From:	Human Resources
To:	universitycommunity@scranton.edu
Subject:	University Drug and Alcohol Abuse Prevention Program Information 2024
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Attachments:	University Drug and Alcohol Prevention Program information_2024.pdf

Dear Members of the University Community:

Below please find a compilation of information on The University of Scranton's Drug and Alcohol Abuse Prevention Programs. Notice of this information is required by federal regulation and provides a useful resource regarding University efforts in this important area. A copy of this disclosure is available in the Offices of Human Resources (St. Thomas Hall – Suite 100) and Student Life (DeNaples Campus Center – Suite 201) upon request.

The Pennsylvania law regarding use of marijuana does not impact this the University's Alcohol and Drug Policies and Drug Free Workplace Policy. Marijuana remains a controlled substance under Federal law to which the University is subject.

Sincerely,

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Vice President for Student Life & Dean of Students

Patricia L. Tetreault, SPHR, SHRM-SCP
Vice President for Human Resources

University Drug and Alcohol Abuse Prevention Program Information

As a caring community, The University of Scranton is committed to the implementation of a program that is designed to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by its students and employees on its premises and as part of any of its activities. In support of this commitment and in compliance with the Drug-Free Schools and Communities Act of 1989 and the Drug-Free Workplace Act of 1988, the information provided herein is designed to ensure that community members are aware of University alcohol and drug policies and applicable laws, health risks associated with substance abuse, and available resources.

1. **Standards of Conduct.** In accordance with federal, state, and local laws, the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance and/or illegal use of alcohol by students on University property or at University sponsored functions is strictly prohibited. Students should familiarize themselves with the University's Alcohol and Drug Policies as set forth in the Student Handbook. Employees should familiarize themselves with the University's Drug Free Workplace Policy. For additional information on University policies, see Appendix A

2. **Health Risks.** Prolonged use of alcohol or episodic use of alcohol in heavy quantities can result in serious health problems and even death. Similarly, use of illegal drugs can cause injury or death even with first-time use. The use of illegal drugs and the abuse of alcohol

lead to impaired judgment and decision-making. Impaired judgment may result in a disregard for self or others, well-being, academic success, and employment. The use of illegal drugs and the abuse of alcohol also carry the risk of overdose, the risk of dependence, and the risk of other short- and long-term health effects.

Available Programs and Services for Students. The Division of Student Life offers a range of programs, services, and resources to educate students about the risks associated with alcohol and drug use and abuse, which are detailed below:

0. AlcoholEdu: AlcoholEdu is a mandatory online alcohol education program designed to promote healthy decision making, introduce campus resources and policies, and inform students about high-risk drinking and alcohol-related issues among college students. This program is mandatory for all first-year students.
1. Late Night at Scranton: Late Night at Scranton provides students with alternative opportunities to alcohol-related activities during late night, weekend hours. Late Night events foster a sense of community by providing students with opportunities to interact with peers in a safe, socially responsible environment.
2. Resilient Royals: Resilient Royals is a one-hour mandatory workshop for first-year students designed to help students learn how to navigate the ups and downs of college and prioritize well-being and safety. This interactive workshop hosted by the Center for Health Education & Wellness provides students with important information regarding stress management, healthy decision-making, University policies related to alcohol, alcohol alterative social programming and on-campus resources.
3. Alcohol Education Workshops: These educational workshops that are designed to teach students about alcohol and drug use and abuse. Specifically, "Viewpoints: Information and Perspectives on Alcohol" is offered by the Center for Health Education & Wellness and is geared toward students who are found responsible for first-time Alcohol Policy violations. The "Alcohol & Other Drug Education and Prevention Program" (ADEP) is offered by the Counseling Center and is focused on educating students who have had repeated Alcohol Policy violations.
4. Individual Counseling: The University's Counseling Center offers confidential individual and group counseling for students. Alcohol and drug use and abuse are issues with which counselors are trained to assist students.
5. Peer Health Education: Peer Health Educators, through the Center for Health Education & Wellness (CHEW), offer programs (e.g., Alcohol Awareness Week) to help students understand the multifaceted impact alcohol can have on student wellness (i.e., academic, social, etc.)

The following University offices are resources for students who are concerned about their alcohol and drug use or that of their peers.

Center for Health Education and Wellness	(570) 941-4253
Counseling Center	(570) 941-7620
Dean of Students Office	(570) 941-7680
University Police (emergency)	(570) 941-7777
Student Health Services	(570) 941-7667

Available Programs and Services for Employees. The University of Scranton provides an Employee Assistance Program, NexGen EAP, through Employee Network Inc. (ENI). This third-party confidential resource offers the services of Licensed Mental Health Professionals to (1) provide short-term counseling focused on coping skills or, (2) make appropriate referral to long-term counseling or specialized care. To contact *NexGen* call 1-800-EAP-CALL (1-800-327-2255) or log on at www.nexgeneap.com and enter the Company ID 1549 along with the employee's first and last name, email address, last 4 digits of the social security number, zip code and date of birth.

3. **Disciplinary Sanctions.** Students who are alleged to have violated the University's Alcohol and Drug Policies will be referred to the Office of Student Conduct & Conflict Resolution for disciplinary action. Students who are found responsible for violating the University's Alcohol and Drug Policies will face educational and administrative sanctions including, but not limited to, alcohol education workshops, individual counseling, fines, disciplinary probation, suspension, and expulsion. Employees who violate the University's Drug Free Workplace Policy will be subject to the University's disciplinary procedures which impose sanctions up to and including termination from employment and/or referral for prosecution.

4. **Applicable Laws & Legal Consequences**. Federal, state, and local laws make illegal use and/or possession of drugs and alcohol serious crimes. Such crimes carry a wide range of legal sanctions, including but not limited to, fines and imprisonment. For additional information, see Appendix B.

Appendix A: University Policies

Policies for Students:

Alcohol and Drug Policies (www.scranton.edu/studenthandbook**)**
These policies express The University of Scranton's educational concern for creating an environment that fosters growth by and among its members and its commitment to the physical and emotional health and well-being of all those who work, study or congregate at the University.

I. University Alcohol Policy

A. Student Alcohol Policies
The University of Scranton prohibits students and guests from engaging in the following:

- Use, possession or consumption of alcohol by individuals who are under twenty-one (21) years of age.
- Excessive consumption of alcohol, intoxication, alcohol impairment, or alcohol abuse as evidenced by factors including, but not limited to, public drunkenness, disorderly or erratic behavior, slurring of speech, physical coordination difficulties, vomiting, or a preliminary breath test reading/blood alcohol content of .08% or greater. Excessive consumption of alcohol is not an excuse for behavior that violates the Student Code of Conduct.
- Social hosting, which is defined as providing the site for a gathering where underage alcohol possession or use is documented.
- Providing or serving alcohol to individuals who are under the age of twenty-one (21). Please

note that under Pennsylvania state law, charging admission, selling mugs, glasses, chits, tickets, etc. constitute furnishing alcoholic without a legal license and are illegal.
- Possessing an open container containing alcohol in a public location (i.e. street, Commons)
- Being in the presence of any other person on-campus who is engaging in a violation of the University Alcohol Policy.
- Operating a motor vehicle in an illegal or unsafe manner while under the influence of alcohol.
- Use or possession of alcoholic beverages at University-sponsored athletic events.
- On-campus possession or use of kegs (quarter or half), beer balls, or other common containers of alcoholic beverage larger than one gallon without the written approval of the appropriate Vice President (or designee). Please note that the registration form for events where alcohol will be served is available in the Center for Student Engagement.
- On-campus possession of "grain" alcohol except in a supervised laboratory setting.
- Violating laws or ordinances pertaining to the possession or consumption of alcohol.

B. Alcohol Policies Applicable in On-Campus Housing

In addition, The University of Scranton prohibits students and guests from engaging in the following in University on-campus housing:

- Possessing or consuming alcohol while twenty-one (21) years of age or older in the presence of individuals who are under the age of twenty-one (21) (except for one's roommate).
- Possessing or consuming alcoholic beverages in public areas in University residences. Public areas include, but are not limited to, kitchens, lounges, closets, hallways, bathrooms and balconies. Note that students and guests who are at least twenty-one (21) years of age may consume alcohol in the privacy of student rooms in a manner otherwise consistent with the University Alcohol Policy.
- Displaying empty alcohol containers (cans or bottles) on shelves, desks, etc.
- Possessing beer funnels, beer pong tables or other paraphernalia that can be used for fast, abusive consumption of alcohol.
- Refusing to submit to a preliminary breath test when requested to do so by a University Police officer. A student who refuses such a test will be presumed to have a .08% blood alcohol content.

C. Alcohol at University Social Events

Alcoholic beverages may be served at University social events registered with the appropriate Vice President or his/her designee (student functions are always registered with the Center for Student Engagement) at least five (5) class days prior to the event. Registration includes agreement to assume responsibility for monitoring and controlling the event. In addition, the following regulations apply to University social events where alcohol is served:

- Persons under twenty-one (21) years of age may attend functions where alcohol is served only with the written approval of the Vice President for Student Life & Dean of Students or other appropriate Vice President (or his/her designee) The approval is based on the nature of the event and the ability of the organizing group, department or division to provide suitable and effective control. No one under the age of twenty-one will be permitted to consume alcohol at these functions.
- Non-alcoholic beverages and food items must be provided and must be as accessible as

alcoholic beverages. ARAMARK must cater all events where alcohol is served on campus.

- Alcohol must be served by bartenders provided by ARAMARK or trained through the ARAMARK TIPS program. Hiring and training costs are the responsibility of the sponsoring division, department, club or organization, which must also provide individuals from its own membership to serve as checkers of identification and control agents to monitor behavior.
- A University of Scranton identification card or valid driver's license, or both, are proper identification to verify the age and University status of an individual. Some events may require the use of a computer-generated list to verify age or University status.
- The University's Chief of Police will determine when University Police officers and/or Scranton Police Department personnel are necessary.
- Alcohol will not be served to visibly intoxicated persons.
- Advertising or promoting alcohol as a primary attraction of an event and the marketing of alcohol by beverage manufacturers or distributors or by clubs, organizations, departments or divisions of the University are prohibited.
- Alcoholic beverages must not be sold at any event held in a University facility not covered by a Pennsylvania liquor license. Under state law, charging admission, selling mugs, glasses, chits, tickets, etc. constitute furnishing alcoholic without a legal license and are illegal.

Any division, department, club or organization that fails to follow these guidelines and procedures will lose its privilege to conduct social events for a period of time determined by the appropriate Vice President or his/her designee.

D. State and City Laws Concerning Alcohol

Laws of the Commonwealth of Pennsylvania and ordinances of the City of Scranton are applicable to all members and guests of The University of Scranton community. Below is a list of pertinent laws and ordinances. However, this list is not comprehensive. Community members are encouraged to ensure they are familiar with relevant laws and ordinances. Failure to abide by them may result in disciplinary action.

- It is illegal for any person under twenty-one (21) years of age to attempt to purchase, purchase, consume, possess or knowingly or intentionally transport any alcoholic beverage. Note that Pennsylvania applies the concept of constructive possession under which guilt can be construed for possession of alcohol by determining that alcohol was readily available to a minor who apparently made no good faith attempt to distance him or herself from it. Also note that individuals who violate this law do not have a right to a breath test or blood test.
- It is illegal for any person to sell, furnish, purchase with the intent to sell, furnish, or give any alcoholic beverage to a person under twenty-one (21) years of age or to any person who is visibly intoxicated.
- It is illegal to drive, operate or be in actual physical control a motor vehicle while under the influence of alcohol. "Under the influence" is currently defined in Pennsylvania as .08% blood alcohol content for individuals who are twenty-one (21) years of age or older and .02% blood alcohol content for individuals who are less than twenty-one (21) years of age, within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle.
- It is illegal for a person under 21 years of age, to possess a false identification card to obtain

or attempt to obtain alcoholic beverages by using the falsified identification card or the identification card of another.

- It is illegal for any person to appear in any public place manifestly under the influence of alcohol to the degree that they may endanger themselves or other persons or property, or annoy persons in their vicinity.
- It is a violation of a City of Scranton ordinance to possess and/or consume alcoholic beverages from open containers in public streets, sidewalks, highways, buildings, lanes, parking lots, recreation or park areas, or other public property within the City limits.

II. University Drug Policy

The University of Scranton established this policy in an effort to ensure the most positive learning environment for all students. Violations of this policy are serious and may result in a student's suspension from the University and/or removal from on-campus housing, even for a first offense. University students and their guests are prohibited from engaging in the following:

- Use or possession of illegal drugs, controlled substances, or other substances that significantly alter one's physical and/or mental state.
- Use or possession of a controlled substance without a valid prescription; Use of a controlled substance in a manner other than as prescribed; Abuse of prescription or over-the-counter products.
- Use or possession of drug paraphernalia or items that have been or can be used to smoke or ingest illegal drugs, controlled substances, or other substances that significantly alter one's physical and/or mental state (i.e., pipes, hookahs, bowls, bongs).
- Being in the presence of any other person on-campus who is engaging in a violation of the University Drugs Policy.
- Manufacture, transfer, sale, distribution, or intent to distribute any amount of illegal drugs, controlled substances, or other substances that significantly alter one's physical and/or mental state. Students who engage in such conduct will be suspended from the University as a minimum sanction, even for a first offense.

Policies for Employees:
Alcohol and Chemical Substance Abuse

A. Use of alcohol by those under the age of 21 and/or the possession, use or the distribution of illicit drugs by University employees will not be tolerated. Employees of the University who violate these regulations will be dealt with by the appropriate supervisor or office responsible for that individual or group in accordance with the University's disciplinary policies and guidelines. Drug abuse and dependency is a national social and health problem, with devastating consequences to individuals, their friends, and families. The University of Scranton is concerned about the adverse effects of drug abuse on employee job performance, health, safety, and security. An Employee Assistance Program is available to all employees and may be a resource for employees who feel they have a drug or alcohol dependency. The Employee Assistance Program, **NexGen EAP**, is through Employee Network Inc (ENI). This third-party confidential resource offers the services of Licensed Mental Health Professionals to (1) provide short-term counseling focused on coping skills or, (2) make appropriate referral to long-term counseling or specialized care. To contact *NexGen* call 1-

800-EAP-CALL (1-800-327-2255) or log on at www.nexgeneap.com and enter the Company ID 1549 along with the employee's first and last name, email address, last 4 digits of the social security number, zip code and date of birth. The following statements are in accord with the Federal Drug-Free Workplace Act and are intended to foster a drug-free, healthful, and safe work environment:

1. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in any University workplace.
2. Any employee convicted of violating a criminal drug statute in our workplace must notify the Vice President for Human Resources no later than five days after such conviction. A conviction means a finding of guilt, including a plea of *nolo contendere* or imposition of a sentence by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.
3. All employees are required to abide by the terms of these policies as a condition of continued employment. An employee who violates these policies will be subject to appropriate disciplinary action, up to and including termination.

Drug-Free Workplace Policy

The University of Scranton is committed to the maintenance of a drug free environment in accordance with the Drug-Free Workplace Act of 1988, 34 CFR Part 85, and will not tolerate the unlawful possession and use of controlled substances on its premises. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in and on University of Scranton owned or controlled property by faculty, staff or student employees.

Definitions: The following terms are important for purposes of expressing the University's policy on a drug-free workplace:

A. Controlled substance means a controlled substance in schedules I through V of section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by regulations at 21 CFR 1300.11 through 1300.15 and as defined in Pennsylvania's Controlled Substance, Drug, Device and Cosmetic Act, 35 Pa. C.S.A. 780-101 et-seq.
B. Contract means a legal instrument reflecting a relationship between the federal government and a recipient whenever the principal purpose of the instrument is the acquisition by purchase, lease or barter of property or services for the direct benefit or use of the federal government.
C. Conviction means 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 violations of the federal or state criminal drug statutes.
D. Criminal drug statute means a federal or state criminal statute involving the manufacture, sale, distribution, dispensation, use or possession of any controlled substance.
E. Employee means any faculty, staff or student receiving a salary, wages, other compensation and/or stipend support from the University.
F. Federal agency or agency means any United States executive department, military

department, Government Corporation, government-controlled corporation or any other establishment in the executive branch, or any independent regulatory agency.

G. Grant means an award of financial assistance, including a cooperative agreement, in the form of money or property in lieu of money, by a federal agency directly to a grantee. The term grant includes block grant and entitlement grant programs. The term does not include technical assistance which provides services instead of money, or other assistance in the form of loans, loan guarantees, interest subsidies, insurance or direct appropriations; or any veterans' benefits to individuals, i.e., any benefit to veterans, their families or survivors by virtue of the service of a veteran in the Armed Forces of the United States.

H. Grantee means a legal entity which applies for or receives a grant or contract directly from a federal agency.

I. Illegal use of drugs means the use of a controlled substance, as defined above.

J. Workplace means the physical boundaries of the University and all University owned or controlled property.

POLICY

It is the policy of the University that the illegal manufacture, sale, distribution, dispensation, possession or use of drugs is prohibited on its premises. Sanctions imposed for violation of this policy are indicated below.

In support of this policy, the University:

A. Provides an Employee Assistance Program, ENI's NexGen EAP. This third-party confidential resource offers the services of Licensed Mental Health Professionals to (1) provide short-term counseling focused on coping skills or, (2) make appropriate referral to long-term counseling or specialized care. To contact *NexGen* call 1-800-EAP-CALL (1-800-327-2255) or log on at www.nexgeneap.com and enter the Company ID 1549 along with the employee's first and last name, email address, last 4 digits of the social security number, zip code and date of birth.

B. Will provide each employee a copy of this policy. In addition, all faculty, staff and student employees will be notified of this policy through appropriate publications.

C. Will notify each university employee and each student employee that, as a condition of employment on a federal grant or contract, the person once so employed must abide by the terms of the policy.

D. Will require any employee convicted of any criminal drug statute violation which has occurred in the workplace to notify their supervisor or appropriate academic officer, preferably in writing, of such conviction, including any resultant conditions, within five (5) days of the conviction.

E. Will require each academic officer, supervisor or student employment official having knowledge of or receiving notification of a conviction as described above to immediately notify in writing to the Vice President for Human Resources. Under certain conditions the Vice President for Human Resources will notify the appropriate academic official.

F. Will notify the appropriate federal agency within 10 days after receiving notice of a criminal drug statute conviction of any University employee engaged in the performance of the grant or contract.

G. Will impose sanctions on or require the satisfactory participation in a drug abuse assistance rehabilitation program by, any employee so convicted.
H. Will make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.

1. Application of Policy. The Drug-Free Workplace Policy, which applies to all persons in the University workplace, is supported by a drug awareness program available to the faculty, staff and students of the University. Specific compliance and reporting items enumerated in the policy (items B, C, D, E, and F) are applicable to all persons employed on federal contracts and grants.

2. Implementation. Implementation of this policy is the responsibility of the Office of Human Resources and other offices as appropriate.

Penalties for Violation of the Policy

The University policy prohibiting illegal drugs in the workplace is a protection of, and support for, the employees and students of The University of Scranton. Therefore, any employee convicted of a drug offense occurring in the workplace will be subject to disciplinary action (up to and including suspension, suspension without pay and termination) and may be required to satisfactorily participate in a drug abuse assistance or rehabilitation program as agreed upon between the employee and the Office of Human Resources. Further information concerning disciplinary action and appropriate procedures are available from the Office of Human Resources.

Appendix B: Applicable Pennsylvania and Federal Law & Scranton Ordinances

The following represents a summary of relevant articles from the Pennsylvania Crimes Code, United States Code and City of Scranton ordinances. Pennsylvania Statutes for alcohol and drug violations come from the Pennsylvania Crimes Code Title 18, Pennsylvania Liquor Code Title 47, Pennsylvania Vehicle Code Title 75 and City of Scranton Ordinances. Federal Statutes governing controlled substance violations are found in the United States Code 21 U.S.C.S. §§ 841, 844 and 844(a).

Title 18 Pennsylvania Crimes Code

§ *6308. Purchase, Consumption, Possession or Transportation of Liquor or Malt or Brewed Beverages.*

- A person, under the age of 21, commits a summary offense if he/she attempts to purchase, purchases, consumes, possesses or knowingly and intentionally transports any liquor or malt or brewed beverages. Maximum fine $500 plus court costs for a first offense and not more than $1,000 fine for the second and each subsequent violation the police department making an arrest for §6308 is obligated to notify the parents or guardians of the minor charged.

§ 6307. Misrepresentation of Age to Secure Liquor or Malt or Brewed Beverages

- A person is guilty of a summary offense for a first violation and a misdemeanor of the third degree for any subsequent violations if he/she is under the age of 21 and knowingly and falsely represents him/herself to be 21 years of age or older, for the purpose of obtaining any liquor or malt or brewed beverages. Maximum fine is $500 plus court costs.

§ 6309. Representing that Minor is of Age

- A person is guilty of a misdemeanor of the third degree if he/she knowingly, willfully, and falsely represents to any licensed dealer, or other person, that a minor is of legal age for the purpose of inducing a person to sell or furnish any liquor, malt or brewed beverages to the minor. The minimum penalty is a fine of not less than $300.

§ 6310.1(a). Selling or Furnishing Liquor or Malt or Brewed Beverages to Minors

- A person commits a misdemeanor of the third degree if he/she intentionally and knowingly sells or intentionally and knowingly furnishes, or purchases with the intent to sell or furnish, any liquor or malt or brewed beverages to a person who is less than 21 years or age. Minimum penalty for violating this subsection is a fine not less than $1000 for the first violation and a fine of $2500 for each subsequent violation plus court costs.

§ 6310.2. Manufacture or Sale of False Identification Card

- A person commits a misdemeanor of the second degree if he/she intentionally, knowingly or recklessly manufactures, makes, alters, sells or attempts to sell an identification card falsely representing the identity, birth date or age of another. Minimum penalty is a fine of not less than $1000 for the first violation and a fine of not less than $2500 for each subsequent violation

§ 6310.3. Carrying a False Identification Card

- A person commits a summary offense for a first violation and a misdemeanor of the third degree for any subsequent violation if he/she is under 21 years of age and possesses an identification card falsely identifying that person by name, age, date of birth or photograph as being 21 years of age or older or obtains or attempts to obtain liquor or malt or brewed beverages by using the identification card of another or by using an identification card that has not been lawfully issued to or in the name of that person who possesses the card. The police department making an arrest for a suspected violation shall so notify the parents or guardian of the minor charged. Minimum penalty is a fine not more than $500 plus court costs for the second and subsequent violations.

§ 5505. Public Drunkenness and Similar Misconduct

- A person is guilty of a summary offense if he/she appears in any public place under the influence of alcohol or a controlled substance. Penalty is a maximum fine of $500 plus court costs for a first violation and not more than $ 1,000 for the second and each subsequent violation.

Title 75 Vehicle Code

§ 3718. Minor Prohibited from Operating with Any Alcohol in System

- A minor (under 21 years of age) shall not drive, operate or be in physical control of a motor vehicle while having alcohol in their system. This is a summary offense with a fine of $100

§ 3802. Driving Under Influence of Alcohol or Controlled Substance.

- An individual shall not drive, operate or be in actual physical control of the movement of a vehicle such that the individual is rendered incapable of safely driving, operating or being in

actual physical control of the movement of the vehicle, or the individual is under the influence of a drug or combination of drugs to a degree which impairs the individual's ability to safely drive, operate or be in actual physical control of the movement of the vehicle. For an individual who is 21 years of age or older, the Blood Alcohol Content is .08%, for a minor under 21, the Blood Alcohol Content is .02%. The minimum penalty for the first offense for those under 21 is a $500-$5,000 fine, jail time of 48 hours to six months, a license suspension of 12 months and parental notification.

Controlled Substances

Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act - Title 35 § 780-101 et seq.

- The Act prohibits, among other things, the manufacture, distribution, sale or acquisition by misrepresentation or forgery of controlled substances except in accordance with the Act, as well as the knowing possession of controlled substances unlawfully acquired. Penalties for first-time violators range from 30 days imprisonment, a $500 fine or both for possession or distribution of a small amount of marijuana or hashish not for sale, to 15 years imprisonment or a $250,000 fine or both for the manufacture or delivery of a Schedule I or II narcotic. Fines and terms of imprisonment may be doubled under certain circumstances, including the distribution of a controlled substance to a person under 18 years of age or a conviction for a second or subsequent offense. Immunity from prosecution under Pennsylvania law may be available for certain drug-related offenses for the person who calls 911, campus police, or emergency services to report that another person is in need of immediate medical attention to prevent death or serious injury, provides their own name, and remains with the person needing medical assistance until emergency services arrive, if the only way law enforcement officers become aware of the violation is due to the call.

Drug Free Schools-18 Pa. C.S. §§ 6314, 6317

- A person over 18 years of age who is convicted for violating the **Controlled Substance, Drug, Device and Cosmetic Act** shall be sentenced to a minimum of at least one-year total confinement if the delivery or possession with intent to deliver of the controlled substance was to a minor. If the offense is committed within 1,000 feet of the real property on which is located a public, private or parochial school or a college or university or within 250 feet of the real property on which is located a recreation center or playground or on a school bus ("drug free school zones"), the person shall be sentenced to an additional minimum sentence of at least 2 years total confinement. Such offenses not involving minors in drug free school zones are subject to a mandatory minimum of two years of total confinement.

Pennsylvania Medical Marijuana Act (Apr. 17, 2016, P.L. 84, No. 16)

- The growth, processing, manufacture, acquisition, transportation, sale, dispensing, distribution, possession and consumption of medical marijuana that is permitted under the Medical Marijuana Act will not be deemed to be a violation of Pennsylvania's Controlled Substance, Drug, Device and Cosmetic Act. These activities, however, continue to be subject to penalties and sanctions under U.S. federal law.

The Pharmacy Act of 1961, 63 P.S. § 390-8

- prohibits procuring or attempting to procure drugs by fraud, deceit, misrepresentation or

subterfuge or by forgery or alteration of a prescription. The first offense is a misdemeanor, with a maximum penalty of one year's imprisonment, a $5,000 fine, or both. For each subsequent offense, the maximum penalty is three years' imprisonment, a $15,000 fine, or both.

Federal Controlled Substances Act

21 U.S.C.S. §§ 841, 844 and 844(a)

- The penalty for simple possession of a controlled substance is up to one-year imprisonment and a minimum fine of at least $1,000 or both. A second conviction carries of penalty of a minimum 15 days imprisonment, not to exceed 2 years, and fine of at least $2,500. Two or more prior drug convictions will result in at least 90 days imprisonment, not to exceed 3 years, and fine of at least $5,000. In addition, there are specific sentencing guidelines for possession of flunitrazepam (the "date rape drug"). Conviction for possession of this drug will result in imprisonment of not more than 3 years, a fine of at least $1,000 plus court costs and fees. Additional penalties, including imprisonment and fines, apply for manufacture or distribution of a controlled substance or possession with intent to manufacture, distribute, or dispense, a controlled substance. Notwithstanding the enactment Pennsylvania's Medical Marijuana Act, marijuana remains an illegal drug under the U.S. Controlled Substances Act.

20 U.S.C S § 1091 Denial of Federal Aid

- Under the Higher Education Act of 1998, a student is ineligible to receive Title IV, HEA program funds, for the proscribed period, if the student has been convicted of an offense under any Federal or State law involving the possession or sale of illegal drugs for conduct that occurred during a period of enrollment for which the student was receiving Title IV, HEA program funds. A minimum period of ineligibility for a first conviction of possession of an illegal drug is one year after date of conviction and a minimum of 2 years after conviction for sale of an illegal drug. An illegal drug is a controlled substance as defined by section 102(6) of the Controlled Substances Act (21 U.S.C. 801(6)). However, the student may regain eligibility before that time period expires if a student successfully completes a drug rehabilitation program after the student's most recent drug conviction under the conditions described in the HEA.

City of Scranton Ordinances-Alcoholic Beverages

§ 158-2 Consumption.

- No person shall drink or consume liquor, wine, beer or other alcoholic beverages in or upon any public sidewalk, street, lane, parking lot, park or recreation area or other public property within the City of Scranton or in any vehicle upon such area within the City of Scranton.

§ 158-3 Possession.

- No person shall have, possess, carry or transport liquor, wine, beer or other alcoholic beverage in an open bottle or other open container upon any of the aforesaid public areas or in any vehicle upon such area within the City of Scranton.

§ 158-4 Discarding containers.

- No person shall discard alcoholic or other beverage containers upon any public sidewalk, street, lane, parking lot, park or recreation area or other public property within the City of

Scranton, except in approved receptacles or containers for said purpose.

§ 158-6 Violations and penalties.

- Upon conviction for violation of the provisions of this chapter, any such person shall be subject to a fine, the maximum of which shall be three hundred dollars ($300), or by imprisonment not to exceed thirty (30) days, or both such fine and imprisonment. Each day any violation shall continue shall constitute a separate violation.

Federal Drug Trafficking Penalties (21 USC §841)

The penalties for federal drug trafficking convictions differ based on the amount of the controlled substance involved. The following table describes the range and severity of some federal penalties imposed for first convictions based on quantity. Trafficking of larger quantities results in more severe penalties. A complete list of controlled substances and penalties for trafficking may be found at www.dea.gov

Federal Marijuana Trafficking Penalties for Hashish and Hashish Oil, and Some Common Schedule I, II and IV Substances*

Drug	Quantity	First Offense	Second Offense
Marijuana Schedule I	1,000 kg or more mixture; or 1,000 or more plants	• Not less than 10 years, or more than life • If death or serious injury, not less than 20 years, or more than life • Fine not more than $10 million if an individual, $50 million if other than an individual	• Not less than 15 years, not more than life • If death or serious injury, life imprisonment • Fine not more than $20 million if an individual, $75 million if other than an individual
Marijuana Schedule I	100 kg to 999 kg mixture; or 100 to 999 plants	• Not less than 5 years, not more than 40 years • If death or serious injury, not less than 20 years, or more than life • Fine not more than $5 million if an individual, $25 million if other than an individual	• Not less than 10 years, or more than life • If death or serious injury, life imprisonment • Fine not more than $20 million if an individual, $75 million if other than an individual
Marijuana Schedule I	More than 10 kgs hashish; 50 to 99 kg marijuana mixture more than 1 kg of hashish oil; 50 to 99 plants	• Not less than 20 years • If death or serious injury, not less than 20 years, not more than life • Fine $1 million if an individual, $5 million if other than an individual	• Not less than 30 years • If death or serious injury, life imprisonment • Fine $2 million if an individual, $10 million if other than individual

Marijuana Schedule I	Less than 50 kg (except 50+ marijuana plants regardless of weight)	• Not less than 5 years • Fine not more than $250,000, $1 million other than individual	• Not less than 10 years • Fine $500,000 if an individual, $2 million if other than individual
Cocaine Schedule II	500-4999 grams mixture	• Not less than 5 years and not more than 40 years. 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	• Not less than 10 years and not more than life. If death or serious injury, life imprisonment. Fine of not more than $8 million if an individual
Fentanyl (Schedule II) **Fentanyl Analogue (Schedule II)**	40-399 grams mixture; 10-99 grams mixture	• Not less than 5 years and not more than 40 years. 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	• Not less than 10 years and not more than life. If death or serious injury, life imprisonment. Fine of not more than $8 million if an individual
Heroin Schedule I	100-999 grams mixture	• Not less than 5 years and not more than 40 years. 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	• Not less than 10 years 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
LSD Schedule I	1-9 gram mixture	• Not less than 5 years and not more than 40 years. 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	• Not less than 10 years 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
Methamphetamine	5-49 grams pure or 50-499 grams mixture	• Not less than 5 years and not more than 40 years. 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	• Not less than 10 years 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
PCP Schedule II	10-99 grams pure or 100-999 grams mixture	• Not less than 5 years and not more than 40 years. 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 less than 10 years and not more than life. If death or serious injury, life imprisonment. Fine of not more than $8 million if an individual,

		not an individual	$50 million if not an individual
Flunitrazepam Schedule IV "Date Rape Drug"	1 gram	• Not more than 20 years. If death or serious injury, not less than 20 years or more than life. Fine $1 million if an individual, $5 million if not an individual.	• Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine $2 million if an individual, $10 million if not an individual.

*Source-Drugs of Abuse-A DEA Resource Guide: 2022 Edition