



Dear Members of the Middlebury College Community,

The Drug-Free Schools and Communities Act of 1989 requires that the College 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 possession of controlled substances and illegal possession of alcohol under Vermont law;
2. a summary of the penalties for distribution of controlled substances under Vermont law;
3. a summary of federal penalties and sanctions for illegal possession of a controlled substance;
4. a copy of federal trafficking penalties;
5. a description of the health risks associated with substances covered by the Controlled Substances Act ; and
6. a description of the health risks associated with alcohol.

Middlebury College Drug and Alcohol Policy:

Middlebury College believes that alcohol and other drug-related problems affect our entire community and that each of us has a responsibility to help safeguard the community health by respecting College policy and intervening in situations of abuse. Any member of the College community having knowledge of the possession or use of illegal drugs by an individual on campus is urged to talk with the person and encourage the individual who is using illegal drugs or abusing alcohol to seek counseling and/or medical assistance. As a community of scholars, we are committed to providing a safe learning environment for each other. All members of the community are expected to help protect the community health by informing appropriate College staff members of instances of drug distribution and/or sales.

The College campus is subject to local, state, and federal laws concerning the possession, use, distribution, and manufacture of drugs, including alcohol. Students must be aware of and abide by these laws or face the possibility of legal prosecution. Middlebury College opposes the use of illegal drugs and does not provide students with a haven from the law. The College will not inhibit the legal prosecution of any member of the College community who violates the local, state, or federal law. Law enforcement officers, when in possession of the proper documents, have a legal right to search any and all buildings on the campus without prior notice. The College also reserves the right to furnish the police with information regarding illegal activities.

To read the full text of Middlebury College's *Alcohol and Drugs: Public Health Policy and Party Regulations* and *Health and Safety: Drugs and Alcohol Policy* please refer to the Middlebury College Handbook.

College Services: Information and Help:

The use of illicit drugs and the unlawful possession and use of alcohol is wrong and potentially harmful. Abuse of alcohol and drugs can have a dramatic impact on professional, academic and family life. We, therefore, encourage staff, faculty and students experiencing difficulty with drugs or alcohol to contact one of the many resources available on campus. It is important that all members of our community know where help is available for those who need it:

Center for Counseling and Human Relations CCHR is available to enrolled students.	X5141
Parton Health Center The Health Center is available to enrolled students 24 hours a day/7 days a week during the academic year and 8:30-4:30 during Language Schools.	X5135
Employee and Family Assistance Program (EFAP) These services are available to active employees, their dependents, and others residing in the employee's home.	See "The Wellness Corporation" under Benefits on the HR website

FEDERAL TRAFFICKING* PENALTIES

As of October 1999

CSA	Penalty		Quantity	Drug	Quantity	Penalty			
	2nd Offense	1st Offense				1st Offense	2nd Offense		
I and II	*Not less than 10 years. Not more than life	*Not less than 5 years. Not more than 40 years	4-59 gm pure or 50-499 gm mixture	Methamphetamine	50 gm or more pure of 500 gm or more mixture	*Not less than 10 years. Not more than life.	*Not less than 20 years. Not more than life		
			100-999 gm mixture	Heroin	1 kg or more mixture				
			500-4,999 gm mixture	Cocaine	5 kg or more mixture				
			5-49 gm mixture	Cocaine Base	50 gm or more mixture				
	*If death or serious injury, not less than life	*If death or serious injury, not less than 20 years or more than life	10-99 gm pure or 100-999 gm mixture	PCP	100 gm or more pure or 1 kg or more mixture			*If death or serious injury, not less than 20 years or more than life.	*If death or serious injury, not less than life
			1-9 gm mixture	LSD	10 gm or more mixture				
			40-399 gm mixture	Fentanyl	400 gm or more mixture				
			10-99 gm mixture	Fentanyl Analogue	100 gm or more mixture				
*Fine of not more than \$4 million individual \$10 million other than individual	*Fine of not more than \$2 million individual, \$5 million other than individual					*Fine of not more than \$4 million individual, \$10 million other than individual	*Fine of not more than \$8 million individual, \$20 million other than individual.		
		Drug	Quantity	1st Offense	2nd Offense				
Others ¹	Any	*Not more than 20 years *If death or serious injury, not less than 20 years, not more than life *Fine \$1 million individual, \$5 million not individual		*Not more than 30 years *If death or serious injury, life *Fine \$2 million individual, \$10 million not individual					
III	All ²	Any	*Not more than 5 years *Fine not more than \$250,000 individual, \$1 million not individual		*Not more than 10 years *Fine not more than \$500,000 individual, \$2 million not individual				
IV	All ³	Any	*Not more than 3 years *Fine not more than \$250,000 individual, \$1 million not individual		*Not more than 6 years *Fine not more than \$500,000 individual, \$2 million not individual				
V	All ⁴	Any	*Not more than 1 year *Fine not more than \$100,000 individual, \$250,000 not individual		*Not more than 2 years *Fine not more than \$200,000 individual, \$500,000 not individual				
¹ (law does not include marijuana, hashish, or hash oil, includes 1 gram or more of flunitrazepam) ² (includes anabolic steroids as of 2/27/91, also includes 30-999 m or flunitrazepam) ³ (includes less than 30 mg of flunitrazepam) ⁴ (over-the-counter cough medicines with codeine are classified in Schedule V)									

FEDERAL TRAFFICKING PENALTIES - MARIJUANA

As of October 1999

Description	Quantity	1st Offense	2nd Offense
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	*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 individual, \$10 million other than individual	*Not less than 20 years, not more than life *If death or serious injury, not more than life *Fine not more than \$8 million individual, \$20 million other than individual
Marijuana	100 kg to 999 kg mixture; or 100-999 plants	*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 individual, \$5 million other than individual	*Not less than 10 years, not more than life *If death or serious injury, not more than life *Fine not more than \$4 million individual, \$10 million other than individual
Marijuana	50 to 99 kg mixture 50 to 99 plants	*Not more than 20 years *If death or serious injury, not less than 20 years, not more than life *Fine \$1 million individual, \$5 million other than individual	*Not more than 30 years If death or serious injury, not more than life Fine \$2 million individual, \$10 million other than individual
Marijuana	Less than 50 kg mixture		
Hashish	10 kg or more		
Hashish Oil	1 kg or more		

ADDITIONAL FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL TRAFFICKING AND POSSESSION OF A CONTROLLED SUBSTANCE

21 U.S.C. 844(a)

1st conviction:

Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After 1 prior drug conviction:

At least 15 days in prison, not to exceed 2 years and fined at least \$2,500.

After 2 or more prior drug convictions:

At least 90 days in prison, not to exceed 3 years and fined at least \$5,000.

Special sentencing provision for possession of crack cocaine:

Mandatory at least 5 years in prison, not to exceed 20 years and fined a minimum of \$1,000 if:

- 1st conviction and the amount of crack possessed exceeds 5 grams.
- 2nd crack conviction and the amount of crack possessed exceeds 3 grams
- 3^d or subsequent crack conviction and the amount of crack possessed exceeds 1 gram

21 U.S.C. 853(a)(2) and 881(a)(7)

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack)

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. 844(a)

Civil fine of up to \$10,000 (pending adoption of final regulations).

21 U.S.C 862(a)-Penalties for Distribution

Denial of Federal benefits, such as student loans, grants, contracts and professional and commercial licenses, up to 5 years for first offense, up to 10 years for second offense and permanently after third and subsequent offenses.

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

Denial of Federal benefits for up to 1 year for first offense, up to 5 years for second offense. (Judge can also order community service and/or attendance in a drug treatment program.)

21 U.S.C. 853(a)

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

18 U.S.C. 922(g)

Ineligible to receive or purchase a firearm.

Miscellaneous

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

Note: These are only Federal penalties and sanctions. Additional State penalties and sanctions may apply.
PENALTIES FOR POSSESSION OF CONTROLLED SUBSTANCES UNDER VERMONT LAW

Alcohol Effects

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.

Summary of Vermont Laws

7 VSA § 656. Minors misrepresenting age, procuring, possessing, or consuming liquors; first offense; civil violation

A minor 16 years of age or older who falsely represents his or her age for the procurement of, who possesses for the purpose of consumption or who consumes malt or vinous beverages or spirituous liquor shall be referred to the diversion board and be subject to substance abuse screening with subsequent education and counseling as appropriate, a civil penalty of \$300 and suspension of motor vehicle operator's license for 90 days.

7 VSA § 657. Minors misrepresenting age or procuring or possessing liquors; alcohol and driving education

A minor who falsely represents his or her age for the procurement of, who possesses for the purpose of consumption or who consumes malt or vinous beverages or spirituous liquor shall be subject to a fine of not more than \$600, imprisonment for not more than 30 days or both, suspension of motor vehicle operator's license for 120 days and completion of and alcohol and driving program at the person's own expense.

7 VSA § 658. Sale or furnishing to minors; enabling consumption by minors; minors causing death or serious bodily injury

A person who sells or furnishes to or enables consumption by a minor of malt or vinous beverages or spirituous liquors shall be subject to a civil penalty of not less than \$500 nor more than \$2,000, imprisonment for not more than 2 years or both for first violation; civil penalty of not less than \$100 and not more than \$500 for a second violation occurring more than one year after the first violation; criminal penalty for a second violation within a year of the first violation or for a third or subsequent violation occurring within 3 years of the first violation.

7 VSA § 669. Liquor control identification cards, offenses, penalty

Any person who misrepresents his or her age, practices any deceit in procuring a liquor control ID card, possesses a false ID card, uses the ID card of another person or one that has been forged or altered, loans or transfers his or her ID card to another shall be guilty of a misdemeanor and shall be subject to a fine of \$50.

Compiled by Terry S. Jenny, BS, RN
Associate Director of Parson Health Center
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