

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 (Virginia)

Category	Summary (Virginia Code)
Possession of Marijuana	<p>An adult 21 years of age or older may possess up to one ounce of marijuana on their person or in public. Va. Code Ann. § 4.1-1100. Possession on one's person or in public of between one to four ounces of marijuana is a civil penalty with a maximum fine of \$25. <i>Id.</i> Possession on one's person or in public of between four ounces and one pound of marijuana is a class 3 misdemeanor punishable by a fine of up to \$500 for a first offense. Possession of more than one pound of marijuana in public is a felony punishable by one to 10 years in prison and/or a fine of up to \$250,000. <i>Id.</i> Additionally, no person shall consume or offer marijuana to another in a public place. Va. Code Ann. § 4.1-1108. For a first offense, an offender is subject to a civil penalty of no more than \$25. <i>Id.</i> A second offense is punishable by a civil penalty of no more than \$25 and will be ordered to enter a substance abuse treatment or education program. A third and subsequent offense is a Class 4 misdemeanor, punishable by a fine of up to \$250. <i>Id.</i>; Va. Code Ann. § 18-2-11.</p> <p>Except as authorized in the Drug Control Act, it is unlawful for a person to sell, give, distribute, or possess with intent to sell, give, or distribute marijuana. Va. Code Ann. § 18.2-248.1. A violation of this provision with respect to marijuana in an amount of up to one ounce is a Class 1 misdemeanor, punishable by imprisonment for up to 12 months, a fine of up to \$2,500, or both. Va. Code Ann. §§ 18.2-248.1, 18-2-11. A violation with respect to more than one ounce up to five ounces of marijuana is a Class 5 felony, which is punishable by one to 10 years imprisonment (but may be punished as a Class 1 misdemeanor by the court or jury). <i>Id.</i> A violation with respect to over five pounds of marijuana is punishable by imprisonment for five to 30 years. <i>Id.</i> Manufacture, or possession with intent to manufacture, marijuana for other than one's own personal use is punishable by five to 30 years imprisonment and a fine of up to \$10,000. <i>Id.</i> Penalties vary for third and subsequent felony offenses of the crimes specified in this paragraph. <i>Id.</i> However, the transfer of up to one ounce of marijuana between persons who are 21 years of age or older without remuneration is legal. Va. Code Ann. § 4.1-1101.1.</p>
Controlled Substances	<p>Virginia statutes cover a wide range of offenses related to controlled substances. <i>See generally</i> Va. Code Ann. §§ 18.2-247 – 18.2-264. It is unlawful for any person knowingly or intentionally to possess a controlled substance without a valid prescription, unless an exception applies. Va. Code Ann. § 18.2-250. Penalties for possession vary based on the Schedule that the drug is classified in. For example, the unlawful possession of a Schedule I or Schedule II controlled substance, such as heroin, fentanyl, and cocaine, results in a Class 5 felony. <i>Id.</i> It is also unlawful, except as authorized in the Drug Control Act, for any person to manufacture, sell, give, distribute, or possess with intent to manufacture, sell, give or distribute a controlled substance. Va. Code Ann. § 18.2-248. The penalties for this offense vary heavily based on the type of substance, the amount of substance involved, the intent and actions of the offender, and the number of prior convictions. A violation, in general, with respect to a Schedule I or II controlled substance results in a penalty of five to 40 years imprisonment and a fine of up to \$500,000. <i>Id.</i></p> <p>The distribution of certain drugs to persons under 18, and the sale, distribution, possession with intent to sell or distribute, or manufacture of drugs on or near certain properties, including institutions of higher education and public property, carry additional or enhanced penalties. Va. Code Ann. §§ 18.2-255, 18.2-255.2.</p>
Alcohol and Minors	<p>No person under the age of 21 may lawfully consume, purchase, or possess any alcoholic beverage unless they are a guest in a private residence where they are accompanied by a parent/guardian or spouse who is 21 years of age or older or unless the person is keeping lawfully acquired alcoholic beverages in their residence for personal use or that of their family. Va. Code Ann. §§ 4.1-305, § 4.1-200. It is also unlawful for a person under the age of 21 years to use or attempt to use any altered, fictitious, facsimile, or simulated license to operate a motor vehicle or document, or other licenses or documents, in order to establish a false identification or false age for themselves to consume, purchase, or attempt to consume or purchase an alcoholic beverage. Va. Code Ann. § 4.1-305. Both of these offenses constitute Class 1 misdemeanors and are punishable by a minimum fine of \$500 or at least 50 hours of community service, as well as a license suspension between 6 months and 1 year (for adult offenders). <i>Id.</i></p> <p>In general, any person, other than a person lawfully providing alcohol pursuant to specific requirements and in a private residence, who purchases for, or otherwise gives, provides, or assists in the provision of</p>

Category	Summary (Virginia Code)
	<p>alcoholic beverages to another person, when they know or have reason to know that such person was less than 21 years of age, is guilty of a Class 1 misdemeanor. Va. Code Ann. § 4.1-306. In addition to other applicable penalties, this offense carries a driver's license suspension of up to 1 year. <i>Id.</i> It is also illegal for a person to be intoxicated in public, whether such intoxication results from alcohol, narcotic drug, or other intoxicant or drug of whatever nature. Va. Code Ann. § 18.2-388. This is punishable as a Class 4 misdemeanor. <i>Id.</i> It is also a Class 4 misdemeanor to drink an alcoholic beverage, or to offer a drink of an alcoholic beverage to another person, in a public place; however, there are several exceptions. Va. Code Ann. § 4.1-308.</p>
Driving While Intoxicated (DWI)	<p>It is unlawful for a person to operate a motor vehicle if they: are under the influence of alcohol; are under the influence of any drug, controlled substance, or self-administered intoxicant to the extent it impairs their ability to drive; or are under the influence of any combination of alcohol and drugs to the extent it impairs their ability to drive. It is also illegal to operate a motor vehicle if a person has a blood or breath alcohol concentration of 0.08 or if a person has specified blood concentrations of various drugs. Va. Code Ann. § 18.2-266. This offense is generally punishable as a Class 1 misdemeanor with a mandatory minimum fine of \$250. Va. Code Ann. § 18.2-270. Additional penalties may apply, including a driver's license suspension of one year and the installation of a vehicle interlock system. Va. Code Ann. §§ 18.2-271, 18.2-270.1. Penalties for driving while under the influence or intoxicated may vary depending on the offender's alcohol concentration, the number of prior offenses, and other circumstances of the offense. Va. Code Ann. § 18.2-270.</p> <p>It is also illegal for any person under the age of 21 to operate any motor vehicle with an alcohol concentration of 0.02 to less than 0.08. Va. Code Ann. § 18.2-266.1. A violation is a Class 1 misdemeanor with penalties including, but not limited to, a license suspension of one year, and either a mandatory minimum fine of \$500 or performance of a mandatory minimum of 50 hours of community service. <i>Id.</i> It is a Class 4 misdemeanor to consume an alcoholic beverage while driving a motor vehicle upon a public highway, and a rebuttable presumption of consumption may potentially result from an open container of alcohol. Va. Code Ann. § 18.2-323.1. It is also a Class 4 misdemeanor to consume marijuana as a driver or passenger in a motor vehicle on a public highway, and a permissive inference of consumption may potentially result from an open container of marijuana. Va. Code Ann. § 4.1-1107.</p>