

NEW JERSEY CITY UNIVERSITY ALCOHOL AND OTHER DRUGS POLICY

*(Updated 4/1/2011 by the AOD Task Force;
Updated and approved by the DOS 8/22/2012)*

A. ALCOHOL AND OTHER DRUGS (AOD) POLICY

New Jersey City University is committed to maintaining an alcohol and drug-free environment/workplace in compliance with applicable laws. While recognizing that the responsible and lawful use of alcohol and other drugs is socially acceptable in our society, the University regards the abuse of these substances and the use of illicit drugs as antithetical to its mission. Therefore, NJCU permits the use of alcohol and other drugs only in a manner that is responsible and adheres to restrictions imposed by law and the Universities' standards of conduct. The unlawful use, possession, manufacture, or distribution of alcohol or other drugs by students or by employees is prohibited on University property or as a part of University activities.

B. PURPOSE

The Drug-Free Schools and Campuses Regulations (34 CFR Part 86) require that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

In order to certify its compliance with the regulations, the College is required to: (1) prepare a written policy on alcohol and other drugs; (2) develop a sound method for distribution of the policy annually to every student and employee; (3) conduct biennial reviews of the effectiveness of its program and the consistency of sanction enforcement; and (4) maintain biennial review reports and supporting documents on file, available for inspection by the U.S. Department of Education.

To fulfill the purpose of this student policy in promoting safe and legal behavior regarding the use of alcohol and other drugs, any student found to be using, possessing, manufacturing, or distributing alcohol and/or other controlled substances, in violation of the law, on University property or at University events, shall be subject to disciplinary action in accordance with policies of the State of New Jersey and New Jersey City University.

Further, students who violate this policy will be subject to sanctions which may include completion of an approved drug and alcohol education program or its "alternative", disciplinary warning, probation, suspension and/or expulsion from the University. Even in the most challenging situations, the university seeks first and foremost to educate its students and make decisions regarding disciplinary actions from an educative perspective (i.e., Restorative Justice as per the Code of Conduct). Therefore, sanctions such as

community service or an educational presentation may be imposed. In each case, factors such as the nature and gravity of the incident, the motivation underlying the behavior, the individual's disciplinary history and precedent in similar cases will be considered in determining the appropriate disciplinary action(s).

Additionally, the purpose for the Alcohol and Other Drugs Policy is to educate students and the community about the personal risks and the risks to others (physiological, psychological, emotional, familial, and social) of alcohol and other drug abuse or misuse; provide assistance, resources, and options for those who identify that they are at risk for alcohol and/or other drug abuse or misuse, or who are concerned about risk to another; and publicize and promote counseling, referral, and treatment options for those members of the campus community.

This policy was written and agreed upon in accordance with New Jersey City University philosophies and New Jersey State Laws with the safety of all students, faculty, staff and guests considered.

****The University Policies are consistent with state policies and complied with the Drug-Free Schools and Communities Act (DFSCA) and Drug and Alcohol Abuse Prevention Regulations.***

C. DEFINITIONS

1. Alcohol

Alcohol is the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

2. Alcohol & Substance Abuse (ASAP) Task Force

The ASAP Task Force, under the auspices of the NJCU Counseling Center, brings together faculty, staff, and student representatives who contribute to the University's alcohol and substance abuse education and awareness efforts. While the members of the Task Force aim to provide education on all facets of alcohol and substance use, their primary focus has been to target high-risk alcohol and drug use. This committee and its members meet regularly to discuss alcohol and substance abuse on campus, to evaluate and make recommendations concerning the policy, and to plan outreach strategies.

3. Alcohol Paraphernalia

Alcohol paraphernalia is described as any items used to administer drinking games or assist the user in ingesting alcohol at a fast rate are a violation of University policy. This includes, but is not limited to empty alcohol containers, flasks, shot glasses, kegs, funnels and beer pong, beer balls, and/or punch bowls being used to serve alcohol. Such paraphernalia may not be maintained on University property and will be confiscated if discovered

4. Alcohol and Other Drug Abuse

Alcohol and other drug abuse is the use of mood-altering drugs, including all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, and/or marijuana and/or the use of prescription drugs in a manner that is inconsistent with the direction of a prescribing medical professional.

5. Campus

The campus includes all areas of New Jersey City University, including the West Side Campus facilities, the University Residence Halls (including the residences on Kennedy Boulevard), University controlled athletic fields, and the John J. Moore Athletic & Fitness Center.

6. Controlled Substance

A controlled substance is one whose distribution is controlled by regulations or statute. Such substances include, but are not limited to narcotics, depressants, stimulants, hallucinogens, and cannabis.

7. Drug

A drug is a chemical substance, especially one prescribed by a physician, which is used in the diagnosis, treatment, or prevention of a condition or disease. Drugs are prescribed for a limited amount of time, as for an acute infection, or on a regular basis for chronic disorders, such as hypertension. Prescription drugs include Valium, Morphine, and Benzodiazepines (sleeping pills).

A drug is also any chemical substance that affects the central nervous system and alters mood, behavior, and/or impair functioning, including synthetic forms of substances (i.e. K2, spice, space weed, bath salts), over-the-counter medications used improperly (i.e. cough syrup, nasal sprays), or other household or industrial chemicals (i.e. gasoline, spray paint, hairspray) which may not be currently classified as illicit.

8. Drug Paraphernalia

Drug paraphernalia is defined as all equipment, products, and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance, including roach clips, bongs, pipes, rolling paper etc.

9. Illicit Drugs

These are drugs that are imported, grown, or manufactured illegally. All illicit drugs are dangerous and usually imply a degree of dependence, or in some cases, addiction. Examples are heroin, cocaine, amphetamines, ecstasy, marijuana, methamphetamines, MDMA, and LSD.

10. Narcotics

A narcotic is an addictive drug, such as opium or morphine, which reduces pain, alters mood and behavior, and usually induces sleep or stupor. Natural and synthetic narcotics are used in medicine to control pain.

11. NJCU administrative group/department

Any New Jersey City University organization that consists mainly of faculty and staff members (may have students) and works on behalf of and in accordance with the University.

12. Prescribed Drug

A prescribed drug (or prescription drug) is any substance prescribed by a licensed medical or dental practitioner for individual consumption. It includes prescribed drugs and over-the-counter drugs which may have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

The misuse and abuse of any prescription drugs can result in a variety of physical and psychological consequences ranging from addiction to overdose. Sharing prescribed drugs is a felony and is a violation of the NJCU Alcohol and Other Drug Policy/Code of Conduct.

13. Responsible Use

Responsible use of alcohol and other drugs includes compliance with local, state, and federal laws and NJCU Guidelines and Standards of Social and Behavioral Expectations. It also includes an awareness of the impact of alcohol and/or other drugs on one's self and the care to protect against potential ill effects of use.

D. REGULATIONS GOVERNING THE USE OF ALCOHOLIC LIQUOR AT NEW JERSEY CITY UNIVERSITY EVENTS

The consumption of alcoholic liquor by students on the campus of New Jersey City University is prohibited by the New Jersey City University Alcohol and Other Drugs Policy, the Student Code of Conduct, the Drug Free Workplace Act of 1988 (41 USC Section 701-707), and the Drug-Free Schools and Campuses Act of 1989, except under special circumstances provided by law. Any alcoholic liquor service must

conform to the policies of New Jersey City University and must be approved by the Dean of Students.

1. The Dean of Students has been charged with the overall responsibility to administer and enforce the alcohol and other drug policies for students.
2. A person who has not attained the legal drinking age of 21 shall not purchase, consume, possess, process, store and/or transport any alcoholic beverage on campus, nor shall any such person enter any campus facility with the intent to purchase, consume, possess, process, store and/or transport any alcoholic beverage.
3. A person of legal age shall not give any alcoholic beverage to a person under the legal drinking age, nor shall he/she assist or allow such person to purchase and/or consume any alcoholic beverage.
4. The sale of alcoholic beverages by students on campus is strictly prohibited.
5. ALL marketing, advertising, and promotion of alcoholic beverages on campus is prohibited. All advertisements for social events, at which alcohol will be served, shall not make reference to the amount of alcohol available.
8. There shall be no publicity distributed or posted that indicates the availability of alcoholic beverages, except to indicate legal age requirements for admission.
9. Carrying open containers of alcoholic beverages or consuming them in any public area of campus (campus grounds, restricted residence halls, athletic fields, academic buildings, and dining hall) is prohibited and subject to disciplinary action. Designated University officials reserve the right to inspect squeeze bottles or other containers.

10. Locations

- a. New Jersey City University regulations prohibit the purchase, consumption, possession, process, storage, transportation and/or the attempt to purchase, consume, possess, process, store and/or transport alcohol/drugs in the residence halls and on the university premises.
- b. New Jersey City University regulations prohibit the purchase, consumption, possession, process, storage and/or transportation and/or the attempt to purchase, consume, possess, process, store and/or transport alcohol/drugs in athletic facilities or at athletic events.

11. Student- Sponsored Special Events/Social Events

- a. Alcohol is prohibited at all NJCU undergraduate, student-sponsored events both on and off campus. (*The only exception to this would be Special Events

occurring off-campus, co-sponsored with an NJCU administrative group/department and/or office with permission from the Dean of Students).

- b. As per NJCU Procurement Services Policy, alcohol may not be purchased with university funds, student club/organization fees, or dues*.
- c. Public intoxication/drunkenness is not an acceptable condition for anyone on campus. Students found in such condition will be asked to leave campus events or, if their behavior is disruptive in any way, they may have charges filed against them.

E. DRUG VIOLATIONS

The illegal possession or illegal use of drugs may subject individuals to criminal prosecution. The University will refer violations or proscribed conduct to appropriate authorities for prosecution.

1. The intent of, actual distribution of, sale of, or manufacturing of drugs, narcotics, barbiturates, hallucinogens, marijuana, steroids, amphetamines or any other controlled substance is prohibited.
2. The possession or use of controlled dangerous substances, marijuana, steroids, or narcotics, including, but not limited to, opium (morphine, codeine, heroin), prescription drugs in possession of someone other than the prescribed individual, misuse of prescribed drugs, and every other substance not chemically distinguishable from them (i.e. imitation products, such as bath salts and/or K2) as well as any drug paraphernalia, on campus or in any University-related premises is prohibited. This includes marijuana prescribed for debilitating medical conditions as it is not allowed on University property.

*Students should be aware that federal law dictates that conviction in criminal court for certain controlled substance offenses including drug possession and/or sale may make them declared ineligible for Federal Financial Aid for a period of time. See the Financial Aid Office for details.

F. PARAPHERNALIA

Drug paraphernalia is defined as “...all equipment, products, and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance... including... roach clips... bongs... pipes...etc.”

1. Use or Possession with Intent to Use, Narcotic Paraphernalia (N.J.S.A. 2C:36-2 – provides that such conduct carries a disorderly persons offense).

2. Distribute, Dispense, Possess with Intent to, Narcotics Paraphernalia (N.J.S.A. 2C:36-3 – provides that such conduct is a fourth degree crime).
3. Advertise to Promote Sale of Narcotics Paraphernalia (N.J.S.A. 2C:36-4 – provides that such conduct is a fourth degree crime).
4. Delivering Paraphernalia to Person Under Eighteen Years (N.J.S.A. 2C:36-5) provides that such conduct constitutes a third degree crime.
5. Possession or Distribution of Hypodermic Syringe (N.J.S.A. 2C:36-6) provides that such conduct constitutes a disorderly persons offense.

G. NEW JERSEY CITY UNIVERSITY SANCTIONS

1. All offenses and/or violations of the University's alcohol and other drugs policy shall be processed by the Office of the Dean of Students (unless the offense occurred in the Residence Halls, in which the Director of Residence Life would determine the sanctions) and/or the office of Human Resources.
2. New Jersey City University complies with federal and state regulations concerning alcohol incidents. Violators of this policy may be issued a summons from the State of New Jersey, as well as sanctions, according to the Code of Conduct as imposed by the Dean of Students.
3. The University has made provisions to afford due process to students accused of misconduct. Established judicial procedures guarantee the accused a proper hearing and the right to an appeal.
4. Examples of violations are the use of false identification, drunk and disorderly conduct, consumption of alcohol in unapproved locations, supplying alcohol to minors, fighting, intoxication, vandalism, abusive, vulgar or obscene language, and malicious behavior involving fire alarms, safety equipment, etc., and driving on campus while intoxicated. Persons unable to exercise care for their own safety or the safety of others are also in violation.
5. Civil authorities have jurisdiction on the campus. Cases of policy violation deemed to be severe or that pose a serious threat to the safety and security of the University community may be referred directly to civil authorities.
6. A student found guilty of violating this policy shall be subject to sanctions which are commensurate with the offense. These include, but are not limited to:
 - a. **First Offense**
 - 1) Alcohol and Other Drug (AOD) information provided to students in the form of a two-hour workshop.
 - 2) Letter of admonition outlining consequences for further violations.

- 3) Participation in Community Service not to exceed 10 hours.
- 4) Residence Hall and/or disciplinary probation.
- 5) Parental notification (written) if the student is under the age of 21.
- 6) Possible fine and/or financial charges if there are damages to NJCU property.
- 7) Possible fine and/or financial charges if there are damages to NJCU property.

b. Second Offense

- 1) Students will be required to attend three 1-hour AOD workshops.
- 2) Letter of admonition outlining consequences for further violations.
- 3) Participation in Community Service not to exceed 20 hours.
- 4) Possible suspension from the residence hall.
- 5) Residence Hall and/or disciplinary probation.
- 6) Parental notification (written/verbal) if student is under the age of 21.
- 7) Possible fine and/or financial charges if there are damages to NJCU property.

c. Third Offense

- 1) Automatic referral to off-campus counseling for substance abuse assessment and treatment. The student is required to comply with all treatment recommendations.
- 2) Participation in Community Service not to exceed 30 hours.
- 3) Disciplinary probation/removal from housing and possible suspension from the university.
- 4) Parental involvement.
- 5) Possible fine and/or financial charges if there are damages to NJCU property.

H. PARENTAL NOTIFICATION FOR STUDENT VIOLATIONS OF THE ALCOHOL & OTHER DRUG POLICY

A 1998 amendment to The Family Education Rights and Privacy Act of 1974 authorizes higher education institutions to inform a parent or legal guardian of any student under age 21, who has been found in violation of any federal, state or local law or any rule or policy of the institution governing the use or possession of alcohol or controlled substances.

The Office of Judicial Affairs will notify parents/guardians of students under 21 years of age when a student is found responsible for (1) a violation of the alcohol and other drug policy, (2) a second violation of the alcohol and other drug policy, and (3) on the first violation of the alcohol policy when one or more of the following occurs:

1. The student demonstrates a reckless disregard for his or her personal safety or the safety of others

2. Medical attention to any person, including the student, is required as a result of the student's alcohol-related behavior. In a situation where a student's health or safety is/was seriously endangered every attempt will be made to notify the parent/guardian immediately.
3. There is significant property damage.
4. The student operates a motor vehicle under the influence of alcohol.
5. The incident involves another serious violation of the Code of Conduct or New Jersey Law.

I. NEW JERSEY ALCOHOL LAWS AND PENALTIES

1. **Legal Drinking Age** – As of January 1, 1983, New Jersey's legal drinking age is 21 years.
2. **Possession and Consumption** – In addition to New Jersey City University policies on alcoholic liquor, Hudson County ordinances and New Jersey state laws provide criminal penalties for specific violations occurring on campus.
 - a. **Purchase**
Title 33 of the New Jersey Statutes makes it an offense, punishable by a minimum fine of \$100, a mandatory one-year driver's license suspension, and mandatory participation in an alcohol education program, for any person under the legal drinking age to enter any licensed premises with intent to purchase any alcoholic beverage, or for any person of legal drinking age to enter any licensed premises with intent to purchase any alcoholic beverage for someone under the legal drinking age.
 - b. **Service to Underage**
Any person who knowingly offers, serves or makes available alcohol to an underage person, or entices the underage person to consume alcohol is committing a disorderly persons offense and faces a fine up to \$1,000.
 - c. **Regulation of Sales or Gifts**
 - i. Title 33 of the New Jersey Statutes makes it unlawful to directly or indirectly sell alcoholic beverages to any person of any age without a license or special permit issued by the New Jersey Alcoholic Beverage Control Commission. Sale is construed to include admission charges, the sale of cups, the sale of tickets, and/or the acceptance of donations.
 - ii. N.J.S. 2C: 33-17 states that making any alcoholic beverage available to a person under the legal drinking age, in public or private, without an adult parent or guardian present and consenting, is punishable by a fine of \$1,000 and/or up to 6 months in jail. NOTE: It is not a defense for any of the above charges that the accused believed the person to be of legal age, even if that belief was reasonable. The only available defense is based on

the presentation of a photographic identification card or state driver's license.

d. **Open Container Law**

- i. Having an open or unsealed container of an alcoholic beverage in a car carries a \$200 fine for first offense and a \$250 fine or 10- day community service obligation for the second offense.
- ii. N.J.S. 2C: 33-15 provides for a minimum fine of \$100, a mandatory 30-day loss of driving privilege, and required participation in an alcohol education program for any person under the legal drinking age to possess, in any public place, any alcoholic beverage, regardless of whether or not the container is sealed.
- iii. N.J.S. 39:4-50 provides for a minimum \$200 fine for any motor vehicle operator or passenger found to be in possession of any open container of an alcoholic beverage, regardless of age.
- iv. Article 84-39 Hudson County Ordinance: It shall be unlawful for any person to consume any alcoholic beverage or to possess any alcoholic beverage in an open container with intent to consume the same on any sidewalk, street, avenue, highway, public parking lot, or other public place, or in any motor vehicle not on private property, within Hudson County at any time (except during block/street affairs where permits have been requested and issued).

- e. **Transporting Alcoholic Beverages** – Title 33 of the New Jersey Statutes provides for serious penalties (including the seizure and sale at auction of any motor vehicle involved) for any person, without a transportation permit issued by the New Jersey State Alcoholic Beverage Control Commission, to transport, in an automobile within this state, the equivalent of more than five cases of beer or other malt beverages. Specific gallon limits also apply for distilled liquors and wines.

3. **Driving Under the Influence**

N.J.S. 39:4-50 provides for the following penalties for any person convicted of operating a motor vehicle anywhere within this state, on public or private property, while under the influence of an alcoholic beverage or any drug (including lawful drugs if the driver's ability to safely operate a motor vehicle is impaired).

a. **Driving While Intoxicated**

A person is legally drunk if his or her blood alcohol concentration (BAC) is 0.10 percent or higher. A person also may be arrested with a BAC lower than 0.10 percent if his or her driving ability is considered unsafe. In either case, the person is charged with Driving While Intoxicated (DWI). All persons convicted of DWI must pay an insurance surcharge of at least \$1,000 per year for three years, in addition to the following penalties:

- i. First Offense: Additional fines and charges of at least \$470; loss of license for six-12 months; 12- 48 hours to be spent at an intoxicated driver resource center; and a possible 30- day jail sentence.
- ii. Second Offense: Additional fines and charges of at least \$720; loss of license for two years; requirements for 30 days of community service and 48 hours at an intoxicated driver resource center or jail; and a possible 90- day jail sentence.
- iii. Third Offense: Additional fines and charges of at least \$1,120; loss of license for 10 years; a 180- day jail sentence; and an insurance charge of \$1,500 per year for three years.

c. **Refusing the Breath Test**

Refusal to take the breath test when there is probable cause for arrest carries a fine of \$250-\$500, a loss of license for six months, and an obligation to complete an alcohol education or rehabilitation program. A person can be convicted of DWI without the results of a breath or blood alcohol test.

d. **Driving on a Suspended License**

Driving with a suspended license because of a DWI conviction carries up to two years additional suspension, a fine of \$500 and a possible 90- day jail sentence. Involvement in an injury-causing accident carries a mandatory 45- day jail sentence.

4. **The Use and Misuse of Forms of Identification**

a. **Transfer of I.D.**

Any person who is underage and uses another person's I.D. to obtain alcohol or a person who is of legal age and gives his or her I.D. to an underage person to obtain alcohol, faces a fine of up to \$300 or a 60- day jail sentence.

b. **Manufacturing False I.D.**

Any person who sells or offers to sell a document that simulates a state driver's license or other governmental document that could be used to verify a person's age is guilty of a disorderly person's offense and faces a fine of up to \$1,000.

J. NEW JERSEY DRUG LAWS

Drug-Related Laws and Penalties in New Jersey All New Jersey DWI laws cover the use of other drugs as well as alcohol.

1. **Age and Drug Offenses**

A person 14 years or older charged with a drug offense can be tried as an adult; anyone convicted of distribution of controlled substances to a person under 18 is subject to twice the fine, penalty and term of imprisonment.

2. **Drug-Induced Deaths**

If a person dies as the result of using a controlled substance, the person who distributes or dispenses the substance can be prosecuted for homicide.

3. **Fines/Penalties**

Anyone convicted of a drug offense, including use, must pay a special cash penalty (from \$500 to \$3,000), which is used for drug enforcement and prevention programs.

4. **Drug Use/Driving Privilege** Anyone convicted of a drug offense will lose his or her driver's license for at least six months; anyone under 17 convicted of a drug offense may not be able to get a license for at least six months after turning 17.

5. **Drug-Free School Zones**

Anyone convicted of distributing controlled substances may be considered to be a dealer and be subject to imprisonment without parole; anyone convicted of simple possession will be required to perform at least 100 hours of community service; anyone convicted, as an adult, of possessing a drug other than marijuana will serve three years in prison without parole; and anyone convicted as an adult for distributing any amount of marijuana will serve at least one year in prison without parole.

6. **Leader of Narcotics Trafficking Network**

A person is a leader of a narcotics trafficking network if he or she conspires with others, as an organizer, supervisor, financier or manager, to engage for profit in a scheme or course of conduct to unlawfully manufacture, distribute, dispense, bring into this state or transport any controlled substance. Leading a narcotics trafficking network is a crime of the first degree and, upon conviction, a person will be sentenced to an ordinary term of life imprisonment during which the person must serve 25 years before being eligible for parole. The court also may impose a fine not to exceed \$500,000 or five times the street value of the controlled dangerous substance or controlled substance analog involved, whichever is greater.

7. **Maintaining or Operating a Controlled Dangerous Substance Production Facility**

Any person who knowingly maintains or operates any premises, place or facility used for the manufacture of any substances classified as a narcotic drug, or any person who knowingly aids, promotes, finances or otherwise participates in the maintenance or operation of such premises, place or facility is guilty of a crime of the first degree and will be sentenced to a term that will be fixed at or between one-third and one-half of the sentence imposed, during which the defendant will be ineligible for parole. The court also may impose a fine not to exceed \$500,000 or five times the street value of all controlled dangerous substances at any time manufactured or stored at such premises, place or facility, whichever is greater.

8. **Manufacturing, Distributing or Dispensing**

It shall be unlawful for any person knowingly or purposely:

- a. To manufacture, distribute or dispense, or to possess or have under his or her control with intent to manufacture, distribute or dispense a controlled dangerous substance or controlled substance analog.
- b. To create, distribute or possess, or have under his or her control with intent to distribute, a counterfeit controlled dangerous substance.

- c. Any person who violates this law is subject to terms of imprisonment as determined by the court and fines of up to \$300,000, depending on the substance and quantity in possession.
- 10. Anabolic Steroids: Manufacturing, Distributing or Dispensing**
It is unlawful for any person who is not a practitioner acting in the course of his or her professional practice to knowingly or purposely manufacture, distribute or dispense, or to possess or have under his or her control with intent to manufacture, distribute or dispense, any anabolic steroid or immediate precursor. Any person who violates this section shall be guilty of a crime of the third degree.
- 11. Employing a Juvenile in a Drug Distribution Scheme**
Any person being at least 18 years of age, who knowingly uses, solicits, directs, hires or employs a person 17 years of age or younger to violate N.J.S. 2C:35- 4 or subsection a. of N.J.S. 2c35- 5, is guilty of a crime of the second degree and will be sentenced to a term of imprisonment that will be fixed at or between one-third or one-half of the sentence imposed or five years, whichever is greater, during which the defendant will be ineligible for parole. The court also may impose a fine not to exceed \$300,000 or five times the street value of the controlled dangerous substance or controlled substance analog involved, whichever is greater.
- 12. Criminal Sale of a Controlled Substance on or Near School Grounds**
Any person who violates subsection a. of N.J.S. 2c 35- 5 by distributing, dispensing or possessing with intent to distribute a controlled dangerous substance or controlled substance analog while on any school property used for school purposes that is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property or a school bus, or while on any school bus, is guilty of a crime of the third degree and will be sentenced by the court to a term of imprisonment.
- 13. A fine of up to \$100,000 also may be imposed upon any conviction for a violation of this section.**
- 14. Distribution to Persons Under Age 18; Enhanced Punishment**
Upon the application of the prosecuting attorney, any person being at least 18 years of age who has been convicted of distributing a controlled dangerous substance or controlled substance analog to a pregnant female or a person 17 years of age or younger shall be subject to twice the term of imprisonment, fine and penalty, including twice the term of parole ineligibility.
- 15. Strict Liability for Drug-Induced Deaths**
Any person who manufactures, distributes or dispenses any controlled dangerous substance is strictly liable for a death that results from the injection, inhalation or ingestion of that substance, and is guilty of a crime of the first degree.
- 16. Possession, Use or Being Under the Influence or Failure to Make Lawful Disposition**
It is unlawful for any person, knowingly or purposely, to obtain or possess, actually or constructively, a controlled dangerous substance or controlled substance analog, unless the substance was obtained directly or pursuant to a valid prescription or order form from a practitioner, while acting in the course of his or

her professional practice. A person violating this law is guilty of a crime of the third or fourth degree and may be fined up to \$15,000.

17. Anabolic Steroids: Possession

It is unlawful for any person, knowingly or purposely, to obtain or possess, actually or constructively, an anabolic steroid, unless the substance was obtained directly or pursuant to a valid prescription or order form from a practitioner, while acting in the course of his or her professional practice. Any person who violates this section is guilty of a crime of the fourth degree.

K. FEDERAL DRUG TRAFFICKING PENALTIES

1. CLASS II DRUGS AND I: LOWER AMOUNTS:

- a. Types
 - i. Methamphetamine (5- 499 g or 50- 499 g mixture)
 - ii. Heroin (100- 999 g mixture)
 - iii. Cocaine (500- 4,900 g mixture)
 - iv. Cocaine Base (5- 49 g mixture)
 - v. PCP (10- 99 g or 100- 999 g mixture)
 - vi. LSD (1- 10 g mixture)
 - vii. Fentanyl (40- 399 g mixture)
 - viii. Fentanyl Analogue (10- 99 g mixture)
- b. First Offense -
 - i. Not less than five years. Not more than 20 years
 - ii. If death or serious injury, not less than 20 years; Not more than life
 - iii. Fine of not more than \$1 million individual; \$10 million other than individual
- c. Second Offense -
 - i. Not more than 30 years
 - ii. If death or serious injury, not less than life
 - iii. Fine of not more than \$2 million individual; \$10 million other than individual

2. CLASS II DRUGS AND I: HIGHER AMOUNTS:

- a. Types
 - i. Methamphetamine (50 g or more or 500 g or more mixture)
 - ii. Heroin (1 kg or more mixture)
 - iii. Cocaine (5 kg or more mixture)
 - iv. Cocaine Base (50 g or more mixture)
 - v. PCP (100 g or more or 1 kg or more mixture)
 - vi. LSD (10 g or more mixture)
 - vii. Fentanyl (400 g or more mixture)
 - viii. Fentanyl Analogue (100 g or more mixture)
- b. First Offense -
 - i. Not less than five years. Not more than life.
 - ii. If death or serious injury, not less than 20 years. Not more than life.
 - iii. Fine of not more than \$4 million individual; \$10 million other than individual.

- c. Second Offense -
 - i. Not less than 20 years. Not more than life.
 - ii. If death or serious injury, not less than life.
 - iii. Fine of not more than \$8 million individual; \$20 million other than individual.
- 3. OTHER DRUGS: ANY QUANTITY** (not including marijuana, hashish or hashish oil)
 - a. First Offense -
 - i. Not more than 20 years.
 - ii. If death or serious injury, not less than 20 years. Not more than life.
 - iii. Fine of \$1 million individual; \$5 million not individual.
 - b. Second Offense -
 - i. Not more than 30 years.
 - ii. If death or serious injury, life.
 - iii. Fine of \$2 million individual; \$10 million not individual.
- 4. OTHER DRUGS CLASS III: ANY QUANTITY**
 - a. First Offense -
 - i. Not more than five years.
 - ii. Fine of not more than \$250,000 individual; \$1 million not individual.
 - b. Second Offense -
 - ii. Not more than 10 years.
 - iii. Fine of not more than \$500,000 individual; \$2 million not individual.
- 5. OTHER DRUGS CLASS IV: ANY QUANTITY**
 - a. First Offense -
 - i. Not more than three years.
 - ii. Fine of not more than \$250,000 individual; \$1 million not individual.
 - b. Second Offense -
 - i. Not more than six years.
 - ii. Fine of not more than \$500,000 individual; \$2 million not individual.
- 6. OTHER DRUG CLASS V: ANY QUANTITY**
 - a. First Offense -
 - i. Not more than one year.
 - ii. Fine of not more than \$100,000 individual; \$250,000 not individual.
 - b. Second Offense -
 - i. Not more than two years.
 - ii. Fine not more than \$200,000 individual; \$500,000 not individual
- 7. MARIJUANA: 1,000 KG OR MORE; OR 1,000 OR MORE PLANTS** (mixture containing detectable quantity)
 - a. First Offense -
 - i. Not less than 10 years, not more than life.
 - ii. If death or serious injury, not less than 20 years. Not more than life.
 - iii. Fine of not more than \$4 million individual; \$10 million other than individual.
 - b. Second Offense -
 - i. Not less than 20 years, not more than life.
 - ii. If death or serious injury, not less than life.

- iii. Fine of not more than \$8 million individual; \$20 million other than individual.
- 8. MARIJUANA: 100 KG TO 1,000 KG; OR 100-999 PLANTS**
(mixture containing detectable quantity)
 - a. First Offense -
 - i. Not less than five years, not more than 40 years.
 - ii. If death or serious injury, not less than 20 years. Not more than life.
 - iii. Fine of not more than \$2 million individual; \$5 million other than individual.
 - b. Second Offense -
 - i. Not less than 10 years, not more than life.
 - ii. If death or serious injury, not less than life.
 - iii. Fine of not more than \$4 million individual; \$10 million other than individual.
- 9. MARIJUANA: Marijuana (50 to 100 kg; or 50- 99 plants); Hashish (10 kg or more); Hashish Oil (1 kg or more)**
 - a. First Offense -
 - i. Not more than 20 years.
 - ii. If death or serious injury, not less than 20 years, not more than life.
 - iii. Fine of \$1 million individual; \$5 million other than individual.
 - b. Second Offense -
 - i. Not more than 30 years.
 - ii. If death or serious injury, life.
 - iii. Fine of \$2 million individual; \$10 million other than individual.
- 10. MARIJUANA: Marijuana (less than 50 kg); Hashish (less than 10 kg); Hashish Oil (Less than 1kg)**
 - a. First Offense -
 - i. Not more than five years.
 - ii. Fine of not more than \$250,000 individual; \$1 million other than individual.
 - b. Second Offense -
 - i. Not more than 10 years.
 - ii. Fine of \$500,000 individual; \$2 million other than individual.

L. NEW JERSEY CITY UNIVERSITY COUNSELING & HEALTH ASSISTANCE

Counseling Center	Gilligan Student Center Room 308	201-200-3165
Alcohol & Substance Abuse Program	Gilligan Student Center Room 308	201-200-3165
Speicher Rubin Women's Center	Gilligan Student Center Room 318	201-200-3189
Health & Wellness Center	Vodra Hall 107	201-200-3456

M. STATE AND FEDERAL ORGANIZATIONS AND AGENCIES

1. Hudson County
New Jersey Prevention Network: Partnership in Prevention - (201) 653-6776
Inter-County Council on Drug and Alcohol Abuse, Inc. - (201-998-7422
2. Statewide
 - a. State Employees Assistance Program - 1-800-543-7327
 - b. Southeast Regional Center Drug Free Schools - (404) 688-9227
2. National
 - a. National Clearinghouse/Alcoholic & Drug Information - (301) 468-2600
 - b. National Aids Information clearinghouse - (212) 206-6770
 - c. National Council on Alcoholism - (212) 206-6770
 - d. National Prevention Network - (202) 783-6868
 - e. Office of Substance Abuse Prevention - (301) 443-0369
 - f. Office of Justice Programs/Department of Justice - 1-800-262-6243
 - g. Drug-Free Workplace Help Line - 1-800-843-4971
 - h. Cocaine Hotline - 1-800-COCAINE
 - i. National Institute on Drug Abuse Hotline - 1-800-662-HELP
 - j. National Institute on Drug Abuse Help Line - 1-800-843-4971
 - k. American Council on Alcoholism - 1-800-527-5344
 - l. AL-ANON/ALATEEN - 1-888-4AL-ANON