

# ST MARY'S

## COLLEGE *of* MARYLAND

*The Public Honors College*

**2018**

# **DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM (DAAPP)**



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## INTRODUCTION

### DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM (DAAPP)

The Drug-Free Schools and Communities Act of 1989 requires every higher education institution that receives any form of Federal funding to implement a Drug and Alcohol Abuse Prevention Program (DAAPP). The purpose of this program is to prevent the unlawful possession, use, or distribution of alcohol and drugs by students and employees on College property or as part of the College's activities.

St. Mary's College of Maryland is concerned about the well-being of its community members and has embraced the expectations of the Drug-Free School and Communities Act. Below is the most recent version of the College's Drug and Alcohol Abuse Prevention Program, which is distributed annually to all students and all employees.

Questions about this document should be directed to Christopher Coons [ccoons@smcm.edu](mailto:ccoons@smcm.edu), Assistant Director of Public Safety or Tressa Setlak [tasetlak@smcm.edu](mailto:tasetlak@smcm.edu), Director of Public Safety

Every other year, St. Mary's College of Maryland will conduct a biennial review of the DAAPP to determine its effectiveness and implement changes to the program if they are needed. The review will also ensure that any disciplinary sanctions are consistently enforced.

## STATEMENT OF PROHIBITED BEHAVIOR

It is the policy of St. Mary's College of Maryland to maintain a drug and alcohol free workplace. Illegal possession, use, manufacture, or distribution of drugs or narcotics by employees (while engaged in employment activities or activities related to a federal grant, regardless of the location of these activities) constitutes unacceptable conduct by such employees and makes such employees subject to disciplinary procedures of the College ranging from a counseling through termination of employment, according to procedures set out in the employee handbook.

Student violations of the campus alcohol or illegal drug policies will result in sanctions appropriate to the degree of the violation. Sanctions may increase in severity for repeated violations. Sanctions will include, but are not limited to, fines, education, referrals for counseling, community service, probations, residence hall separation, or suspension or expulsion from the College

The purpose of this summary is to provide students and employees of St. Mary's College of Maryland with general information on applicable laws and policies. Although every effort has been made to provide accurate information at the time of printing, this information can at any time be superseded by changes in the law. Each student and employee has the ultimate responsibility to stay informed concerning changes in the law. Those with specific legal questions are encouraged to seek the services of an attorney. The College supports the laws of the State of Maryland.

# STANDARDS OF CONDUCT

## ALCOHOL POLICY FOR STUDENTS

Maryland law states that: (1) It is unlawful for any minor (a person under age 21) to possess or consume alcoholic beverages; (2) It is unlawful for any minor to misrepresent or lie about his/her age in order to obtain alcoholic beverages; (3) It is unlawful for any person to obtain alcoholic beverages on behalf of a minor; (4) It is unlawful for any person to consume alcoholic beverages in an open outside area unless authorized to do so by proper officials; (5) A person may not be intoxicated and endanger the safety of another person or property or be intoxicated and cause a public disturbance.

It is the responsibility of all faculty, staff, and students at St. Mary's College to uphold the conditions of this state law. The unlawful use, possession, or distribution of alcohol on College property or as any part of College activities is prohibited and will result in disciplinary action, up to and including expulsion. Please refer to the College's medical amnesty and good Samaritan policy where certain violations may be granted amnesty. The College also promotes an active, healthy, social life on campus and accommodates groups that request College facilities for events where alcohol is appropriate.

The Office of Public Safety and the Dean of Students' staff is responsible for interpreting and enforcing the following campus alcohol policy:

- I. No individual (absent an authorized exception under section VI herein), regardless of age, may consume alcoholic beverages in public areas on the campus, such as the lounges, hallways of the residence halls, patios of townhouses, athletic fields, and other facilities and grounds.
- II. No individual, regardless of age, may be intoxicated and cause a disturbance and/or

endanger the safety of him/herself, another person, and/or property.

- III. The sponsors of student events (dances, concerts, etc.) are responsible for keeping the event alcohol-free.
- IV. Individuals or groups sponsoring formal or informal events off-campus are responsible for upholding the Maryland alcohol law.
- V. Resident students of legal drinking age may possess and consume alcoholic beverages in the privacy of their rooms or townhouses. All alcohol must be kept within the possession of a student of legal drinking age ("of-age"). Students who are 21 years of age or older may not offer or provide alcohol to those who are underage, including roommates. It is assumed that alcohol possessed by of-age students is for their personal use and for limited distribution to others who are of age to consume alcohol. Students who are of age and who choose to drink alcohol are strongly encouraged to drink responsibly and in moderation. Kegs and other similar multi-liter containers are prohibited.
- VI. No alcoholic beverages will be allowed at any event on campus unless: (1) The event is sponsored by the College for seniors, alumni, faculty-staff receptions, or any outside group; and (2) The event is held in a controlled space, such as the Alumni Lodge. Requests to sponsor such events must be made through the Events Office and must be approved by the Dean of Students. College budget accounts (including SGA funds) are by definition State dollars and may not be used to purchase alcohol or provide adult beverage service in any circumstance.
- VII. Acting as a social host: A social host is any individual who provides a location for and/or facilitates opportunities for others to violate the College Alcohol Policy or other gathering-related policies. More specifically, a social host is an individual who provides or shares alcohol with an underage guest in

his/her residence or who hosts one or more guests in his/her residence who violate the College Alcohol Policy or other gathering-related policies (e.g., quiet hours, fire code, damage, failure to comply). Additional consequences are in place for those who make the choice to host events in their residence where a violation of College policy takes place. Hosts who provide a location for others to engage in policy violations assume a greater level of responsibility for these incidents. If a student is found responsible for acting as a social host as described above, the minimum fine for the violation begins at \$100 for a first offense and increases up to \$250 for subsequent violations (see Minimum Expected Sanctions for more information). Fines will be assessed per social host, and will not be divided among the room/apartment/townhouse residents.

Legal sanctions under state law: It is illegal in the state of Maryland for any person under 21 to falsify or misrepresent his or her age to obtain alcohol, or to possess alcoholic beverages with the intent to consume them. It is also illegal in most situations to furnish alcohol to a person under 21, or to obtain alcohol on behalf of a person under 21. The penalty is a fine of up to \$500 for a first offense, and up to \$1000 for repeat offenses.

Students who are concerned about their use of alcohol or other drugs may speak with a counselor in Counseling Services for an assessment. Counseling Services are confidential and the staff therapist will recommend options for risk reduction, treatment and recovery.

Excessive alcohol use can increase the likelihood of both short-term and long-term health risks. Binge drinking increases the risk of injury, violence, alcohol poisoning, and risky sexual behavior. Long-term excessive alcohol use can lead to chronic health problems such as high blood pressure, heart disease, stroke, liver disease, and digestive problems. Students can find more information about the health risks of alcohol use at <http://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>.

## **MEDICAL AMNESTY AND GOOD SAMARITAN POLICY**

The purpose of this policy is to increase the likelihood that medical attention is provided to students who need it due to alcohol intoxication or use of drugs by removing impediments to seeking such assistance. This policy is intended for use in isolated situations; therefore, it does not excuse or protect those who flagrantly or repeatedly violate College policy.

**Good Samaritan Policy:** The spirit of the Good Samaritan is that we all have an ethical responsibility to help people in need. St. Mary's College expects that students will take an active role in protecting the safety and well-being of their peers and the College community. In order to promote this, when a student assists an individual who is intoxicated or under the influence of drugs in procuring medical assistance, that student may be granted amnesty from formal disciplinary action by the College for violating the alcohol or drug policies. The student may be required to attend an educational conference with the Dean of Students or designee to discuss the incident and his/her role in it, and may be required to complete follow-up if deemed necessary.

**Medical Amnesty Policy:** When a student is intoxicated or under the influence of drugs and seeks medical assistance, s/he may be granted amnesty from formal disciplinary action by the College for violating the alcohol or drug policies. Upon receiving a report that a student needs medical assistance, College staff will respond through the Office of Public Safety to obtain EMS services, and responding officials will use standard procedures for documenting information and collecting identification of all persons involved. Conduct charges will be deferred, and will be dismissed upon successful completion of an approved alcohol and/or drug intervention program, leaving the student with no disciplinary record. Failure to successfully complete an approved alcohol and/or intervention program will result in the processing of alcohol use or possession charges and, if proven, may result in more severe sanctions.

Representatives of a student organization who summon medical emergency assistance will be

relieved from alcohol use or possession charges under this protocol for their personal actions. Organization charges and consideration of conduct sanctions, if necessary, may be mitigated by the actions taken by representatives.

Criteria for granting amnesty may include but is not limited to: the severity of the incident, the student's disposition regarding the incident, whether the student has been granted amnesty in the past, and the student's previous conduct record. Amnesty will not be granted for incidents which occur off-campus and will not extend to other conduct violations associated with the incident, including but not limited to distribution of drugs, hazing, vandalism, or sexual assault. Amnesty can only extend to College conduct processes and does not protect students from criminal or civil penalties.

Following receipt of an incident report by the Dean of Students office, the student will attend an educational conference with the Dean of Students or designee, which will serve to review the incident, the role of alcohol or drugs, and College policies. The following are examples of educational interventions that may be required for individuals who receive amnesty under this policy:

- a. The student may be required to obtain an alcohol or drug assessment from Counseling Services or from an off-campus certified addictions counselor (e.g. Walden Sierra). If required to obtain an assessment, the student will provide a copy of the assessment report to the Dean of Students or designee. If the assessment indicates that further treatment is warranted, the program of treatment must be completed. The cost of the assessment (if any) and treatment is the responsibility of the student.
- b. The student may be required to attend the Peer2Peer Alcohol Education Class taught by the Peer Health Educators.
- c. Parental Notification Policy: The College notifies the parents/guardians of students whose consumption of alcohol or drugs results in the student being sent to the hospital.

## ILLEGAL DRUG POLICY FOR STUDENTS

Students are expected to conform to the Federal and Maryland state law regarding possession of drugs and paraphernalia and the Student Code of Conduct which outlines expected standards for behavior, rights and responsibilities, student conduct policies, procedures for conduct violations, and sanctions. Please refer to the College's Medical Amnesty and Good Samaritan policy where certain violations may be granted amnesty.

Specific to illicit drugs, Article II, Section J states that the following misconduct is subject to disciplinary actions, up to and including expulsion and referral for prosecution, as provided for in this Code:

“J1. Use, possession, or distribution of narcotics or other controlled dangerous substances, and related paraphernalia on College premises, except as expressly permitted by law and College regulations.”

At the time of acceptance to the College, all new students are required to sign and return a statement acknowledging receipt of the College's policies and regulations concerning substance abuse.

Any student convicted of violating a criminal drug statute must notify the Director of Financial Aid if that student is receiving any form of federal financial aid (for example, Pell Grants). Conviction on any drug-related charge is grounds for forfeiture of federal financial aid. Students who violate the standards of conduct shall be subject to written or verbal warning, restitution, restriction, forced relocation, work sanctions, counseling, disciplinary probation, disciplinary suspension, and/or dismissal from the College as stated in the Student Code of Rights and Responsibilities which is distributed annually to all students. The College will take disciplinary action based on reasonable available information unless the student voluntarily seeks assistance. Such action will be independent of any civil or criminal process precipitated by the same incident.

Legal sanctions under Maryland state law for possession of a controlled dangerous substance include:

	1 <sup>st</sup> offense	2 <sup>nd</sup> offense	3 <sup>rd</sup> or subsequent offense
Marijuana (less than 10 grams)	Fine not more than \$100*	Fine not more than \$250*	Fine not more than \$500*
Marijuana (10 grams or more)**	Imprisonment not exceeding 1 year, or fine not exceeding \$1000, or both		
Any controlled dangerous substance other than marijuana	Imprisonment not exceeding 4 years, or a fine not exceeding \$25,000, or both		

\*in addition to a fine, drug education program, assessment for substance abuse disorder, and referral for substance abuse treatment may be ordered by the court if offender is under 21 years of age.

\*\*also includes possession of paraphernalia.

Legal sanctions under Maryland state law for distribution of controlled dangerous substances include:

	1 <sup>st</sup> offense	2 <sup>nd</sup> offense	3 <sup>rd</sup> or subsequent offense
Marijuana (less than 10 grams)	Fine not more than \$100*	Fine not more than \$250*	Fine not more than \$500*
Marijuana (10 grams or more)**	Imprisonment not exceeding 1 year, or fine not exceeding \$1000, or both		
Any controlled dangerous substance other than marijuana	Imprisonment not exceeding 4 years, or a fine not exceeding \$25,000, or both		

\*for a list of controlled dangerous substances and their corresponding schedule, see MD. Criminal Law Code Ann. §§5-401-406.

Legal sanctions under federal law for possession of a controlled substance include:

- First conviction: Up to one year imprisonment and fine of at least \$1000, or both.
- After one prior drug conviction: At least 15 days in prison, not to exceed two years, and fined at least \$2500, or both.
- After two or more prior drug convictions: At least 90 days in prison, not to exceed three years, and fine of at least \$5000, or both.

A summary of federal trafficking (distribution) penalties for substances covered by the Controlled Substances Act can be found on the Drug Enforcement Administration website at <https://www.dea.gov/druginfo/ftp3.shtml>.

Students who are concerned about their use of alcohol or other drugs may speak with a counselor in Counseling Services for an assessment. Counseling Services are confidential and the staff therapist will recommend options for risk reduction, treatment, and recovery. Students can find information on the health risks of illicit drugs at <http://www.drugabuse.gov/publications/finder/t/160/DrugFacts>.

In accordance with the Heroin and Opioid Education and Community Action Act of 2017, all incoming students will be required to participate in heroin and opioid addiction and awareness training.

In addition, the College will obtain and store a supply of overdose reversing medication to be used in an emergency situation. Public Safety and Wellness Center personnel, as well as designated administrators, will be trained to recognize the symptoms of an opioid overdose, in procedures for administration of overdose reversing medications, and in the proper follow-up emergency procedures related to an opioid overdose. Per state law, except for any willful or grossly negligent act, campus police, or other designated personnel who have been trained in use of overdose medications and who respond in good faith to the overdose emergency of a student, may not be personally liable for any act

or omission in the course of responding to the emergency.

The College will develop and implement a method for notifying parents/guardians of students of this policy at the beginning of each academic year.

## **ALCOHOL AND ILLEGAL DRUG POLICY FOR EMPLOYEES**

### **EMPLOYEE HANDBOOK**

The College is committed to the development and maintenance of a drug-free environment and, in accordance with the Drug-Free Workplace Act of 1988, will not tolerate the unlawful possession or use of controlled substances on its premises. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in and on property owned or controlled by the College.

The use of alcohol on College premises, except as specifically authorized by College administration, is also prohibited. This prohibition includes, but is not limited to, driving vehicles while under the influence of alcohol or any other consumption of alcohol on College property.

Compliance with the provisions of this policy shall be a condition of employment. Disciplinary action up to and including termination of employment and/or satisfactory participation in a drug/alcohol rehabilitation program may be required of any employee who is found to be in violation of this policy.

In compliance with the Drug-Free Workplace Act of 1988, an employee must notify the Director of Human Resources within five calendar days of a conviction of any criminal drug statute violation that has occurred in or on the workplace premises. Additionally, in compliance with the College's drug-testing policy, all College employees may be subject to drug testing for reasonable cause. Further, applicants hired into "sensitive" positions will be subject to drug testing. The College's drug-testing policy is available for review in the Office of Human Resources. The College's efforts to establish and maintain a drug-free workplace include dissemination of drug awareness information, as well as implementation and strict enforcement of

this policy. The Office of Human Resources can provide appropriate referrals for assistance. Please refer to pages 35, 36, and 37 of the Employee Handbook Appendix for memorandums detailing the circumstances under which drug testing may be conducted.

### **MEMORANDUM OF UNDERSTANDING BETWEEN COLLEGE AND EMPLOYEE UNION**

Section 26.04: Drug and Alcohol Use and Possession: The College is committed to maintaining a workplace free from the illegal use, possession, or distribution of alcohol and controlled substances. Employees will comply with the Governor's Executive Order on Substance Abuse. Unlawful manufacture, distribution, dispensation, possession, or use of controlled substances or alcohol by employees in the workplace is prohibited under College policy.

Section 26.05: Controlled dangerous substances or alcohol: Reporting to work under the influence of controlled dangerous substances or alcohol is prohibited.

### **DISCIPLINARY ACTIONS AND SANCTIONS**

Possible disciplinary actions for violation of the Alcohol and Drug Policy of the College and State of Maryland range from counseling to termination of employment.

Sanctions can include but are not limited to, loss of driving privileges for state vehicles. Depending on the severity and/or number of occurrences, violations can lead to a change in the employees' background, which becomes important depending on their position. For example, use of a state credit card may be revoked, access to petty cash may be revoked, and the ability to obligate the College may be revoked. Loss of access to these tools may be central to job performance and therefore could lead to disqualification from the position. If the College does not have or chooses not to transfer the employee to an open position for which the employee is qualified, the employee may be terminated.

Additionally, HR may require a fit for duty consult for medical or psychological issues including drug or alcohol abuse when the abuse is affecting the employee's work performance.

furnish any alcoholic beverages at any time to a person under 21 years of age. Article 2B §12-108. Note: A licensee may accept as proof of age the person's State driver's license or ID card, or a U.S. Military identification card.

## POTENTIAL LEGAL SANCTIONS

### MARYLAND ALCOHOLIC BEVERAGE LAWS

#### POSSESSION, STORAGE, TRANSPORTATION, ETC. – GENERALLY

(a)(1) No alcoholic beverages shall be bought, possessed, stored, imported, transported, kept or suffered to be bought, possessed, stored, imported, transported or kept in any vehicle, vessel or air craft or on any premises or under his charge or control by any person except:

- (i) by a consumer or,
- (ii) by a licensee as provided in this Article or,
- (iii) by a person under 21 years of age who may have in his possession or transport alcoholic beverages for any lawful purpose with the knowledge and consent of his parent or guardian or incident to the lawful employment of the person as provided for in this Article. However, this exception shall not be construed to permit a person under the age of 21 to buy or consume alcoholic beverages, nor to possess, store, import, transport or keep alcoholic beverages for his own use, nor to buy, possess, store, import, transport or keep alcoholic beverages for any purpose in any county or Baltimore City where otherwise prohibited by this Article or any other law of this State. Article 2B § 1-201

#### SALES TO MINORS AND INTOXICATED PERSONS PROHIBITED

(a)(1) A licensee under the provisions of this Article, or any of his employees, may not sell or

#### MISREPRESENTATION OF AGE

An individual may not knowingly and willfully make a misrepresentation or false statement as to the age of that individual or another to any person licensed to sell alcoholic beverages or engaged in the sale of alcoholic beverages, for the purpose of unlawfully obtaining, procuring, or having unlawfully furnished an alcoholic beverage to an individual. Criminal Law Article § 10-113

#### FALSE DOCUMENTATION

An individual under the age of 21 years may not possess a card or document that falsely identifies the age of the individual under circumstances that reasonably indicate an intention to violate the provisions of this part. Criminal Law Article § 10-115

#### FAILURE TO PROVIDE PROOF OF AGE

(a) A person being issued a citation under §§ 10-113 through 10-119 of this subtitle or § 26-103 of the Education Article (intoxicating beverages on school premise) may not fail or refuse to furnish proof of identification and age on request of the person issuing the citation.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50. Criminal Law Article § 10-120

#### OBTAINING FOR UNDERAGE CONSUMPTION

An individual may not obtain, or attempt to obtain by purchase or otherwise, an alcoholic beverage from any person licensed to sell alcoholic beverages for consumption by another who the individual obtaining or attempting to obtain the beverage knows is under the age of 21 years. Criminal Law Article § 10-116 – See § 10-121 for Penalties

**FURNISHING FOR OR ALLOWING UNDERAGE CONSUMPTION; EXCEPTIONS TO PROHIBITION**

- (a) Except as provided in subsection (c) of this section, a person may not furnish an alcoholic beverage to an individual if:
  - (1) the person furnishing the alcoholic beverage knows that the individual is under the age of 21 years; and
  - (2) the alcoholic beverage is furnished for the purpose of consumption by the individual under the age of 21 years.
- (b) Except as provided in subsection (c) of this section, an adult may not knowingly and willfully allow an individual under the age of 21 years actually to possess or consume an alcoholic beverage at a residence, or within the curtilage of a residence that the adult owns or leases and in which the adult resides.
- (c) (1) The prohibition set forth in subsection (a) of this section does not apply if the person furnishing the alcoholic beverage and the individual to whom the alcoholic beverage is furnished:
  - (i) are members of the same immediate family, and the alcoholic beverage is furnished and consumed in a private residence or within the curtilage of the residence; or
  - (ii) are participants in a religious ceremony.(2) The prohibition set forth in subsection (b) of this section does not apply if the adult allowing the possession or consumption of the alcoholic beverage and the individual under the age of 21 years who possesses or consumes the alcoholic beverage:
  - (i) are members of the same immediate family, and the alcoholic beverage is possessed and consumed in a private residence, or within the curtilage of the residence, of the adult; or
  - (ii) are participants in a religious ceremony.Criminal Law Article § 10-117 – See § 10-121 for Penalties
- (d) A person may not violate subsection (a) or (b) of this section if the violation involves an individual under the age of 21 years who:

- (1) The person knew or reasonably should have known would operate a motor vehicle after consuming the alcoholic beverage; and
- (2) as a result of operating a motor vehicle while under the influence of alcohol or while impaired by alcohol, causes serious physical injury or death to the individual or another.

**PENALTIES FOR VIOLATION OF § 10-116 (OBTAINING FOR UNDERAGE CONSUMPTION AND § 10-117 (FURNISHING FOR OR ALLOWING UNDERAGE CONSUMPTION**

- (a) This section does not apply to a person who:
  - (1) Was acting in the capacity of a license, or an employee of a licensee , under Article 2B of the code; and
  - (2) Has committed a violation of and is subject to penalties under Article 2B § 12-108 of the code
- (b) An adult who violates § 10-116 or § 10-117 of this subtitle is guilty of a misdemeanor and on conviction is subject to:
  - (1) A fine not exceeding \$2,500 for a first offense; or
  - (2) A fine not exceeding \$5,000 for a second or subsequent offense.Criminal law Article §10-121

**UNDERAGE POSSESSION; EXCEPTIONS TO PROHIBITION**

- (a) Except as provided in subsection (b)(1) of this section, and subject to subsection (b)(2) of this section, an individual under the age of 21 years may not:
  - (1) possess or have under the individual’s charge or control an alcoholic beverage unless the individual is a bona fide employee of the license holder as defined in Article 2B, § 1–102 of the Code and the alcoholic beverage is in the possession or under the charge or control of the individual in the course of the individual’s

employment and during regular working hours;  
or  
(2) consume an alcoholic beverage.

(b) (1) The prohibitions set forth in subsection  
(a)(1) and (2) of this section do not apply if:

- (i) 1. an adult furnishes the alcoholic beverage to the individual or allows the individual to possess or consume the alcoholic beverage;
  2. the individual possessing or consuming the alcoholic beverage and the adult who furnished the alcoholic beverage to the individual or allowed the individual to possess or consume the alcoholic beverage are members of the same immediate family; and
  3. the alcoholic beverage is furnished and consumed in a private residence of the adult or within the curtilage of the residence; or
  - (ii) the individual consumes the alcoholic beverage as a participant in a religious ceremony.
- (2) An individual may not be stopped on suspicion of a violation of subsection (a)(2) of this section or charged with a violation of subsection (a)(2) of this section unless the individual is observed in possession of an alcoholic beverage. Criminal Law Article § 10-114

## UNREGISTERED KEG

(a) Except for a person licensed as an alcoholic beverages licensee under Article 2B of the Code who possesses a keg in the course of that person's business, a person may not knowingly:

- (1) possess a keg that has not been registered under or does not have a registration form affixed to it as required by Article 2B, § 21-106 of the Code; or
- (2) remove, alter, or obliterate, or allow to be removed, altered, or obliterated, a registration form that is affixed to a keg.

(b) A person may not allow an individual under the age of 21 years to consume any of the contents of a keg purchased by that person.

## MARYLAND CONTROLLED DANGEROUS SUBSTANCES LAW

(a) Except as otherwise provided in this title, a person may not:

- (1) possess or administer to another a controlled dangerous substance, unless obtained directly or by prescription or order from an authorized provider acting in the course of professional practice; or
- (2) obtain or attempt to obtain a controlled dangerous substance, or procure or attempt to procure the administration of a controlled dangerous substance by:
  - (i) fraud, deceit, misrepresentation, or subterfuge;
  - (ii) the counterfeiting or alteration of a prescription or a written order;
  - (iii) the concealment of a material fact;
  - (iv) the use of a false name or address;
  - (v) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or
  - (vi) making, issuing, or presenting a false or counterfeit prescription or written order.

(b) Information that is communicated to a physician in an effort to obtain a controlled dangerous substance in violation of this section is not a privileged communication.

(c)(1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding \$25,000 or both.  
(2)(i) Except as provided in subparagraph (ii) of this paragraph, a person whose violation of this section involves the use or possession of marijuana in the amount of 10 grams or more is guilty of the misdemeanor of possession of marijuana and is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(ii) 1. A first finding of guilt under this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding \$100.

2. A second finding of guilt under this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding \$250.

3. A third or subsequent finding of guilt under this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding \$500.

4. A. In addition to a fine, a court shall order a person under the age of 21 years who commits a violation punishable under subparagraph 1, 2, or 3 of this subparagraph to attend a drug education program approved by the Department of Health and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

B. In addition to a fine, a court shall order a person at least 21 years old who commits a violation punishable under subparagraph 3 of this subparagraph to attend a drug education program approved by the Department of Health and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

C. A court that orders a person to a drug education program or substance abuse assessment or treatment under this subparagraph may hold the case sub curia pending receipt of proof of completion of the program, assessment, or treatment.

(3)(i) 1. In this paragraph the following words have the meanings indicated.

2. “Bona fide physician-patient relationship” means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a patient's medical condition.

3. “Caregiver” means an individual designated by a patient with a debilitating medical condition to provide physical or medical assistance to the patient, including assisting with the medical use of marijuana, who:

- A. is a resident of the State;
- B. is at least 21 years old;
- C. is an immediate family member, a spouse, or a domestic partner of the patient;

D. has not been convicted of a crime of violence as defined in § 14-101 of this article;

E. has not been convicted of a violation of a State or federal controlled dangerous substances law;

F. has not been convicted of a crime of moral turpitude;

G. has been designated as caregiver by the patient in writing that has been placed in the patient's medical record prior to arrest;

H. is the only individual designated by the patient to serve as caregiver; and

I. is not serving as caregiver for any other patient.

4. “Debilitating medical condition” means a chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces one or more of the following, as documented by a physician with whom the patient has a bona fide physician-patient relationship:

- A. cachexia or wasting syndrome;
- B. severe or chronic pain;
- C. severe nausea;
- D. seizures;
- E. severe and persistent muscle spasms; or
- F. any other condition that is severe and resistant to conventional medicine.

(ii) 1. In a prosecution for the use or possession of marijuana, the defendant may introduce and the court shall consider as a mitigating factor any evidence of medical necessity.

2. Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed marijuana because of medical necessity, the court shall dismiss the charge.

(iii) 1. In a prosecution for the use or possession of marijuana under this section, it is an affirmative defense that the defendant used or possessed marijuana because:

- A. the defendant has a debilitating medical condition that has been diagnosed by a physician with whom the defendant has a bona fide physician-patient relationship;

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- B. the debilitating medical condition is severe and resistant to conventional medicine; and
- C. marijuana is likely to provide the defendant with therapeutic or palliative relief from the debilitating medical condition.

2. A. In a prosecution for the possession of marijuana under this section, it is an affirmative defense that the defendant possessed marijuana because the marijuana was intended for medical use by an individual with a debilitating medical condition for whom the defendant is a caregiver.

B. A defendant may not assert the affirmative defense under this subparagraph unless the defendant notifies the State's Attorney of the defendant's intention to assert the affirmative defense and provides the State's Attorney with all documentation in support of the affirmative defense in accordance with the rules of discovery provided in [Maryland Rules 4-262](#) and [4-263](#).

3. An affirmative defense under this subparagraph may not be used if the defendant was:

- A. using marijuana in a public place or assisting the individual for whom the defendant is a caregiver in using the marijuana in a public place; or
- B. in possession of more than 1 ounce of marijuana.

(4) A violation of this section involving the smoking of marijuana in a public place is a civil offense punishable by a fine not exceeding \$500.

(d) The provisions of subsection (c)(2)(ii) of this section making the possession of marijuana a civil offense may not be construed to affect the laws relating to:

- (1) operating a vehicle or vessel while under the influence of or while impaired by a controlled dangerous substance; or
- (2) seizure and forfeiture.

Penalties for Simple Possession 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 but not more than \$250,000, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provision for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both if:

1st conviction and the amount of crack possessed exceeds 5 grams.

2nd crack conviction and the amount of crack possessed exceeds 3 grams.

3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

Criminal Forfeitures and Forfeiture  
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. 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.

Simple Possession 21 U.S.C. 844

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

Unlawful Acts 18 U.S.C. 922(g)

Ineligible to receive or purchase a firearm.

## FEDERAL TRAFFICKING PENALTIES (OTHER THAN MARIJUANA)

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

## FEDERAL TRAFFICKING PENALTIES (OTHER THAN MARIJUANA)

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

## FEDERAL TRAFFICKING PENALTIES—MARIJUANA

DRUG	QUANTITY	1ST OFFENSE	2ND OFFENSE*
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life.  Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily 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 marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75million 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 marijuana plants	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 other than an individual.	Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		
<p><i>*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual</i></p>			

Source: <https://www.dea.gov/pr/legis.shtml>

# HEALTH RISKS

## HEALTH RISKS ASSOCIATED WITH ALCOHOL ABUSE

The consequences associated with alcohol abuse among college students are far-reaching. According to the National Institute on Alcohol Abuse and Alcoholism, “Students who engage in risky drinking may experience blackouts (i.e., memory loss during periods of heavy drinking); fatal and nonfatal injuries, including falls, drowning, and automobile crashes; illnesses; missed classes; unprotected sex that could lead to a sexually transmitted disease or an unwanted pregnancy; falling grades and academic failure; an arrest record; accidental death; and death by suicide. In addition, college students who drink in excess may miss opportunities to participate in the social, athletic, and cultural activities that are part of college life.”<sup>1</sup>

The risks are not just limited to students. The Centers for Disease Control and Prevention identifies the following short-term and long-term health risks related to alcohol use and abuse:<sup>2</sup>

### Short-Term Health Risks

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. These are most often the result of binge drinking and include the following:

- Injuries, such as motor vehicle crashes, falls, drowning, and burns.
- Violence, including homicide, suicide, sexual assault, and intimate partner violence.

- Alcohol poisoning, a medical emergency that results from high blood alcohol levels.
- Risky sexual behaviors, including unprotected sex or sex with multiple partners. These behaviors can result in unintended pregnancy or sexually transmitted diseases, including HIV.
- Miscarriage and stillbirth or fetal alcohol spectrum disorders (FASDs) among pregnant women.

### Long-Term Health Risks

Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including:

- High blood pressure, heart disease, stroke, liver disease, and digestive problems.
- Cancer of the breast, mouth, throat, esophagus, liver, and colon.
- Learning and memory problems, including dementia and poor school performance.
- Mental health problems, including depression and anxiety.
- Social problems, including lost productivity, family problems, and unemployment.
- Alcohol dependence or alcoholism.

1

[http://www.collegedrinkingprevention.gov/niaacoll/egematerials/panel01/highrisk\\_04.aspx](http://www.collegedrinkingprevention.gov/niaacoll/egematerials/panel01/highrisk_04.aspx)

2 These health risks have been reproduced verbatim from the CDC’s “Fact Sheets-Alcohol Use and Your Health” which is available here:

<http://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>

<b>Drugs</b>	<b>Physical Dependence</b>	<b>Psychological Dependence</b>	<b>Possible Effects</b>	<b>Effects of Overdose</b>	<b>Withdrawal Syndrome</b>
<b>Narcotics</b>	<b>High</b>	<b>High</b>	<b>Euphoria</b> <b>Drowsiness</b> <b>Respiratory Depression</b> <b>Constricted pupils</b> <b>Nausea</b>	<b>Slow and shallow breathing</b>  <b>Clammy skin</b> <b>Convulsions</b>  <b>Coma</b> <b>Possible death</b>	<b>Yawning</b>  <b>Loss of appetite</b> <b>Irritability</b>  <b>Tremors</b> <b>Panic</b> <b>Cramps</b> <b>Nausea</b> <b>Runny nose</b> <b>Chills and sweating</b> <b>Watery eyes</b>
<b>Depressants</b>	<b>High/ Moderate</b>	<b>High/ Moderate</b>	<b>Slurred speech</b> <b>Disorientation</b> <b>Drunken behavior without odor of alcohol</b>	<b>Shallow respiration</b> <b>Clammy skin</b> <b>Dilated pupils</b> <b>Weak and rapid pulse</b> <b>Coma</b> <b>Possible death</b>	<b>Anxiety</b> <b>Insomnia</b>  <b>Tremors</b>  <b>Delirium</b> <b>Convulsions</b> <b>Possible death</b>
<b>Stimulants</b>	<b>Possible</b>	<b>High</b>	<b>Increased alertness</b> <b>Euphoria</b>  <b>Increased pulse rate</b>  <b>and blood pressure</b> <b>Excitation</b> <b>Insomnia</b>  <b>Loss of appetite</b>	<b>Agitation</b>  <b>Increased body temperature</b> <b>Hallucinations</b> <b>Convulsions</b> <b>Possible death</b>	<b>Apathy</b>   <b>Long periods of sleep</b>   <b>Irritability</b>  <b>Depression</b> <b>Disorientation</b>
<b>Cannabis</b>	<b>Unknown</b>	<b>Moderate</b>	<b>Euphoria</b> <b>Relaxed inhibitions</b> <b>Increased appetite</b> <b>Disorientation</b>	<b>Fatigue</b> <b>Paranoia</b> <b>Possible psychosis</b>	<b>Occasional reports of insomnia</b> <b>Hyperactivity</b> <b>Decreased appetite</b>
<b>Hallucinogens</b>	<b>None</b>	<b>Unknown</b>	<b>Illusions and hallucinations</b>  <b>Altered perception of time and distance</b>	<b>Longer, more intense “trip” episodes</b>  <b>Psychosis</b>  <b>Possible death</b>	<b>Unknown</b>
<b>Anabolic Steroids</b>	<b>Unknown</b>	<b>Unknown</b>	<b>Virilization</b> <b>Acne</b> <b>Testicular atrophy</b> <b>Gynecomastia</b> <b>Aggressive behavior</b> <b>Edema</b>	<b>Unknown</b>	<b>Possible depression</b>

# ALCOHOL AND DRUG INTERVENTION PROGRAMS

## STUDENTS

### COUNSELING

St. Mary's College of Maryland has counseling and health care available at the Wellness Center. Five licensed counselors are available to students for urgent concerns or ongoing counseling. Counselors can provide alcohol and drug assessments and counsel students who are concerned about their substance use or are referred for assessment through the on-campus judicial system. All counseling services are offered at no charge and are strictly confidential. For more information or to schedule appointments students can call 240-895-4289.

### SUPPORT GROUPS

An Alcoholics Anonymous group is offered near campus at Trinity Church. Other anonymous groups meet in the community. Contact the Wellness Center at 240-895-4289 for more information.

### ALCOHOL AND MARIJUANA EDUCATION

The Wellness Center advises the Peer Health Educators (PHE) who provide education to students who have received judicial sanctions because of alcohol or marijuana violations. The program is presented by the PHEs to students in a first step approach to education and prevention.

### SBERT

Health Services provides a brief screening to each student before a scheduled appointment. Nurses provide a quick review of the information shared and utilize motivational interviewing techniques to address any concerns and encourage students to seek more help as appropriate.

## COMMUNITY PARTNERS

The Wellness Center works with MedStar St. Mary's Hospital, and with Walden/Sierra, Inc. for assessment and treatment of alcohol and other drug-related concerns. Walden/Sierra provides assessment and many levels of treatment and the hospital provides emergency services.  
MedStar St. Mary's Hospital Emergency Department 301-475-6111  
Walden/Sierra, Inc. 301-863-6661

### ANONYMOUS MENTAL HEALTH / SUBSTANCE USE SELF-ASSESSMENT

The Wellness Center website hosts several self-assessment tools and referrals for online services. <http://www.smcm.edu/wellness/resources/>  
Students may contact a staff therapist anonymously from the website or through the following link: <https://smcm.caresforyou.org/welcome.cfm>

### SUBSTANCE AND ALCOHOL-FREE ENVIRONMENT (SAFE) HOUSE

SAFE House is located in Queen Anne Hall for first-year female students and in Waring Commons for first-year male students, as well as upper-class students. It is intended for students who wish to abstain from the use of alcohol and other substances (as well as avoid the secondary effects of other students' use) in their residence to be boarded with like-minded students. For more information, contact Matt Jordan.

## EMPLOYEES

Employees experiencing substance abuse problems are encouraged to seek assistance through:

- (a) Human Resources (HR);
- (b) Self-referral to the employer's Employee Assistance Program; or
- (c) Self-referral to an alternative certified rehabilitation program.

The Employee Assistance Program (EAP) information copied from State of Maryland EAP web page

<http://www.dbm.maryland.gov/employees/Pages/EAP.aspx>:

- This confidential service is provided to State employees who face personal matters that adversely affect their job performance. Supervisors are encouraged to refer employees when an employee's personal matters negatively impact work performance. The goal of the Program is to provide assistance to the employee and maintain satisfactory job performance. **PARTICIPATION IN THE PROGRAM IS COMPLETELY VOLUNTARY, AND IS AVAILABLE ONLY TO EMPLOYEES.**
- Employees who are referred to the EAP will be scheduled for an initial assessment with an EAP counselor. Initial assessment session(s) are considered work-time and no fee or leave is charged to the employee for attendance. However, an employee who continues treatment beyond the

initial assessment period, becomes responsible for any fees associated with subsequent treatment and the employee must begin to use accrued leave if receiving treatment during work hours.

- Since the EAP accepts management referrals only, employees who are not experiencing job performance problems, but feel the need for counseling, are encouraged to contact their health care provider directly to arrange to receive it.
- Also, the EAP is an essential part of the State's initiative to eliminate the impact of Domestic Violence issues. Employees experiencing domestic violence are encouraged to contact the EAP Office for guidance. Employees may also find helpful resources through Judiciary's Domestic Violence Webpage.
- Please be assured that job security and promotional opportunities will not be jeopardized by an employee's participation in the EAP. Information will not be released without the expressed written consent of the employee.

As needed HR provides the name and contact information of external counseling, treatment, rehabilitation or re-entry agencies, a list may be provided by the Wellness Center and/or the EAP

Additionally, HR may require a fit for duty consult for medical or psychological issues including drug or alcohol abuse when the abuse is affecting the employee's work performance.