

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](#).

## Drug and Alcohol State Laws (Kentucky)

Category	Summary (Kentucky Revised Statutes)
Possession of Marijuana	<p>The unlawful possession of marijuana is a Class B misdemeanor, punishable by up to 45 days in jail and a \$250 fine. Ky. Rev. Stat. Ann. §§ 218A.1422, 534.040. It is also illegal to unlawfully manufacture, distribute, dispense, sell, transfer, or possess with intent to manufacture, distribute, dispense, or sell (otherwise known as “trafficking”) marijuana. Ky. Rev. Stat. Ann. §§ 218A.1421, 218A.010. The penalty for trafficking marijuana is based on the amount involved, but, for the first offense, trafficking less than eight ounces of marijuana is a Class A misdemeanor, punishable by up to 12 months imprisonment and a fine of up to \$500. Ky. Rev. Stat. Ann. §§ 218A.1421, 534.040, 532.090.</p> <p>Medical marijuana is not yet legal in Kentucky. However, a 2022 executive order by Kentucky’s Governor allowed certain populations with at least one of 21 medical conditions, which include cancer, multiple sclerosis, post-traumatic stress disorder, muscular dystrophy, or a terminal illness, to access medical cannabis beginning January 1, 2023, by pardoning their marijuana possession offenses under specific conditions. See Executive Action Relating to Medical Cannabis, 2022-798 (Nov. 15, 2022). Effective January 1, 2025, medical marijuana will be legal, within specified possession limits, for all registered qualified patient cardholders prescribed its use by a physician. See 2023 Kentucky Senate Bill No. 47, Kentucky 2023 Regular Session.</p>
Controlled Substances	<p>Kentucky has a wide range of statutes governing controlled substances and their possession, use, and sale. Ky. Rev. Stat. Ann. §§ 218A.005 – 218A.994. No person may possess a controlled substance except as authorized by law. Ky. Rev. Stat. Ann. § 218A.1404. With exceptions, violations for possession generally constitute either a Class A misdemeanor or a Class D felony (punishable in this case by one to three years imprisonment and a fine of \$1,000 to \$10,000, although the maximum imprisonment for a Class D felony is usually five years) depending on the substance at issue. Ky. Rev. Stat. Ann. §§ 218A.1415 – 1417.</p> <p>The unlawful trafficking of controlled substances has penalties that vary significantly based on the substance involved, the amount of substance, the purpose of the substance, and the number of prior offenses. For instance, trafficking over 100 grams of heroin is a Class B felony, punishable by 10 to 20 years imprisonment and a fine of \$1,000 to \$10,000. Ky. Rev. Stat. Ann. § 218A.142. Trafficking under 20 dosage units of a Schedule V controlled substance, however, is a Class A misdemeanor for a first offense. Ky. Rev. Stat. Ann. § 218A.1414. More severe penalties may apply for trafficking or selling controlled substances to a minor or within 1,000 feet of a school. Ky. Rev. Stat. Ann. §§ 218A.1401, 218A.1411. It is also generally illegal for any person to use, or to possess with intent to use, drug paraphernalia in connection with a controlled substance. Ky. Rev. Stat. Ann. § 218A.500. A violation constitutes a Class A misdemeanor. <i>Id.</i></p>
Alcohol and Minors	<p>It is unlawful for a person under the age of 21 to possess for personal use, purchase, or attempt to purchase alcoholic beverages. Ky. Rev. Stat. Ann. § 244.085. It is also illegal for a person under the age of 21 to misrepresent their age for the purposes of purchasing alcohol. <i>Id.</i> These offenses constitute violations for the first offense, punishable by a fine of up to \$250. Ky. Rev. Stat. Ann. § 244.990. It is also a violation to aid or assist any person under 21 years of age in purchasing or being delivered or served any alcoholic beverages. Ky. Rev. Stat. Ann. §§ 244.085; 244.990. A person under the age of 21 who uses or attempts to use a false, fraudulent, or altered identification card, paper, or any other document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage is guilty of a violation for a first offense and is guilty of a Class A misdemeanor for subsequent offenses. <i>Id.</i></p> <p>A person is guilty of alcohol intoxication when they appear in a public place manifestly under the influence of alcohol to the degree that they may endanger themselves or other persons or property, or unreasonably annoy persons in their vicinity. Ky. Rev. Stat. Ann. § 222.202. It is also illegal to drink alcoholic beverages in a public place. <i>Id.</i> Each of these offenses are punishable by a fine of not less than \$25 for a first or second offense. Ky. Rev. Stat. Ann. § 222.990.</p>
Driving Under the Influence (DUI)	<p>It is illegal to operate a motor vehicle while under the influence of alcohol or while under the influence of any other substance or combination of substances which impairs one’s driving ability. Ky. Rev. Stat. Ann. § 189A.010. Additionally, it is illegal to operate a motor vehicle with a breath or blood alcohol concentration of 0.08 or above (0.02 or above for a person under age 21) or with a controlled substance present in one’s blood. <i>Id.</i> A first offense for driving under the influence within a ten-year period is</p>

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	<p>punishable by a \$200 to \$500 fine, imprisonment for 48 hours to 30 days, or both. <i>Id.</i> A second offense within a ten-year period is punishable by a fine of \$350 to \$500, seven days to six months imprisonment, and a potential 10 days to six months of community labor. <i>Id.</i> A person under age 21 guilty of driving under the influence with an alcohol concentration of 0.02 to under 0.08 is instead penalized by a fine of \$100 to \$500 or 20 hours of community service. <i>Id.</i> Penalties for driving under the influence may include mandatory minimum sentences of imprisonment with the presence of aggravating circumstances. <i>Id.</i> Additional penalties may also apply, such as the completion of alcohol or substance abuse education or treatment programs, service fees, and license suspensions. Ky. Rev. Stat. Ann. § 189A.040, 189A.050, 189A.070.</p> <p>It is also illegal, with exceptions, to possess an open alcoholic beverage container in a motor vehicle located on a public highway. Ky. Rev. Stat. Ann. § 189.530. The penalty for a violation of this provision is a fine of \$35 to \$100. Ky. Rev. Stat. Ann. § 189.990.</p>