

The College is committed to creating and maintaining an environment that is free of alcohol abuse. The College prohibits the possession, use, and sale of alcoholic beverages on campus or as any part of the College's activities unless it is done so in accordance with applicable College policies, and it also enforces the state's underage drinking laws.

The College enforces Federal and State drug laws. The possession, sale, manufacture, or distribution of illegal drugs is prohibited on campus or as any part of the College's activities. Violators of the College's policies or Federal and State laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

#### **Federal Drug Laws** (updated 08.05.2024)

**Denial of Federal Benefits (21 U.S.C. § 862)** A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

**Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853)** Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties (21 U.S.C. § 841)** Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe. Federally-defined schedules of controlled substances are published at 21 U.S.C. 812.

In the case of a controlled substance in schedule I or schedule II, GHB (or, "liquid ecstasy"), or flunitrazepam (or, "rohypnol"), a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university (**21 U.S.C. § 860**) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

**Federal Drug Possession Penalties (21 U.S.C. § 844)** Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

For the most recent and complete Federal Trafficking Penalties information, visit the website of the [U.S. Drug Enforcement Administration](https://www.dea.gov).

## Drug and Alcohol State Laws (Colorado)

Category	Summary (Colorado Revised Statutes)
Possession of Marijuana	<p>It is legal in Colorado for a person over the age of 21 to possess up to 2 ounces of marijuana. Colo. Rev. Stat. Ann. § 18-18-406. However, a person who openly and publicly displays, consumes, or uses two ounces or less of marijuana commits a drug petty offense punishable by a fine of up to \$100 and up to 24 hours of community service. Colo. Rev. Stat. Ann. § 18-18-406(5)(b)(I). A person who possesses more than two ounces of marijuana but not more than six ounces of marijuana or not more than three ounces of marijuana concentrate commits a level 2 drug misdemeanor. Colo. Rev. Stat. Ann. § 18-18-406(4)(c). A level 2 drug misdemeanor is punishable by imprisonment for up to 12 months, a fine of \$50-\$750, or both. Colo. Rev. Stat. Ann. § 18-1.3-501(1)(d). The possession of more than six ounces of marijuana is a level 1 drug misdemeanor, punishable by six to 18 months imprisonment, a \$500 to \$5,000 fine, or both. Colo. Rev. Stat. Ann. §§ 18-18-406(4)(b), 18-1.3-501(1)(d).</p> <p>It is also generally unlawful to knowingly dispense, sell, distribute, or possess with intent to manufacture, dispense, sell, or distribute marijuana or marijuana concentrate. Colo. Rev. Stat. Ann. § 18-18-406(2)(b)(I). The penalties for this offense range drastically depending on the amount of substance involved. Colo. Rev. Stat. Ann. § 18-18-406(2)(b)(III). Transferring or dispensing not more than two ounces of marijuana from one person to another for no consideration is a drug petty offense and is not deemed dispensing or sale thereof. Colo. Rev. Stat. Ann. § 18-18-406(5)(a). The sale, transfer, or dispensing of not more than one ounce of marijuana or not more than one-half ounce of marijuana concentrate to a minor if the person is an adult and two years older than the minor is a level 4 drug felony, with higher penalties applicable for larger amounts of substance. Colo. Rev. Stat. Ann. § 18-18-406(1). A level 4 drug felony is generally punishable by six months to one year imprisonment, \$1,000 to \$100,000, or both. Colo. Rev. Stat. Ann. § 18-1.3-401.5</p> <p>A person under 21 years of age who possesses two ounces or less of marijuana or consumes marijuana anywhere in the state of Colorado commits illegal possession or consumption of marijuana by an underage person. Colo. Rev. Stat. Ann. § 18-13-122. For the first offense, the underage person must pay a fine of up to \$100 and/or complete a substance abuse education program. <i>Id.</i> Penalties increase with subsequent offenses. <i>Id.</i> Additionally, Colorado's medical marijuana framework provides exceptions to marijuana use laws for specified medical reasons. <i>See</i> Colo Const. art. 18 § 14; Colo. Rev. Stat. Ann. § 18-18-406.3.</p>
Controlled Substances	<p>Colorado statutes cover offenses and varying penalties related to unlawful possession, use, and distribution of controlled substances and materials ("precursor drugs") used to make controlled substances. Colo. Rev. Stat. Ann. §§ 18-18-401 – 18-18-434. Penalties vary widely based on the substance and based on whether the individual intended to manufacture, sell, or use the drug. <i>Id.</i></p> <p>Any person who uses any controlled substance (other than marijuana or natural medicine products, such as psilocybin), except when it is dispensed by or under the direction of a person licensed or authorized by law to prescribe, administer, or dispense the controlled substance for bona fide medical needs, commits a level 2 drug misdemeanor. Colo. Rev. Stat. Ann. §§ 18-18-404, 18-18-434. A person may not knowingly possess a controlled substance, with the penalty for possession in most cases being either a level 1 drug misdemeanor or a level 4 drug felony depending on the substance and amount. Colo. Rev. Stat. Ann. § 18-18-403.5. It is also unlawful for any person knowingly to manufacture, dispense, sell, or distribute, or to possess with intent to manufacture, dispense, sell, or distribute, a controlled substance, or possess one or more chemicals or supplies or equipment with intent to manufacture a controlled substance. Colo. Rev. Stat. Ann. § 18-18-405. A person who possesses drug paraphernalia may be punished by a fine of up to \$100. Colo. Rev. Stat. Ann. § 18-18-428.</p> <p>A person who commits a felony drug offense is considered a "special offender" and commits a level 1 drug felony if they committed the offense under one of a list of aggravating circumstances, such as importing large amounts of some drugs into the state or having a child assist in the offense. Colo. Rev. Stat. Ann. § 18-18-407. The penalty for a level 1 drug felony is presumptively eight to 32 years imprisonment with a potential fine of \$5,000 to \$1,000,000. Colo. Rev. Stat. Ann. § 18-1.3-401.5.</p>

Category	Summary (Colorado Revised Statutes)
	<p>It is illegal for persons under twenty-one years of age to knowingly possess or consume natural medicine or natural medicine product (e.g., dimethyltryptamine or psilocybin). Colo. Rev. Stat. Ann. § 18-18-434. This is a drug petty offense and will result in a fine of up to \$100 or up to four hours of substance use education. <i>Id.</i> Subsequent convictions come with a fine of up to \$100, up to four hours of substance use education or counseling, and up to 24 hours of useful public service. <i>Id.</i> Additionally, it is illegal for any person to openly and publicly display or consume natural medicine or natural medicine product. <i>Id.</i> This is also a drug petty offense and will result in a fine of up to \$100 and up to 24 hours of useful public service. <i>Id.</i></p>
Alcohol and Minors	<p>It is illegal for any person under twenty-one years of age to consume or be in possession of ethyl alcohol. Colo. Rev. Stat. Ann. § 18-13-122. A first offense is punishable by a fine of up to \$100 or the completion of a substance abuse education program, and the punishment increases for subsequent offenses. <i>Id.</i></p> <p>It is also unlawful for any person to sell, serve, give, or deliver alcohol to any person under age 21. Colo. Rev. Stat. Ann. § 44-3-901. A violation is a class 2 misdemeanor, punishable by up to 120 days imprisonment, not more than a \$750 fine, or both. Colo. Rev. Stat. Ann. §§ 18-1.3-501, 44-3-904. A parent or legal guardian of a person under 21 may give or permit the possession and consumption of alcohol by a person under 21 in their presence and on private property. Colo. Rev. Stat. Ann. § 18-13-122.</p> <p>It is unlawful for a person under the age of 21 years to obtain or attempt to obtain any alcohol beverage by misrepresentation of age or by any other method in any place where alcohol beverages are sold. Colo. Rev. Stat. Ann. § 44-3-901. A first violation constitutes a class 2 misdemeanor. Colo. Rev. Stat. Ann. § 44-3-904.</p>
Driving Under the Influence (DUI)	<p>A person who drives a motor vehicle or other vehicle under the influence of alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, commits the offense of driving under the influence. Colo. Rev. Stat. Ann. § 42-4-1301. Driving “under the influence” means driving while alcohol and/or drugs affect the person to a degree that the person is substantially incapable to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle. <i>Id.</i> A person who drives a motor vehicle or vehicle when the person's BAC is 0.08 or more at the time of driving or within two hours after driving commits DUI per se. <i>Id.</i> A first DUI or DUI per se offense is generally punishable by 5 days to one year imprisonment, a fine of \$600-\$1,000, and 48-96 hours of useful public service. Colo. Rev. Stat. Ann. § 42-4-1307. Driving when a person has consumed alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, that affects the person to the slightest degree so that the person is less able than the person ordinarily would have been to exercise clear judgment constitutes driving while ability impaired. § 42-4-1301. A first DWAI offense is generally punishable by two to 180 days imprisonment, a fine of \$200 to \$500, and 24-48 hours of useful public service. Colo. Rev. Stat. Ann. § 42-4-1307.</p> <p>It is a class A traffic infraction for any person under 21 years of age to drive a vehicle when the person's blood alcohol concentration is at least 0.02 but not more than 0.05. <i>Id.</i> This is punishable by a fine of \$15 to \$100 and potentially up to 24 hours of useful public service and/or the imposition of alcohol treatment/education/evaluation. Colo. Rev. Stat. Ann. §§ 42-4-1301, 42-4-1701. A subsequent violation results in a class 2 traffic misdemeanor, which is punishable by 10-90 days imprisonment, a \$150 to \$300 fine, or both. <i>Id.</i> It is also generally illegal for a person in the passenger area of a motor vehicle on a public highway to knowingly consume/drink/use alcohol or marijuana or to have an open alcoholic beverage or open marijuana container in their possession. §§ 42-4-1305, 42-4-1305.5. Violations are punishable by a fine of \$50 plus a surcharge of \$16 (for alcohol) or \$7.80 (for marijuana). <i>Id.</i></p>