

## **DRUG-FREE SCHOOLS, CAMPUSES AND WORKPLACES**

### **METROPOLITAN STATE UNIVERSITY OF DENVER DRUG USE AND ALCOHOL ABUSE PREVENTION PROGRAM**

**Students and Employees of the Metropolitan State University of Denver (“MSU Denver”):** The 2005-2006 Drug-Free Information Newsletter is provided to you in compliance with federal law. Should you have questions or require further information about the policies, health risks, legal sanctions, or treatment programs relating to illicit drugs and alcohol, please contact your university student affairs or personnel office, counseling center, or health service.

### **HEALTH RISKS AND WORKPLACE HAZARDS ASSOCIATED WITH ILLICIT DRUG USE AND ALCOHOL ABUSE**

This is a brief summary of some of the principal health risks and workplace hazards associated with the use of illicit drugs and alcohol. It is neither comprehensive nor exhaustive. For more detailed information concerning the dangers of drugs and alcohol, you should consult your doctor or a drug and alcohol rehabilitation counselor.

#### **ALCOHOL**

**HEALTH RISKS** -- Alcohol (beer, wine, liquor) is a drug that, like the sedatives, depresses the central nervous system. Even small doses significantly impair the judgment and coordination required to drive a car safely. Drinking and driving is the leading cause of fatal automobile accidents. Alcohol use also contributes to many falls, drownings, other accidents and aggressive acts including spouse and child abuse. Moderate to high doses severely impair muscular coordination, memory and judgment. Very high doses cause respiratory depression and death. Mixing alcohol with sedatives or other central nervous system depressants is extremely dangerous and often fatal. Repeated use of alcohol can lead to addiction. Withdrawal symptoms may be life threatening. Long-term consumption of large quantities of alcohol can also cause permanent and sometimes fatal damage to such vital organs as the heart, liver, pancreas and brain. Alcohol use during pregnancy can lead to irreversible physical abnormalities and mental retardation (fetal alcohol syndrome or FAS) in children.

**WORKPLACE HAZARDS** -- The dangers of using alcohol in the workplace include impaired coordination, concentration and judgment resulting in dangerous or problem behavior; inability to learn and remember information; excessive absenteeism and tardiness; increased workload and stress on others; and an inability to deal realistically with workplace problems.

#### **MARIJUANA AND ITS DERIVATIVES**

**HEALTH RISKS** -- Marijuana and its derivatives (dope, grass, weed, pot, mary jane, reefer, smoke, hash, THC, etc.) affect the central nervous system. Immediate effects include altered perceptions and time sense, increased heart rate, lower body temperature, a dry mouth and throat, bloodshot eyes and increased appetite. Coordination, short-term memory, concentration and retention of knowledge are impaired. Users often experience acute anxiety reactions. Long-term use can lead to psychological dependence, paranoia and psychosis, lung damage including cancer, and "burnout" (impaired motivation, cognition, concentration and attention).

**WORKPLACE HAZARDS** -- The dangers of using marijuana in the workplace include impaired perceptions of time, space and distance and slowed physical reflexes which make operating machinery or driving hazardous and interference with tasks requiring learning, memory and concentration.

#### **INHALANTS**

**HEALTH RISKS** -- Inhalants (aerosol sprays, solvents, nitrous oxide, laughing gas, amyl and butyl nitrite, poppers, snappers, rush, bullet and climax, etc.) are substances which release toxic or mind-altering vapors. Immediate effects include nausea, sneezing, coughing, nosebleed, fatigue, lack of coordination and lack of appetite. Aerosol sprays and solvents decrease heart and respiratory rates and impair judgment. Amyl and butyl nitrite cause rapid pulse, headaches and involuntary excretion. Long-term use or use of large amounts of inhalants over a short time can result in disorientation, violent behavior, hepatitis, organ and nervous system damage, coma and death. Use during pregnancy endangers the fetus.

**WORKPLACE HAZARDS** -- The dangers of using inhalants in the workplace include impaired judgment, coordination and decision-making that adversely affect job safety and job performance.

## COCAINE

**HEALTH RISKS** -- Cocaine (coke, blow, snow, flake, white, lady, nose candy, crack, rock, base) stimulates the central nervous system, elevates blood pressure, heart rate, respiratory rate and body temperature and depresses appetite. Inhaling cocaine can cause a stuffy or runny nose; chronic use ulcerates nasal mucus membranes. AIDS and hepatitis may result from sharing needles. Tolerance develops rapidly and physical and psychological dependency frequently results. Crack is extremely addictive. Use of cocaine and crack may cause fatal heart attacks and respiratory failure, lung damage, seizures, paranoia, hallucinations, severe depression and psychoses. Use during pregnancy endangers the fetus.

**WORKPLACE HAZARDS** -- The dangers of using cocaine and crack in the workplace include impaired judgment and decision-making ability, mood swings, emotional problems, and undependability -- all of which adversely affect job safety and job performance. Cocaine and crack use also contribute to an increased risk of workplace crime.

## STIMULANTS

**HEALTH RISKS** -- Stimulants (amphetamines, methamphetamines, speed, uppers, black beauties, hearts, benzedrine, methedrine, crystal meth, crank, etc.) arouse the central nervous system, elevate blood pressure, heart and respiratory rates, decrease appetite and increase alertness. Other immediate and short-term effects include sweating, headache, blurred vision, insomnia, restlessness, anxiety and depression. High doses can cause rapid or irregular heartbeat, tremors, coordination loss, collapse, stroke, and heart failure. AIDS and hepatitis may result from sharing needles. Long-term use can lead to amphetamine psychosis including hallucinations, delusions and paranoia.

**WORKPLACE HAZARDS** -- The dangers of using stimulants in the workplace include impaired vision, judgment, coordination and reflexes, adversely affecting job safety and job performance. Users may become careless because they overestimate their capabilities or because of fatigue resulting from insomnia or hyperactivity. Anxiety, restlessness and irritability can interfere with relationships among employees and hinder job performance.

## DEPRESSANTS

**HEALTH RISKS** -- Depressants (barbs, downers, reds, yellows, ludes, 714s, valium, etc.) are drugs including barbiturates, tranquilizers and sedative-hypnotics which depress the central nervous system, calm anxiety, relax muscles, reduce heart rate, slow breathing and lower blood pressure. Larger doses may cause slurred speech, staggering gait, lack of coordination, drowsiness, confusion and altered perceptions. Using depressants with alcohol is very dangerous because each reinforces the other's depressant effect on the nervous system. Regular use of depressants leads to tolerance, larger doses and physical and psychological dependence. Overdoses may be fatal. Withdrawal symptoms range from restlessness, insomnia and anxiety to convulsions and death. Children born to mothers who abuse depressants during pregnancy may become physically dependent on the drug and undergo withdrawal symptoms shortly after birth. They may also suffer from birth defects and behavioral problems.

**WORKPLACE HAZARDS** The dangers of using depressants in the workplace include impaired coordination, reflexes, concentration and judgment leading to accidents and poor performance of tasks requiring dexterity, alertness or mental acuity.

## HALLUCINOGENS

**HEALTH RISKS** -- Hallucinogens (LSD, acid, PCP, angel dust, mescaline, peyote, psilocybin, mushrooms, etc.) affect perception, sensations, thinking, self-awareness and emotions. Physical effects include elevated heart rate, blood pressure and body temperature, sweating, depressed appetite, nausea, insomnia and tremors. Psychological effects include altered perceptions, hallucinations, severe panic reactions, loss of control, psychotic episodes and "flashbacks." PCP use blocks pain receptors and may result in violence and self-inflicted injuries as well as incoherent speech and impaired coordination. Chronic PCP use leads to persistent memory problems, speech difficulties, mood disorders, paranoia, violent behavior and hallucinations. Because hallucinogens distort perceptions and judgment, they increase the likelihood of accidents and suicide attempts.

**WORKPLACE HAZARDS** -- The dangers of using hallucinogens in the workplace include accidents caused by distorted perceptions and judgment, violence toward other employees and an inability to perform tasks requiring alertness, mental acuity and sound judgment.

## NARCOTICS

**HEALTH RISKS** -- Narcotics (heroin, smack, horse, skag, junk, brown sugar, black tar, demerol, dilaudid, morphine, opium, paregoric, codeine, fentanyl percodan, talwin, etc.) initially produce a feeling of

euphoria that often is followed by drowsiness, nausea, vomiting, watery eyes, and itching. Narcotics have a high potential for abuse because tolerance develops quickly and addiction is likely. Withdrawal symptoms are often debilitating. Overdoses produce shallow breathing, clammy skin, convulsions, coma and death. Long-term health risks include organ damage. AIDS and hepatitis may result from sharing needles. Addiction in pregnant women can lead to premature, stillborn, or addicted infants who experience severe withdrawal symptoms.

**WORKPLACE HAZARDS** -- The dangers of using narcotics in the workplace include disinterest in workplace safety, severely impaired job performance and an increased risk of workplace crime.

### **DESIGNER DRUGS**

**HEALTH RISKS** -- Designer drugs are chemical analogs of narcotics, amphetamines and PCP. Some common designer drugs are synthetic heroin, china white and new heroin (narcotic analogs); MDMA or Ecstasy, STP, and DMA (amphetamine analogs); and PCPs and PCE (PCP analogs). Designer drugs are frequently several hundred times stronger than the drugs they are designed to imitate. Amphetamine analogs have some stimulant effects, but are primarily hallucinogens. They have the same adverse effects as stimulants and hallucinogens including nausea, blurred vision, chills or sweating, faintness, anxiety, depression and paranoia. As little as one dose can cause severe neurochemical brain damage. Narcotic analogs have the same adverse effects as narcotics and can cause Parkinson's disease-like symptoms including uncontrollable tremors, drooling, impaired speech, paralysis and irreversible brain damage. PCP analogs have the same adverse effects as PCP including impaired perception, delusions and hallucinations.

**WORKPLACE HAZARDS** -- Refer to "Stimulants," "Hallucinogens" and "Narcotics".

### **TOBACCO**

**HEALTH RISKS** -- Tobacco (cigarettes, cigars, snuff, chewing tobacco) contains nicotine, a stimulant that causes elevated heart rates and blood pressure. Nicotine is extremely addictive. Tobacco also contains cancer-causing tars and other chemicals. When smoked, tobacco produces carbon monoxide, which reduces the blood's oxygen-carrying capacity and can contribute to hardening of the arteries. Short-term effects include nose, throat and eye irritation. Long-term effects of tobacco use include heart disease, chronic bronchitis, emphysema, and lung and other cancers.

**WORKPLACE HAZARDS** -- The dangers of using tobacco in the workplace include increased fire danger, exposure of other employees to the health risks of second-hand smoke and friction between smoking and nonsmoking employees.

### **ANABOLIC STEROIDS**

**HEALTH RISKS** -- Anabolic steroids (roids, juice etc.) are a synthetic male hormone used by some athletes to build muscle bulk and strength. In men, adverse effects include withered testicles, impotence, sterility, baldness and development of female-like breasts. In women, adverse effects include menstrual irregularities, enlargement of the clitoris and irreversible development of masculine traits. Both sexes risk developing severe acne, liver abnormalities, liver and other cancers, and cardiovascular disease. Psychological effects in both sexes include depression, very aggressive behavior known as "roid rage" and, occasionally, psychotic episodes.

## **METROPOLITAN STATE UNIVERSITY OF DENVER POLICY PROHIBITING THE UNLAWFUL POSSESSION, USE OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL BY STUDENTS AND EMPLOYEES**

**I. STANDARDS OF CONDUCT:** The Trustees of the Metropolitan State University ("MSU Denver") hereby prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the property or as part of the activities of MSU Denver.

**II. DISCIPLINARY SANCTIONS:** Students and employees who violate the foregoing standards of conduct shall be subject to disciplinary sanctions which may include, without limitation, completion of an appropriate rehabilitation program, reprimand, probation, suspension from university, expulsion from university, corrective action, a fine, temporary adjustment of pay to a lower step in the assigned pay grade, demotion, reassignment with or without a salary adjustment, suspension with or without pay, and termination. Disciplinary sanctions shall be consistent with local, state and federal law and shall be administered in accordance with applicable student disciplinary procedures, state personnel system rules and procedures and MSU Denver Handbook for Professional

Personnel policies. In addition to the foregoing disciplinary sanctions, violations may be reported to law enforcement authorities for criminal prosecution.

### **III. DEFINITIONS:**

A. "Illicit drugs" shall mean controlled substances listed in Schedules I - V of the Controlled Substances Act, 21 U.S.C. § 812, and related federal regulations, 21 C.F.R. §§ 1308.11 - 1308.15, as they may be amended from time to time and Schedules I-V of title 12, article 22, part 3 of the Colorado Revised Statutes as it may be amended from time to time. "Illicit drugs" shall include controlled substance analogs as defined by federal and state law.

B. "Alcohol" shall mean any beverage containing not less than 0.5% ethyl alcohol by weight.

C. "Property" shall mean any property owned, leased, chartered or occupied by MSU Denver including motor vehicles, boats and aircraft.

D. "Activities" shall mean any act or event sponsored or participated in by MSU Denver, including ITS constituent administrative units and approved student organizations. Without limitation, "activities" shall include all intercollegiate and intramural athletic events, faculty, staff and student meetings, conferences, field trips, retreats and all other acts or events for which the Trustees or the University (including approved student organizations) pay expenses, or provide facilities, services, supplies or transportation. "Activities" shall not include incidental work- or study-related activities which students or employees perform in their personal, off-campus residences (e.g., studying, class preparation, writing or reading) or purely social events which are held off-campus and are organized or attended by students or employees solely in their personal capacities.

**IV. IMPLEMENTATION:** The Universities shall implement drug and alcohol abuse prevention programs which, at a minimum, meet the requirements of the Drug-Free Schools and Communities Act Amendments of 1989, 20 U.S.C. § 1145(g), and shall review their programs biennially to determine their effectiveness, implement changes if needed, and ensure that the sanctions authorized by this policy are consistently enforced.

**V. OTHER POLICIES:** This policy is supplemental to and does not supersede or repeal other related State, Trustee, or University policies including the State University in Colorado Drug-Free Workplace Policy Statement adopted by the Trustees on April 13, 1989, the State of Colorado Substance Abuse Policy promulgated by the Governor and Trustees, and institutional codes of professional and student conduct, adopted: August 18, 1990.

### **DRUG FREE WORKPLACE POLICY TO ALL EMPLOYEES**

In accordance with the federal Drug-Free Workplace Act of 1988, MSU Denver adopted the following policy on April 13, 1989 to maintain a drug-free workplace:

### **METROPOLITAN STATE UNIVERSITY OF DENVER**

### **DRUG-FREE WORKPLACE POLICY STATEMENT**

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace or a state-owned vehicle by employees of MSU Denver is prohibited. As a term of his or her employment, every office of MSU Denver shall:

1. Abide by the terms of this Policy Statement; and
2. Notify the appropriate personnel officer of any criminal drug statute conviction for a violation occurring in the workplace or a state-owned vehicle no later than 5 days after such conviction. Any employee who violates the provisions of this Policy Statement shall be subject to appropriate disciplinary action which may include termination.

**This policy prohibits you from using, possessing, distributing, dispensing or manufacturing a controlled substance in your workplace or in a state-owned vehicle.** "Controlled substances" means drugs and substances listed in Schedules I-V of the Controlled Substances Act, 21 U.S.C. § 812 and related federal regulations, 21 C.F.R. §§ 1308.11 - 1308.15 as they may be amended from time to time and Schedules I-V of title 12, article 22, part 3 of the Colorado Revised Statutes as it may be amended from time to time. For purposes of the policy "controlled substances" includes controlled substance analogs as defined by federal and state law. (State and federal controlled substance schedules are available for inspection in your university personnel office.) "Employees" include professional personnel, classified staff and students employed in hourly, state, or federal work-study jobs.

**You have agreed to abide by this policy as a term of your employment. If you violate this policy by unlawfully using, possessing, distributing, dispensing or manufacturing a controlled substance in the workplace or in a state-owned vehicle, you will be subject to appropriate disciplinary action which may include termination of your employment.**

**REPORTING CONVICTIONS.** If you are found guilty of, plead no contest to, or are sentenced for violating a state or federal criminal drug statute in the workplace or in a state-owned vehicle, you must report your conviction to the university personnel office within 5 days. If you fail to report a conviction for a criminal drug offense occurring in the workplace, you will be subject to appropriate disciplinary action, which may include termination of your employment. If you are convicted of a criminal drug offense occurring in the workplace or in a state-owned vehicle, you will be subject to appropriate disciplinary action which may include termination of your employment or, if warranted, satisfactory participation in a drug abuse assistance or rehabilitation program.

**THE DANGERS OF DRUG ABUSE IN THE WORKPLACE.** The dangers of abusing drugs in the workplace and the health risks associated with drug use are described elsewhere in this publication.

**AVAILABLE DRUG COUNSELING, REHABILITATION AND EMPLOYEE ASSISTANCE PROGRAMS.** Drug counseling, rehabilitation and assistance programs in your community are listed elsewhere in this publication. As state employees, you may wish to contact the Colorado State Employees Assistance Program (C-SEAP) for counseling or additional information. C-SEAP handles all inquiries and requests confidentially. Denver area employees should call C-SEAP at 866-4314.

### **METROPOLITAN STATE UNIVERSITY OF DENVER RESOURCE DIRECTORY: DRUG AND ALCOHOL TREATMENT PROGRAMS**

**Drug or alcohol counseling, treatment, rehabilitation, or re-entry programs are available to employees and/or students through the following resources:**

**MSU Denver Counseling Center**

Tivoli 651  
(303) 556-3132

**Health Center at Auraria**

Plaza Building-150  
(303) 556-2525

**Mental Health Center of Boulder County**

24 Hour Emergency Crisis Line:  
(303) 447-1665

**Community Reach Center**

(303) 853-3500 (24 hours)

**Arapahoe Mental Health Center**

(303) 797-9346 (By appointment)  
(303) 795-6187 (24 hours)

**Denver Mental Health Corp.**

(303) 504-1250 (8:00am – 5:00pm) (Monday – Friday)

**Jefferson Center for Mental Health**

(303) 425-0300 (24 hours)

**Colorado State Employees Assistance Program: (303) 866-4314**

Additional referral information and assistance is available at the MSU Denver Counseling Center: (303) 556-3132  
**LOCAL, STATE AND FEDERAL LEGAL SANCTIONS FOR THE UNLAWFUL USE, POSSESSION AND DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL**

This is a brief summary of some of the principal local, state and federal criminal sanctions for the unlawful use, possession and distribution of illicit drugs and alcohol. It is neither comprehensive nor exhaustive. For a detailed description of these and other drug- and alcohol-related sanctions, you should refer to local codes of ordinances, title 18 of the Colorado Revised Statutes, titles 18 and 21 of the United States Code and related administrative regulations. State and federal controlled substance schedules are available for inspection in university personnel and student affairs offices.

**I. USE, POSSESSION AND DISTRIBUTION OF ILLICIT DRUGS**

**A. LOCAL LEGAL SANCTIONS**

Denver Code of Ordinances section 38-72 prohibits persons under the influence of narcotic drugs, Stimulants, or depressants from being turbulent, violent, menacing or disorderly in any private house or place to such an extent as to jeopardize persons or property or to menace the public peace and safety. Code section 38-173 prohibits the unauthorized possession of hypodermic needles, syringes or similar devices. Code section 38-174 prohibits intoxication by and the use, possession, purchase, sale or gift of substances releasing toxic vapors (e.g., glue, organic solvents, etc.) under circumstances in which the offender intends or has reason to believe that the substance is being or will be used to cause a condition of euphoria, excitement, exhilaration or dulled senses.

**B. STATE LEGAL SANCTIONS: The Uniform Controlled Substances Act of 1992**

**1. UNLAWFUL USE OF CONTROLLED SUBSTANCES OTHER THAN MARIJUANA OR MARIJUANA CONCENTRATE.**

Section 18-18-404, C.R.S. makes it unlawful for a person to use a controlled substance or analog listed in Schedules I-V of part 2 of article 18 of title 18 of the Colorado Revised Statutes 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. The penalties are:

- a. If the controlled substance is listed in Schedules I or II (e.g., heroin, morphine, opium, codeine, LSD, DMA, MDMA, STP, mescaline, psilocybin, THC, PCP, cocaine, amphetamines, methaqualone, secobarbital) -- 1-4 years imprisonment and/or a \$1,000-\$100,000 fine.
- b. If the controlled substance is listed in Schedules III - V (e.g., many prescription stimulants, depressants, narcotics, pain-killers, tranquilizers and anabolic steroids) -- 6 months-2 years imprisonment and/or a \$500-\$5,000 fine.

**2. UNLAWFUL POSSESSION, DISTRIBUTION OR SALE OF CONTROLLED SUBSTANCES OTHER THAN MARIJUANA OR MARIJUANA CONCENTRATE.**

Section 18-18-405, C.R.S. makes it unlawful for a person knowingly to possess, distribute, with or without compensation, sell or manufacture a controlled substance or analog listed in schedules I-V.

The penalties are:

- a. If the controlled substance is listed in Schedules I or II -- 4-6 years imprisonment and/or a \$3,000-\$750,000 fine.
- b. If the controlled substance is listed in Schedule III -- 2-8 years imprisonment and/or a \$2,000- \$500,000 fine.
- c. If the controlled substance is listed in Schedule IV -- 1-4 years imprisonment and/or a \$1,000- \$100,000 fine.
- d. If the controlled substance is listed in Schedule V -- 6 months-2 years imprisonment and/or a \$500 - \$5,000 fine.
- e. If the offense involves the distribution, sale, manufacture or possession with intent to sell or distribute 28 or more grams of any substance which contains cocaine (or, if within a 6month period, a person commits two or more of the foregoing acts involving an aggregate of 28 or more grams of cocaine), a minimum penalty of 4 years imprisonment and a \$3,000-\$750,000 fine is mandatory.
- f. Repeat offenders will be sentenced to substantially longer prison terms and/or larger fines.

**3. OFFENSES RELATING TO MARIJUANA AND MARIJUANA CONCENTRATE.** Under section 18-18-406, C.R.S.:

- a. Possession, use, or distribution, without compensation, of not more than 1 ounce of marijuana may be punished by a fine of not more than \$100.

- b. Open and public display or use of not more than 1 ounce of marijuana may be punished, at a minimum, by a fine of not less than \$100 or, at a maximum, by a fine of not more than \$100 and 15 days imprisonment.
- c. Possession or use of more than 1 ounce but less than 8 ounces of marijuana may be punished by 6 months - 2 years imprisonment and/or a \$500 - \$5,000 fine.
- d. Possession or use of 8 or more ounces of marijuana may be punished by 1-4 years imprisonment and/or a \$1,000-\$100,000 fine.
- e. Possession or use of any amount of marijuana concentrate (e.g., hashish) may be punished by 1-4 years imprisonment and/or a \$1,000-\$100,000 fine.
- f. Except as described elsewhere in this paragraph, a person who knowingly sells or distributes, with or without compensation, or possesses with intent to sell or distribute, with or without compensation, marijuana or marijuana concentrate may be punished by 2-8 years imprisonment and/or a \$2,000-\$500,000 fine.
- g. A person 18 years of age or older who distributes more than 1 ounce of marijuana, for compensation, to another person under 18 but at least 15 years of age, or any amount of marijuana, with or without compensation, to another person under the age of 15, or who distributes any amount of marijuana concentrate, with or without compensation, to another person under the age of 18, may be punished by a fine of at least \$2,000 in addition to 2-8 years imprisonment and/or a \$2,000-\$500,000 fine.
- h. Cultivation of marijuana or preparation of marijuana concentrate may be punished by 2-8 years imprisonment and/or a \$2,000-\$500,000 fine.
- i. Repeat offenders will be sentenced to substantially longer prison terms and/or larger fines.

#### 4. OTHER STATE LEGAL SANCTIONS RELATED TO THE USE, POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS.

In addition to the sanctions described above, other sanctions may be incurred as a result of the use, possession, or distribution of illicit drugs. These include, but are not limited to:

- a. Special Offender Designation: If a felony drug offense involves or is accompanied by aggravating circumstances, the person convicted of the felony may be designated as a special offender and sentenced to more than 24 but not more than 48 years imprisonment. These aggravating circumstances include: (i) 2 or more prior convictions for the sale or distribution of controlled substances which were punishable by imprisonment exceeding 1 year; (ii) using or possessing a deadly weapon; (iii) using a child as an agent to assist in the distribution, sale or possession with the intent to distribute or sell any controlled substance; (iv) introducing or importing any schedule I or II controlled substance into the State of Colorado; and (v) possessing, selling, distributing, or importing more than 100 pounds of marijuana into the State of Colorado.
- b. Distribution, Sale or Possession with Intent to Distribute or Sell Controlled Substances On or Near School Grounds: Any person who sells, distributes or possesses with intent to sell or distribute any controlled substance to a person under the age of 18 on or within 1,000' of any elementary, middle or high school grounds shall be punished by mandatory imprisonment for a minimum term of 5 years for a first offense and 20 years for a subsequent offense.
- c. Abusing Toxic Vapors: Any person who knowingly inhales or aids another person to use, or who knowingly possesses or buys, toxic vapors or substances containing toxic vapors, for the purpose of inducing euphoria, excitement, stupefaction or dulled senses may be punished by a fine of up to \$500 for a first offense and a fine and imprisonment for up to 6 months for a subsequent offense. "Toxic vapors" includes alcohols, aliphatic acetates, other solvents, cleaning fluids and freon.
- d. Imitation Controlled Substances and Drug Paraphernalia: The Uniform Controlled Substances Act makes it a criminal offense to distribute, manufacture or possess with the intent to distribute any imitation controlled substance, and to possess, manufacture, advertise for sale or sell drug paraphernalia.
- e. Confiscation of Property: Personal property contained in a building that is used for unlawful drug-related activities and personal property, including vehicles and currency, which are used in connection with or constitute proceeds of unlawful drug-related activities may be confiscated and sold by the state. See parts 3 and 5 of article 13 of title 16 of the Colorado Revised Statutes.
- f. Miscellaneous: Persons convicted of felony drug offenses may be ineligible to pursue certain careers such as law and medicine.

## **C. FEDERAL LEGAL SANCTIONS**

### **1. UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCES.**

21 U.S.C. section 844a prohibits the knowing and intentional possession of a controlled substance listed in schedules I-V of section 812 of the United States Code (as modified from time to time by federal administrative rules and regulations) or a controlled substance analog unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner while acting in the course of his professional practice. The penalties are:

- a. Imprisonment for not more than 1 year, a fine of \$1,000 - \$100,000 or both;
- b. If the offense involves more than 5 gms. of a substance containing cocaine base (crack) -- Mandatory imprisonment for 5 to 20 years or a fine of \$250,000 or both. Repeat offenders will be sentenced to the same terms of imprisonment and fines for possession of as little as 1 gm. of crack.
- c. Minimum sentences imposed for the possession of controlled substance may not be suspended or deferred.
- d. Offenders convicted of possession of a controlled substance may also be fined the reasonable costs of investigating and prosecuting the offense.
- e. Repeat offenders will be sentenced to substantially longer prison terms and/or larger fines.
- f. Under 21 U.S.C. section 844a, a person who knowingly possesses a "personal use amount" of a controlled substance is liable to the United States for a civil penalty of \$10,000 for each violation.

### **2. UNLAWFUL DISTRIBUTION OF CONTROLLED SUBSTANCES.**

21 U.S.C. section 841 provides that it is unlawful for any person knowingly or intentionally to distribute or possess with intent to distribute a controlled substance listed in schedules I-V of section 812 of the United States Code (as modified from time to time by federal administrative rules and regulations) or a controlled substance analog. "Distribute," means any actual or attempted transfer of a controlled substance. Violations of 21 U.S.C. section 841 are punished as follows:

- a. For offenses involving:
  - i. 1 kg, or more, of a substance containing a detectable amount of heroin; or
  - ii. 5 kg, or more, of a substance containing a detectable amount of coca leaves, cocaine, or ecgonine; or
  - iii. 50 gms, or more, of a substance containing crack; or
  - iv. 100 gms, or more, of phencyclidine (PCP) or 1 kg. or more of a substance containing a detectable amount of PCP; or
  - v. 10 gms, or more, of a substance containing a detectable amount of lysergic acid diethylamide (LSD); or
  - vi. 400 gms, or more, of a substance containing a detectable amount of N-phenyl-N-[1-2 phenylethyl]-4-piperdiny] propanamide (Fentanyl) or 100 gms, or more, of a substance containing a detectable amount of any analog of Fentanyl; or
  - vii. 1,000 kg, or more, of a substance containing a detectable amount of marijuana (including hashish and other marijuana derivatives) or 1,000 or more marijuana plants regardless of weight; or
  - viii. 100 gms, or more, of methamphetamine or 1 kg. or more of a substance containing a detectable amount of methamphetamine; The penalties are:
    - i. 10 years to life imprisonment, a fine of not more than \$4,000,000, or both; or
    - ii. If death or serious bodily injury results from the use of the substance -- 20 years to life imprisonment, a fine of not more than \$4,000,000, or both. Offenders are not eligible for suspended sentences or probation nor are they eligible for parole during the terms of imprisonment to which they are sentenced. Repeat offenders will be sentenced to substantially longer prison terms (which may include mandatory life imprisonment without release) and larger fines.
- b. For offenses involving:
  - i. 100 gms, or more, of a substance containing a detectable amount of heroin; or
  - ii. 500 gms, or more, of a substances containing a detectable amount of coca leaves, cocaine, or ecgonine; or
  - iii. 5 gms, or more, of a or substance containing crack; or
  - iv. 10 gms, or more, of PCP or 100 gms, or more, of a substance containing a detectable amount of PCP; or
  - v. 1 gm. or more of a substance containing a detectable amount of LSD; or
  - vi. 40 gms, or more, of a substance containing a detectable amount of Fentanyl or 10 gms, or more, of a substance containing a detectable amount of any analog of Fentanyl; or



- vii. 100 kg, or more, of a substance containing a detectable amount of marijuana (including hashish and other marijuana derivatives) or 100 or more marijuana plants regardless of weight; or
- viii. 10 gms, or more, of methamphetamine or 100 gms, or more, of a substance containing a detectable amount of methamphetamine; The penalties are:
  - i. 5 to 40 years imprisonment, a fine of not more than \$2,000,000, or both; or
  - ii. If death or serious bodily injury results from the use of the substance -- 20 years to life imprisonment, a fine of not more than \$2,000,000, or both. Offenders are not eligible for suspended sentences or probation nor are they eligible for parole during the terms of imprisonment to which they are sentenced. Repeat offenders will be sentenced to substantially longer prison terms (which may include mandatory life imprisonment) and larger fines.
- c. For other offenses involving schedule I or II controlled substances (including marijuana, but excepting certain marijuana-related offenses) the penalties are:
  - i. Imprisonment for not more than 20 years, a fine of not more than \$1,000,000 or both; or
  - ii. If death or serious bodily injury results from the use of the substance -- 20 years to life imprisonment, a fine of \$1,000,000, or both. Offenders who are sentenced to mandatory imprisonment because the use of the substance resulted in death or serious bodily injury are not eligible for suspended sentences or probation, nor are they eligible for parole during the term of imprisonment to which they are sentenced. Repeat offenders will be sentenced to substantially longer prison terms (which may include mandatory life imprisonment) and larger fines.
- d. For offenses involving schedule III controlled substances, less than 50 kg of marijuana, less than 50 marijuana plants regardless of weight, less than 10 kg. of hashish, and less than 1 kg of hashish oil, the penalty is: Imprisonment of not more than 5 years, a fine of not more than \$250,000, or both. Repeat offenders will be sentenced to substantially longer prison terms and larger fines.
- e. For offenses involving schedule IV controlled substances the penalty is: Imprisonment for not more than 3 years, a fine of not more than \$250,000, or both. Repeat offenders will be sentenced to substantially longer prison terms and larger fines.
- f. For offenses involving schedule V controlled substances, the penalty is: Imprisonment of not more than 1 year, a fine of not more than \$100,000, or both.
- g. For offenses involving small amounts of marijuana (including hashish and other marijuana derivatives), distributed without compensation, the penalty is: Imprisonment for not more than 1 year, a minimum fine of \$1,000, or both. Offenders may also be fined the reasonable cost of investigating and prosecuting the offense. Minimum sentences imposed for distribution of small amounts of marijuana without compensation may not be suspended or deferred.

### 3. DISTRIBUTION OF CONTROLLED SUBSTANCES TO PERSONS UNDER 21.

21 U.S.C. section 845 provides that a person 18 years of age or older who is convicted of distributing a controlled substance to a person under 21 will be punished by:

- a. For the first offense -- a term of imprisonment, a fine, or both, up to twice that authorized for the underlying offense by section 841. The minimum term of imprisonment may not be less than 1 year. However, the mandatory minimum sentence does not apply to offenses involving less than 5 gms of marijuana.
- b. For second and subsequent offenses -- substantially longer prison terms and larger fines.

### 4. DISTRIBUTION OR MANUFACTURING CONTROLLED SUBSTANCES IN OR NEAR SCHOOLS AND UNIVERSITIES.

21 U.S.C. section 845a provides that any person who is convicted of distributing or possessing with intent to distribute a controlled substance in or on or within 1,000 feet of an elementary, vocational or secondary school, or a college, junior college or university, or within 100 feet of a playground, youth center, public swimming pool or video arcade facility will be punished by:

- a. For a first offense -- a term of imprisonment, fine or both, up to twice that authorized for the underlying offense by section 841. The minimum term of imprisonment may not be less than 1 year. However, the mandatory minimum sentence does not apply to offenses involving less than 5 gms of marijuana.
- b. For second and subsequent offenses -- substantially longer prison terms and larger fines.

### 5. EMPLOYMENT OF PERSONS UNDER 18, RECEIVING CONTROLLED SUBSTANCES FROM OR DISTRIBUTING CONTROLLED SUBSTANCES TO PERSONS UNDER 18 AND DISTRIBUTING CONTROLLED SUBSTANCES TO PREGNANT WOMEN.

Under 21 U.S.C. section 845b it is unlawful for any person 18 years of age or older to: (a) employ, use, induce or coerce a person under 18 to commit a federal controlled substance offense; (b) receive a controlled substance from a person under 18 who is not an immediate family member; or (c) distribute a controlled substance to a pregnant woman. Offenders will be punished by:

a. For a first offense -- a term of imprisonment, a fine, or both, up to twice that otherwise authorized for the underlying offense. The minimum term of imprisonment may not be less than 1 year.

b. For second and subsequent offenses -- substantially longer prison terms and larger fines. Anyone who violates section 845b by knowingly distributing a controlled substance or controlled substance analog to a person under 18 will be punished by imprisonment of not more than 5 years, a fine of \$50,000 or both in addition to the other penalties authorized by section 845b. Offenders sentenced under section 845b are not eligible for a suspended sentence or probation nor are offenders eligible for parole until they have served the minimum sentence imposed for the offense.

#### **6. OTHER FEDERAL LEGAL SANCTIONS RELATED TO THE USE, POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS.**

a. Attempts, Conspiracies and Continuing Criminal Enterprises: Attempts, conspiracies and continuing criminal enterprises involving the manufacture or distribution of controlled substances are punished under 21 U.S.C. section 846 and 848. In the case of continuing criminal enterprises, the penalty is 20 years to life imprisonment, a fine of not less than \$2,000,000 or both. Life imprisonment may be mandatory. In extraordinary cases offenders may be sentenced to death.

b. Forfeiture of Property: 21 U.S.C. sections 853 and 881 provide for the forfeiture of real and personal property including motor vehicles which constitute direct or indirect proceeds of, which are derived from or which are used to facilitate or commit many controlled substance offenses including possession of crack. Such property may be seized and destroyed or sold by the federal government.

c. Ineligibility for Certain Federal Benefits: 21 U.S.C. section 853a provides that persons convicted of unlawful possession or distribution of controlled substances shall be ineligible for certain federal benefits (including grants, student loans, contracts and professional and commercial licenses) for a minimum period of 1 year for a first offense involving possession up to permanently for multiple offenses involving distribution. In lieu of or in addition to the 1 year ineligibility period for first offenses involving possession, the court may order offenders to complete a drug treatment program and/or perform community service.

d. Miscellaneous: Offenders are ineligible to receive or purchase firearms. Certain federal benefits and licenses (e.g., public housing occupancy, pilot's licenses) may be resolved by federal agencies.

## **II. UNLAWFUL USE, POSSESSION AND DISTRIBUTION OF ALCOHOL. A. LOCAL LEGAL SANCTIONS**

Denver Code of Ordinances section 38-172 prohibits persons under the influence of alcohol from being drunk, turbulent, violent, menacing or disorderly in any private house or place to such an extent as to jeopardize persons or property or to menace the public peace and safety. Code of Ordinances sections 34-63 and 34-64 makes it unlawful for a minor to purchase, procure, or utilize the services of another, with or without compensation, to procure beer, wine and liquor. The offenses are punishable by fines of not more than \$999. Section 34-62 prohibits minors from making false statements or presenting false or fictitious identifying documents or identification documents issued to another person for the purpose of procuring beer, liquor and wine. The offense is punishable by a fine of not more than \$999.

### **B. STATE LEGAL SANCTIONS**

#### **1. UNLAWFUL USE, POSSESSION AND DISTRIBUTION OF FERMENTED MALT BEVERAGES (3.2 BEER).**

Under sections 12-46-112 and -114, C.R.S.:

a. A person who sells, serves, or gives away or who permits the sale, serving or giving of 3.2 beer to any person under 21 or to a visibly intoxicated person may be punished by 3 months - 1 year imprisonment and/or a \$250 - \$1,000 fine.

b. A person under 21 who by misrepresentation of age or any other method buys or attempts to buy 3.2 beer may be punished by a fine of \$25-\$100.

c. A person under 21 who has in his or her possession 3.2 beer in any store, public place or on property owned by the State of Colorado or any subdivision thereof, or inside a vehicle while upon a public street or highway, may be punished by a fine of \$25-\$100.

d. A person who knowingly permits or fails to prevent the use of his or her identification by a person under 21 to unlawfully purchase 3.2 beer may be punished by imprisonment for not more than 1 year and/or a fine of not more than \$300.

## 2. UNLAWFUL USE, POSSESSION AND DISTRIBUTION OF ALCOHOLIC BEVERAGES OTHER THAN FERMENTED MALT BEVERAGES.

"Alcoholic beverages" means malt, vinous or spirituous liquors other than 3.2 beer. Under section 12-47-128 and -130, C.R.S.:

a. A person who sells, serves or gives away or permits the sale, serving or giving of any alcoholic beverage to any person under 21 or to any visibly intoxicated person may be punished by 3 months - 1 year's imprisonment and/or a \$250-\$1,000 fine.

b. A person under 21 who by misrepresentation of age or any other method buys or attempts to buy an alcoholic beverage may be punished by 3 months - 1 year imprisonment and/or a \$250-\$1,000 fine. If the person has already been convicted of the same offense or of unlawful possession of an alcoholic beverage, the court must impose at least the minimum fine. Although the court has no discretion to suspend the fine, it may order the fine to be paid by public work.

c. A person under 21 who has in his/her possession an alcoholic beverage in any store, public place, or on property owned by the State of Colorado or any subdivision thereof, or inside a vehicle while upon a public street or highway, may be punished by 3 months - 1 year imprisonment and or a \$250-\$1,000 fine. If the person has already been convicted of the same offense or of unlawfully obtaining or attempting to obtain an alcoholic beverage, the court must impose at least the minimum fine. Although the court has no discretion to suspend the fine, it may order the fine to be paid by public work.

d. A person who sells an alcoholic beverage without a license to do so may be punished by imprisonment for not more than 1 year and/or a fine of not more than \$5,000.

e. A person who consumes an alcoholic beverage in any public place except on licensed premises permitted to sell such beverage by the drink may be punished by imprisonment for not more than 1 year and/or a fine of not more than \$5,000.

f. A person who knowingly permits or fails to prevent the use of his or her identification by a person under 21 to unlawfully purchase an alcoholic beverage may be punished by imprisonment for not more than 1 year and/or a fine of not more than \$5,000.

## 3. ILLEGAL POSSESSION OR CONSUMPTION OF ETHYL ALCOHOL BY AN UNDERAGED PERSON.

Under section 18-13-122, C.R.S., it is unlawful for any person under 21 to possess or consume any substance containing ethyl alcohol anywhere in Colorado unless: (a) the under-aged person was legally on private property with the knowledge and consent of the property owner and his or her parent or legal guardian was also present and consented to the possession or consumption of the alcohol; or (b) the presence of ethyl alcohol in the under-aged person's body is due solely to the ingestion of a confectionery or a substance which was intended primarily for a purpose other than human oral ingestion, or which was intended solely for medicinal or hygienic purposes, or which contained less than 0.5% ethyl alcohol by weight; or (c) the under-aged person possessed or consumed ethyl alcohol for religious purposes protected by the first amendment to the United States Constitution. Illegal possession or consumption of alcohol by an under-aged person is a strict liability offense punishable by a fine of not more than \$100 and, in the discretion of the court, up to 24 hours of community service. Offenders may also be ordered to submit to and complete an alcoholic evaluation assessment, an alcohol education program or an alcohol treatment program at their own expense.

4. MISCELLANEOUS. Driving while under the influence of or impaired by alcohol (or drugs) is a serious criminal offense which can lead to the loss of your driver's license, fines and imprisonment.