

# **Drug-Free Schools & Campuses Act Annual Notification/Disclosure**

## **New guidance regarding Medical Marijuana and Information for campuses**

New guidance regarding the Arkansas Medical Marijuana Amendment of is located on the UAM University Police website. This information is being provided as a guideline for responding to questions from employees and students about the use and possession of medical marijuana within the University of Arkansas System (University).

<http://uam-web2.uamont.edu/pdfs/student%20affairs/medical%20marijuana%20information.pdf>

## **Alcohol and Illicit Drug Policies & Sanctions for Students:**

UAM strictly prohibits the dispensing, selling, supplying, possession, use, manufacture, or distribution of alcohol or illicit drugs on University owned/University controlled property or at any University sponsored event, including off campus University sponsored events that have been approved by the Office of Student Engagement or another University Office. Students found to be in violation of the alcohol and illicit drug policies are subject to arrest, criminal prosecution, imprisonment, and/or fine according to state and federal law. In addition, students found in violation of this policy will face university sanctions ranging from probation to expulsion.

The University may notify, in writing, a parent or legal guardian of a student who is under twenty-one (21) years of age if he/she violates any rule or policy of the university governing the use or possession of alcohol, controlled substances, or illicit drugs while on University controlled property or at a university sponsored or sanctioned event. Notification to the parent/legal guardian will be in addition to disciplinary action.

## **Alcohol and Illicit Drug Policies & Sanctions for Employees:**

### ***The State of Arkansas Drug-Free Workplace Policy***

(Governor's Executive Order 89-2; approved by Administrative Cabinet May 15, 1989)

Drug abuse and use at the workplace are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the users of drugs may impair the well-being of all employees, the public at large, and may cause damage to state property. Therefore, it is the policy of the State of Arkansas that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in a state agency's workplace is prohibited.

Any employee violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:

1. State agencies (University of Arkansas at Monticello) will not differentiate between drug users and drug pushers or sellers. Any employee who gives or in any way transfers a controlled substance to another person or sells or manufactures a controlled substance while on the job or on agency premises will be subject to

- discipline, up to and including termination.
2. The term "controlled substance" means any drug listed in 21 U.S.C. Section 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to Heroin, Marijuana, Cocaine, PCP, and "Crack". They also include "legal drugs" which are not prescribed by a licensed physician.
  3. Each employee is required by law to inform the agency within five (5) days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred on the agency's premises. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal court, state court, or other court of competent jurisdiction.
  4. The University of Arkansas at Monticello must notify any U.S. government agency with which any contract has been made within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of such a conviction.
  5. If an employee is convicted of violating any criminal drug statute while in the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the agency may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.
  6. As a condition of further employment under any federal government contract, the law requires all employees to abide by this policy.

#### ***Alcohol Use*** (Board Policy 705.2; Governor's Policy Directive -5)

Possession and use of any intoxicant on University property is grounds for immediate termination of any employee. Reporting to work under the influence of alcohol is also grounds for termination. Violations of state law while on University property may result in referral to law enforcement authorities and may result in criminal charges being brought against an employee.

#### **Legal Sanctions Under Federal Laws:**

Federal law provides criminal and civil penalties for unlawful possession or distribution of drugs and alcohol. Along with incarceration and/or fines, there are federal laws allowing the forfeiture of property used in possession or to facilitate possession of a controlled substance. This could include homes, vehicles, boats, aircrafts and other personal or real property. Fines could range up in the millions of dollars. An individual becomes ineligible to receive federal benefits such as student loans and grants. For more details on the Federal laws related to alcohol and other drug violations, go to: <https://www.deadiversion.usdoj.gov/21cfr/21usc/index.html>

#### **Arkansas Alcohol-Related Laws:**

This information includes some of the alcohol related laws in the state of Arkansas. This is not an all-inclusive list, and the laws listed below have been abbreviated. Note that the penalties listed are the minimum and maximums according to law, and subsequent offenses (especially with the DWI and DUI laws) can include substantially harsher penalties. If you need more information on any of these, or other, laws, please contact the University Police Department.

- ***Unknowningly Furnishing or Selling Alcohol to Minor***

3-3-201(a): The sale, giving away, or other disposition of intoxicating liquor to a minor is declared to be a misdemeanor.

Penalties

1st offense: Fine - \$200 to \$500

2nd or subsequent offense: Jail Time - No less than 1 year; Fine - \$500 to \$1000

Knowingly Furnishing or Selling Alcohol to Minor

3-3-202(a)(1) It shall be unlawful for any person knowingly ... furnish any alcoholic beverage to any person under 21 years of age.

Penalties

1st offense: Misdemeanor; Jail Time - No more than 10 days; Fine - No more than \$500

2nd or subsequent offense: Felony; Jail Time - 1 to 5 years; Fine - No more than \$500

• ***Minor in Possession of Alcohol***

3-3-203(a)(1) It shall be unlawful for any person under the age of 21 years to purchase or have in possession any intoxicating liquor, wine, or beer. (b) It shall also be unlawful for any adult to purchase on behalf of a person under the age of 21 years any intoxicating liquor, wine, or beer.

Penalties

1st offense: Misdemeanor; Fine - \$100 to \$500; Theme or essay on liquors, wine, or beer; Probation

2nd or subsequent offense: Same as 1st offense

• ***Public Intoxication and Drinking in Public***

5-71-212(a) A person commits the offense of public intoxication if he appears in a public place manifestly under the influence of alcohol or a controlled substance to the degree and under circumstances such that he is likely to endanger himself or other persons or property, or that he unreasonably annoys persons in his vicinity. (b) A person commits the offense of drinking in public if that person consumes any alcoholic beverages in any public place, on any highway or street, or upon any passenger coach...or in or upon any vehicle commonly used for the transportation of passengers, or...other public place other than a place of business licensed to sell alcoholic beverages for consumption on the premises.

Penalties

1st offense: Class C Misdemeanor: Jail Time - No more than 30 days; Fine - No more than \$100

2nd or subsequent offense: Same as 1st offense

• ***Driving While Intoxicated***

5-65-103(a) It is unlawful...for any person who is intoxicated to operate or be in actual physical control of a motor vehicle. (b) It is unlawful for any person to operate or be in actual physical control of a motor vehicle if there was 0.08% or more by weight of alcohol in the person's blood as determined by a chemical test...

Penalties for 1st Offense (Penalties increase for 2nd and subsequent offenses)

License seized upon arrest

License suspended - 120 days (alcohol), 6 months (drugs)

Jail Time - 24 hours to 1 year, or public service

Fine - \$150 to \$1000

Alcohol Treatment or Education Program

Use of ignition interlock device

(No plea bargaining nor probation)

- ***Driving Under the Influence***

5-65-303(a) It is unlawful for any underage person to operate a motor vehicle while under the influence of an alcoholic beverage or similar intoxicant. (b) It is unlawful for any underage person to operate a motor vehicle if there was 0.02% but less than 0.08% by weight of alcohol in the person's blood as determined by a chemical test.

Penalties for 1st Offense (Penalties increase for 2nd and subsequent offenses)

License seized upon arrest

License suspended - 90 to 120 days

Fine - \$100 to \$500

Public Service

Alcohol and Driving Education Program

No plea bargaining nor probation

- ***Violation of Implied Consent Law***

5-65-202(a) and 5-65-309(a) Any person who operates a motor vehicle ... shall be deemed to have given consent ... to a chemical test .. of his or her blood, breath, or urine for the purpose of determining the alcohol or controlled substance content of his or her blood ...

Penalties for 1st Offense (These penalties are for DWI or DUI if also charged with VICL)

License seized upon arrest

License suspended - 180 days for DWI, 90 to 180 days for DUI

**State of Arkansas sanctions for illegal drugs:**

See the charts below for detailed information.

**Schedule 1 Drugs:**

Class of Drug	Narcotic	Hallucinogen	Depressants	Stimulants	Crime	Amount	Punishment
<b>SCHEDULE 1</b>	Heroin	LSD Peyote Psilocybin Psilocyn Ecstasy	GHB	"Bath Salts"	<b>Possession</b>	Less than 2 grams	Class D Felony
						2 to 28 grams	Class C Felony
						28-200 grams	Class B Felony
					<b>Intent to Deliver</b>	Less than 2 grams	Class C Felony
						2 to 28 grams; 80 to 160 dosage units*	Class B Felony
						28 to 200 grams; 160 to 200 units	Class A Felony
					<b>Delivery</b>	Less than 2 grams	Class C Felony
						2 to 28 grams; 80 to 160 dosage units	Class B Felony
						28 to 200 grams; 160 to 200 units	Class A Felony
					<b>Manufacture</b>	Less than 2 grams	Class C Felony
						2 to 28 grams; 80 to 160 dosage units	Class B Felony
						28 to 200 grams; 160 to 200 units	Class A Felony
					<b>Trafficking</b>	200 grams or more	Class Y Felony
					<b>Possession of a Counterfeit Substance</b>	Any	Class D Felony
					<b>Delivery or Manufacturing of a Counterfeit Substance</b>	Any	Class C Felony

**Schedule 2(a) Drugs:**

Class of Drug	Narcotic	Hallucinogen	Depressants	Stimulants	Crime	Amount	Punishment
<b>SCHEDULE 2(a)</b>	Codeine Hydrocodone Oxycodone Hydro-morphine Meperidine Morphine Opium		Amobarbital Secobarbital Pentobarbital Phencyclidine	Amphetamine Methylphenidate	<b>Possession</b>	Less than 2 grams	Class D Felony
						2 to 28 grams	Class C Felony
						28 to 200 grams	Class B Felony
					<b>Intent to Deliver</b>	Less than 2 grams	Class C Felony
						2 to 28 grams; 80 to 160 dosage units	Class B Felony
						28 to 200 grams; 160 to 200 units	Class A Felony
					<b>Delivery</b>	Less than 2 grams	Class C Felony
						2 to 28 grams; 80 to 160 dosage units	Class B Felony
						28 to 200 grams; 160 to 200 units	Class A Felony
					<b>Manufacture</b>	Less than 2 grams	Class C Felony
						2 to 28 grams; 80 to 160 dosage units	Class B Felony
						28 to 200 grams; 160 to 200 units	Class A Felony
					<b>Trafficking</b>	200 grams or more	Class Y Felony
					<b>Possession of a Counterfeit Substance</b>	Any	Class D Felony
					<b>Delivery or Manufacturing of a Counterfeit Substance</b>	Any	Class C Felony

**Schedule 2(b) Drugs:**

Class of Drug	Narcotic	Hallucinogen	Depressants	Stimulants	Crime	Amount	Punishment				
SCHEDULE 2(b)	Cocaine				Possession	>2 grams	Class D Felony				
						2 to 10 grams	Class C Felony				
						10 to 200 grams	Class B Felony				
					Intent to Deliver	Less than 2 grams	Class C Felony				
						2 to 10 grams	Class B Felony				
						10 to 200 grams	Class A Felony				
					Delivery	Less than 2 grams	Class C Felony				
						2 to 10 grams	Class B Felony				
						10 to 200 grams	Class Y Felony				
					Manufacture Methamphetamine	Less than 2 grams	Class C Felony				
						More than 2 grams	Class Y Felony				
Manufacture Cocaine	Less than 2 grams	Class C Felony									
	2 to 10 grams	Class B Felony									
	10 to 200 grams	Class Y Felony									
Trafficking	200 grams or more	Class Y Felony									
Possession of a Counterfeit Substance	Any	Class D Felony									
Delivery or Manufacturing of a Counterfeit Substance	Any	Class C Felony									

**Schedule 3 Drugs:**

Class of Drug	Narcotic	Hallucinogen	Depressants	Stimulants	Crime	Amount	Punishment				
<b>SCHEDULE 3</b>	Acetaminophen and Codeine, APC and Codeine, Aspirin and Codeine, Paregoric	Dronabil (Marinol)	Ketamine	Phendimetrazine	<b>Possession</b>	2 to 28 grams	Class D Felony				
						28 to 200 grams	Class C Felony				
						200 to 400 grams	Class B Felony				
					<b>Intent to Deliver</b>	Less than 28 grams; 40 to 80 units	Class C Felony				
						28 to 200 grams; 80 to 160 units	Class B Felony				
						200 to 400 grams; < 160 units	Class A Felony				
					<b>Delivery</b>	> 28 grams	Class C Felony				
						28 to 200 grams	Class B Felony				
						200 to 400 grams	Class A Felony				
					<b>Manufacture</b>	> 28 grams	Class C Felony				
						28 to 200 grams	Class B Felony				
						200 to 400 grams	Class A Felony				
<b>Trafficking</b>	400 grams or more	Class Y Felony									
<b>Possession of a Counterfeit Substance</b>	Any	Class D Felony									
<b>Delivery or Manufacturing of a Counterfeit Substance</b>	Any	Class D Felony									



**Schedule 4 Drugs:**

Class of Drug	Narcotic	Hallucinogen	Depressants	Stimulants	Crime	Amount	Punishment				
<b>SCHEDULE 4</b>	Darvon Pondimin		Xanax Barbital Clonopin Diazepam Rohypnol Luminal Halicon Ambien Talwin Soma Stadol Nubain	Modafinil Subutramine	<b>Possession</b>	28 to 200 grams	Class D Felony				
						200 to 400 grams	Class C Felony				
						400 to 800 grams	Class B Felony				
					<b>Intent to Deliver</b>	> 200 grams; 40 to 80 units	Class D Felony				
						200 to 400 grams; 80 to 160 units	Class C Felony				
						400 to 800 grams; 160 to 800 units	Class B Felony				
					<b>Delivery</b>	> 200 grams	Class D Felony				
						200 to 400 grams	Class C Felony				
						400 to 800 grams	Class B Felony				
					<b>Manufacture</b>	> 200 grams	Class D Felony				
						200 to 400 grams	Class C Felony				
						400 to 800 grams	Class B Felony				
<b>Trafficking</b>	800 grams or more	Class Y Felony									
<b>Possession of a Counterfeit Substance</b>	Any	Class D Felony									

**Schedule 5 Drugs:**

Class of Drug	Narcotic	Hallucinogen	Depressants	Stimulants	Crime	Amount	Punishment				
SCHEDULE 5				Epederine Pseudo-ephedrine	Possession	28 to 200 grams	Class D Felony				
						200 to 400 grams	Class C Felony				
						400 to 800 grams	Class B Felony				
					Intent to Deliver	> 200 grams; 40 to 80 units	Class D Felony				
						200 to 400 grams; 80 to 160 units	Class C Felony				
						400 to 800 grams; 160 to 800 units	Class B Felony				
					Delivery	> 200 grams	Class D Felony				
						200 to 400 grams	Class C Felony				
						400 to 800 grams	Class B Felony				
					Manufacture	> 200 grams	Class D Felony				
						200 to 400 grams	Class C Felony				
						400 to 800 grams	Class B Felony				
Trafficking	800 grams or more	Class Y Felony									
Possession of a Counterfeit Substance	Any	Class D Felony									



<b>DRUG PARAPHERNALIA</b>		
<b>Drug</b>	<b>Use</b>	<b>Punishment</b>
Schedule 2(b)	Inject, ingest, inhale or otherwise introduce into the body	Class D Felony
Schedule 2(b)	plant, propogate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, and/or conceal	Class B Felony
Schedule 1, 2(a), 3, 4, 5, 6	plant, propogate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, and/or conceal	Class D Felony
Schedule 1, 2(a), 2(b) 3, 4, 5, 6	Intent to Deliver or Delivery to a Minor	Class B Felony

**KEY**

**Class D Felony:** 0-6 years in prison and up to a \$10,000 fine;

**Class C Felony:** 3-10 years in prison and up to \$10,00 fine;

**Class B Felony:** 5-20 years in prison and up to a \$15,000 fine;

**Class A Felony:** 6-30 years in prison and up to a \$15,000 fine;

**Class Y Felony:** 10-40 years or life

## **Alcohol & Illicit Drug Health Risks:**

The use of every drug, including alcohol, carries with it potential health risks:

***Alcohol:*** Alcohol consumption causes a number of impairments including changes in behavior and normal body function. Even low doses significantly impair judgment, coordination, and mental function thus increasing the risks of accidents and injuries. 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 taken acutely can cause respiratory depression and even death. Statistics show that alcohol use is involved in a majority of violent behaviors on college campuses, including acquaintance rape, vandalism and fights. Additional consequences include DUI arrests and serious or fatal car crashes. Continued abuse may lead to dependency, which can cause permanent damage to vital organs and deterioration of a healthy lifestyle.

***Amphetamines:*** Amphetamines can cause a rapid or irregular heartbeat, tremors, convulsions, loss of coordination, collapse, and death. Heavy users are prone to irrational acts.

***Cannabis (Marijuana, Hashish):*** The use of marijuana may impair or reduce short-term memory and comprehension, alter sense of time, and reduce coordination and energy level. Users often have a lowered immune system and an increased risk of lung cancer. The active ingredient in marijuana, THC, is stored in the fatty tissues of the brain and reproductive system for a minimum of 28 to 30 days.

***Club Drugs:*** Club drugs are drugs such as MDMA (Ecstasy), Rohypnol, GHB, LSD, and methamphetamine and others, which are used at all-night parties such as trances or raves, dance clubs and bars. These party drugs, particularly when mixed with alcohol, can cause serious health problems, injuries, or even death.

***Cocaine/Crack:*** Cocaine users often have a stuffy, runny nose and may have a perforated nasal septum. The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature, followed by depression. Crack, or freebase rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.

***Hallucinogens:*** Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, PCP episodes may result in self-inflicted injuries, violence and aggressive behavior toward others.

***Heroin:*** Heroin is an opiate drug that causes the body to have diminished pain reactions. Overdoses of this highly addictive drug can result in coma or death due to respiratory failure or cardiovascular collapse.

To find out more about these commonly abused agents and other substances of abuse not listed above go to: <http://www.deadiversion.usdoj.gov/21cfr/21usc/812.htm>

### **Alcohol and other drug programs:**

UAM emphasizes prevention programming and education to assist students with their decision making related to alcohol and other drug (AOD) use. Some examples include; alcohol abuse programs, sexual assault programs, Haven and Alcohol 101 for all incoming freshman, National Depression Screening Day, Domestic Violence Awareness Program, #Choose Responsibility, Speak up-Speak out Opioid Workshop, UAM Wellness Fair, Arkansas Collegiate Drug Education Committee, Suicide Prevention Program, National Alcohol Screening Day, Keep It Sober Santa, Collegiate Alcohol Awareness Week, and DUI Simulation. These AOD programs assist students in finding alternatives to promote healthy social interaction and stress reduction.

For students with substance abuse problems or concerns, assistance is available through the UAM Counseling Center. An experienced counselor offers support for students in an atmosphere of understanding and confidentiality. The Counseling offers individual assessments and referrals to both on-campus and off-campus resources. Following an assessment, the counselor will determine whether a program of education, intervention, or treatment referral seems most appropriate.

Students, faculty or staff wishing to seek help with an alcohol or illicit drug problem can contact UAM Office of Counseling at (870) 460-1554 or Delta Counseling at (870) 367-2461 for counseling and/or treatment services.

In addition, faculty and staff may have benefits available for mental health and substance abuse care through the U of A Health Care Plan. Complete benefit descriptions and exclusions are contained in each of the Summary Plan Descriptions.

<http://uam-web2.uamont.edu/pdfs/FinAdmin/PayPer/MedicalPlanSPD.pdf>