, and attending drug education classes.

PROBATION CONDITIONS:

Any person convicted of a drug law violation, if placed on probation, shall, as a condition of probation, satisfactorily attend and complete appropriate treatment and counseling on drug abuse. Neb. Rev. Stat. § 28-416 (14) (Reissue 2008, Cum. Supp. 2014; Supp. 2015).

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. Marijuana is not included in the definition of “controlled substances” here but is also taxed, as follows:

Illegal marijuana is taxed at \$100 for each ounce or portion of an ounce. Neb. Rev. Stat. § 77-4303 (Reissue 2009).

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. Neb. Rev. Stat. § 77-4303 (Reissue 2009).

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. Neb. Rev. Stat. § 77-4303 (Reissue 2009).

Failure to have the proper tax stamps attached to the controlled substance is a Class IV felony, with a criminal penalty of up to a 2-year imprisonment and 12-month post-release supervision or a \$10,000 fine or both. If imprisonment is imposed, there will be a minimum of a 9-month postrelease supervision. Neb. Rev. Stat. § 28-105(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015) *available at* <http://uniweb.legislature.ne.gov>; Neb. Rev. Stat. §§ 77-4301 to 77-4316 (Reissue 2009; Cum. Supp. 2014; Supp. 2015).

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. § 28441(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, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia knowing, or 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 (use or possession of drug paraphernalia) 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 (delivery or manufacture of drug paraphernalia) is not more than a 6-month imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 28-442

(Reissue 2008) and § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015). The penalty for violation of Neb. Rev. Stat. § 28-443 (delivery of drug paraphernalia to a minor) 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) (Reissue 2008; Cum. Supp. 2014; Supp. 2015).

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. Neb. Rev. Stat. § 28-445 (Reissue 2008 and Cum. Supp. 2014). "Imitation controlled substance" is a substance that is not a controlled substance or controlled substance analogue but which is represented to be an illicit controlled substance or controlled substance analogue. Neb. Rev. Stat. § 28-401 (29) (Reissue 2008; Cum. Supp. 2014; Supp. 2015). First offense violations of this law are punishable by a 3-month imprisonment or a \$500 fine or both. A second offense violation of this statute is punishable by not more than a 6-month imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 28-445 and § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015).

CONTROLLED SUBSTANCE ANALOGUES:

For purposes of Nebraska's Uniform Controlled Substance Act, controlled substance analogues (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) (Reissue 2008; Cum. Supp. 2014; Supp. 2015).

SELECTED 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 (Reissue 2010). Violation of this law is punishable by a 3-month imprisonment or a

\$500 fine or both. Neb. Rev. Stat. § 53-180.05(4) and § 53-181 (Reissue 2010; Cum. Supp. 2014; Supp. 2015); § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015).

SAFE HARBOR:

A penalty may not be imposed on a person who otherwise violated this law if the person (i) requested emergency medical assistance in response to the possible alcohol overdose of himself or herself or another person as soon as the emergency situation is apparent; (ii) was the first person to make the request for medical assistance; and (iii) when emergency medical assistance was requested for the possible alcohol overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel. Neb. Rev. Stat. § 53-180.05(4) and § 53-181 (Reissue 2010; Cum. Supp. 2014; Supp. 2015).

PROCURING ALCOHOL:

It is a violation of Nebraska law to sell, furnish, give away, 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. § 53180 (Reissue 2010 and Cum. Supp. 2014). Violation of this law is generally punishable by not more than a 1-year imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 53-180.05(1) (Reissue 2010; Cum. Supp. 2014; Supp. 2015) and § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015). However, if alcohol is knowingly and intentionally provided to a minor and the minor's consumption of the alcohol or impaired condition attributed to the alcohol leads to the serious bodily injury or death of any person, the person who provided the alcohol shall be guilty of a Class IIIA felony and serve a mandatory minimum of at least 30 days' imprisonment. The penalty for a Class IIIA felony is a 3-year imprisonment and 18-month post release supervision or a \$10,000 fine or both and a minimum of a 9-month post-release supervision if imprisonment is imposed. See Neb. Rev. Stat. § 53-180.05(2) (Reissue 2010; Cum. Supp. 2014; Supp. 2015) and Neb. Rev. Stat. § 28-105(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015) *available at* <http://uniweb.legislature.ne.gov>.

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 (Reissue 2010 and Cum. Supp. 2014). 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 (Reissue 2010 and Cum. Supp. 2014) and § 29-436 (Reissue 2008).

DRIVING WHILE INTOXICATED:

Operating or being in physical control of a vehicle while under the influence of alcoholic 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 a \$500 fine. Neb. Rev. Stat § 60-6,197.03 (Reissue 2010; Cum. Supp. 2014; Supp. 2015) and § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015). 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. § 606,197.03(1) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). Suspended sentence or probation includes a mandatory requirement that probation or suspension be conditioned on an order that the 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) (Reissue 2010; Cum. Supp. 2014; Supp. 2015).

Penalties for a second conviction include a \$500 fine and a maximum of a 6-month imprisonment, with no less than a mandatory 30-day imprisonment. Neb. Rev. Stat. § 60-6,197.03 (Reissue 2010; Cum. Supp. 2014; Supp. 2015) and § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015). As part of the judgment of conviction, the offender's operator's license is revoked for 18 months. Neb. Rev. Stat. § 60-6,197.03(3) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). 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 18 months. Neb. Rev. Stat. § 606,197.03(3) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). In addition, the probation order shall include as one of its conditions the payment of a \$500 fine and

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. § 606,197.03(3) (Reissue 2010; Cum. Supp. 2014; Supp. 2015).

Penalties for a third conviction include a \$1,000 fine and a maximum of a 1-year imprisonment, with a minimum 90-day imprisonment, and an order of license revocation for 15 years. Neb. Rev. Stat. § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015) and Neb. Rev. Stat. § 60-6,197.03(4) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). 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. Neb. Rev. Stat. § 60-6,197.03(4) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). In addition, the probation order shall include the payment of a \$1,000 fine and as one of its conditions confinement in the city or county jail for 30 days. Neb. Rev. Stat. § 60-6,197.03(4) (Reissue 2010; Cum. Supp. 2014; Supp. 2015).

Fourth and subsequent convictions will result in up to a 3-year imprisonment and 18 months post-release supervision (with a minimum of 9 months post-release supervision if imprisoned) or a \$10,000 fine, or both, and are a Class IIIA felony conviction. Neb. Rev. Stat. § 60-6,197.03(7) (Reissue 2010; Cum. Supp. 2014; Supp. 2015) and Neb. Rev. Stat. § 28-105(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015). Offenders in this class will 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) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15 years. Neb. Rev. Stat. § 606,197.03(7) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). In addition, the probation order shall include as one of its conditions a \$2,000 fine and confinement in 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) (Reissue 2010; Cum. Supp. 2014; Supp. 2015).

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) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). Where a person has three prior convictions and then has another conviction involving this higher alcohol concentration, he or she shall be guilty of a Class IIA felony,

punishable by up to 20 years in prison. Neb. Rev. Stat. § 60-6,197.03(8) (Reissue 2010; Cum. Supp. 2014; Supp. 2015) and Neb. Rev. Stat. § 28-105(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015).

Persons convicted of a DWI violation may be ordered to have an ignition interlock device installed at their expense on each motor vehicle owned or operated by the convicted person. Neb. Rev. Stat. §§ 60-6,197.03 and 606,211.05 (Reissue 2010; Cum. Supp. 2014; Supp. 2015). 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.

(C)
DESCRIPTION OF HEALTH RISKS ASSOCIATED WITH USE OF ILLICIT DRUGS AND ABUSE OF ALCOHOL

Serious health risks are associated with the use of illicit drugs and alcohol. These health risks are described in Chart 4, which includes information published by the National Institute on Drug Abuse available at <http://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts> (last visited November 18, 2015).

The National Institute on Drug Abuse states that

Most drugs of abuse can alter a person’s thinking and judgment, leading to health risks, including addiction, drugged driving and infectious disease. Most drugs could potentially harm an unborn baby; pregnancy-related issues are listed in the chart below for drugs where there is enough scientific evidence to connect the drug use to specific negative effects.

<http://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts> (last visited November 18, 2015).

(D)

ASSISTANCE, UNIVERSITY SANCTIONS, AND OTHER INFORMATION

ASSISTANCE

Employees and students needing help in dealing with drug or alcohol problems are encouraged to make voluntary use of their campus Employee Assistance Programs and Student Counseling Centers. The Employee Assistance Programs and Student Counseling Centers can help by offering the following services:

- Objectively assessing the situation and referring employees or students to the proper resources.
- Supplying short-term personal counseling and problem solving.
- Providing education and training to supervisors on how to intervene with troubled employees.

UNIVERSITY SANCTIONS

In the event a faculty or staff member violates this policy or is convicted of 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 UNK or UNO collective bargaining units, 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 UNK or UNO collective bargaining units, conviction of drug law offenses may be considered adequate cause for imposition of the disciplinary process provided in 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 41 U.S.C. § 8102(1), part of 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 members 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 for Schedules I, II, III, IV, and V (except Marijuana)

Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<p>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.</p> <p>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.</p>	Cocaine 5 kilograms or more mixture	<p>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.</p> <p>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.</p> <p>2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	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		Heroin 1 kilogram or more mixture	
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	
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				

Any Amount Of Other Schedule III Drugs	<p>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.</p> <p>Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>
Any Amount Of All Schedule V Drugs	<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>

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

DRUG	QUANTITY	PENALTY FOR "SIMPLE" POSSESSION	PENALTY FOR MANUFACTURE, DISTRIBUTION, DELIVERY, DISPENSATION, OR POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE, DELIVER OR DISPENSE
Anabolic Steroids ¹ Schedule III(d)	Any detectable amount	Up to 2 years imprisonment and 12 months post-release supervision (with 9-month minimum post-release supervision if imprisoned) or \$10,000 fine, or both. Class IV felony	Up to 20 years imprisonment; Class IIA felony
Hashish or Concentrated Cannabis ² Schedule I(c)(16)	Any detectable amount	Up to 2 years imprisonment and 12 months post-release supervision (with 9-month minimum post-release supervision if imprisoned) or \$10,000 fine, or both. Class IV felony	Up to 20 years imprisonment; Class IIA felony
Marijuana ³ Schedule I(c)(7) Or Synthetically Produced Cannabinoids ³ Schedule I (c)(25)	Any detectable amount up to 1 ounce	1st offense - \$300 fine and possible assignment to controlled substances course. Infraction.	Up to 20 years imprisonment; Class IIA felony
		2nd offense - \$400 fine and up to five days imprisonment. Class IV misdemeanor.	
		3rd and subsequent offenses - \$500 fine and imprisonment not to exceed 7 days. Class IIIA misdemeanor.	
	More than 1 ounce but less than 1 pound	Up to 3 months imprisonment or \$500 fine or both. Class III misdemeanor.	
	More than one pound	Up to 5 years imprisonment or \$10,000 fine or both. Class IV felony.	

¹ "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) (Reissue 2008; Cum. Supp. 2014; Supp. 2015).

² "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) (Reissue 2008; Cum. Supp. 2014; Supp. 2015).

³ "Marijuana" is defined at Neb. Rev. Stat. § 28-401(13) (Reissue 2008; Cum. Supp. 2014; Supp. 2015).

⁴ 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)(25) (Reissue 2008; Cum. Supp. 2014; Supp. 2015).

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