

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

**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 (North Carolina)

| Category                          | Summary (North Carolina General Statutes)   |
|-----------------------------------|---|
| Possession of Marijuana           | <p>Marijuana is a Schedule VI controlled substance. See N.C.G.S.A. §§ 90-94. A person in possession of one-half of an ounce or less of marijuana or one-twentieth of an ounce of hashish is guilty of a Class 3 misdemeanor. If possession exceeds one-half of an ounce of marijuana or one-twentieth of an ounce of hashish, but does not exceed one and one-half ounces of marijuana or three-twentieths of an ounce of hashish, it shall be punishable as a Class 1 misdemeanor. § 90-95. If the quantity of marijuana possessed exceeds one and one-half ounces or three-twentieths of an ounce of hashish, the violation is punishable as a Class I felony. <i>Id.</i> A Class 3 misdemeanor carries a fine up to \$200. § 15A-1340.23. A Class 1 misdemeanor carries a sentence of up to 45 days of imprisonment for the first offense. <i>Id.</i></p>                                |
| Controlled Substances             | <p>North Carolina statutes cover a wide range of offenses related to possession, manufacture, sale, and delivery of controlled substances. §§ 90-86 – 90-113.8. Penalties for the possession and delivery of illegal drugs include prison sentences and monetary fines. § 90-95. These vary widely by the type of drug, amount confiscated, the number of previous offenses by the individual, and whether the individual intended to manufacture, sell, or use the drug. <i>Id.</i> Involving a minor in any capacity will result in more severe penalties. §§ 90-95.4 – 90-95.7. As an example, sale of a controlled substance classified in Schedule I or II (i.e., opiates, opium derivatives, hallucinogenic substances, etc.) is a Class G felony, which shall carry a sentence of 35 to 51 months in the state’s prison and result in a fine of not less than \$25,000. § 90-95.</p> |
| Alcohol and Minors                | <p>It is unlawful for any person to sell or give alcoholic beverages to minors or for any person less than 21 years old to purchase, attempt to purchase, possess, or consume any alcoholic beverage. § 18B-302. It is also unlawful for any person to attempt to obtain alcoholic beverages using a fraudulent or altered identification card/document or driver’s license issued to another person, or for any adult to permit an underage person to use their identification for purposes of obtaining alcohol. <i>Id.</i> A person who violates these provisions will have their driver’s license revoked for one year. § 20-17-3.</p>  |
| Driving Under the Influence (DUI) | <p>A person commits the offense of impaired driving if they drive any vehicle upon any highway, any street, or any public vehicular area while under the influence of an impairing substance; after having consumed sufficient alcohol that they have, at any relevant time after the driving, an alcohol concentration of 0.08 percent or more; or with any amount of a Schedule I controlled substance or its metabolites in their blood or urine. § 20-138.1. An initial offense is a misdemeanor. <i>Id.</i> Sentencing is determined by being placed in one of six punishment categories, each of which has minimums for fines, license suspensions, and incarceration periods. § 20-179.</p>  |