

November 6, 2008

Bloomfield College  
Bloomfield, New Jersey  
Office of Student Affairs and Human Resources

## **Alcohol and Other Drugs (AOD) Policies and Procedures for BC Students and Guests**

### **Reasons for These Policy Statements**

**Bloomfield College is committed to:**

- a) Upholding local, state, and federal laws;
- b) Requiring proper management of events where alcoholic beverages will be served;
- c) Minimizing the misuse of alcoholic beverages;
- d) Maintaining a drug-free workplace; and
- e) Providing education on the risks associated with the use and abuse of alcohol and other drugs.

**By providing you with this information, Bloomfield College is complying with the Drug-Free Schools and Campuses Act (also known as EDGAR Part 86).**

**Minimally, Bloomfield College must distribute to all students and employees annually the following information that is listed as follows:**

- 1) Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol on school property or as part of any school activity.
- 2) A description of the applicable legal sanctions under the local, State and Federal law for the unlawful possession or distribution of illicit drugs and the abuse of alcohol.
- 3) A description of the health risks associated with the use of illicit drugs and the abuse of alcohol.
- 4) A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students.
- 5) A clear statement that the institution will impose sanctions on students and employees (consistent with local, State, and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

### **Who Should Read These Policy Statements?**

- All students of the Bloomfield College community
- Anyone planning a campus event that involves the use of alcohol
- Anyone dispensing alcohol on College-owned or managed property

### **Alcohol and Drug Policy Statement**

It is not the policy of the College to encourage the consumption of alcoholic beverages, but the institution reserves the right to permit consumption of alcohol in moderation at appropriate social events provided that the sponsoring organization complies with the laws of the State of New Jersey. Therefore, all student organizations, and sororities/fraternities sponsoring events at which alcohol will be available must adhere to the policies of the Center for Student Leadership and Engagement concerning student sponsored events. Residential Education and Housing Staff, as well as all College officials, are required to and will report any student found violating the alcohol policy.

### **Alcohol Policy for Resident Students**

The possession, consumption, or sale of alcoholic beverages is not permitted in any college facility or common area (streets, walkways, driveways, parking lot, etc.) unless served at an authorized student organization or college-sponsored event. The possession, consumption or sale of alcoholic beverages is not permitted in any on/off campus residence facility. All resident students are expected to be acquainted with and to abide by both State and College regulations regarding the consumption and possession of alcohol. They are also expected to be aware of the social, physiological, and legal consequences of excessive drinking in order to make responsible decisions about serving and consuming alcohol. The College provides on-campus counseling and off-campus referral for students who may be involved in the misuse of alcohol or drugs and who seek assistance to alter behaviors.

All resident students are responsible and legally liable for the conduct and behavior of their guests and for informing them of the College's Alcohol Policy and the New Jersey State Alcohol Beverage Control Regulations.

The Bloomfield College Alcohol Policy is consistent with the laws of the State of New Jersey and prohibits the consumption and serving of alcoholic beverages by and to persons under 21 years of age. Resident students 21 years of age or older are not allowed to possess, use or sell alcoholic beverages on the Bloomfield College campus with the exception of student organization functions with appropriate state permit and authorization. According to New Jersey law, it is illegal for anyone under the age of 21 to:

- Purchase or consume alcoholic beverages.
- Enter places licensed to sell alcoholic beverages with the intent to purchase alcoholic beverages.
- Misrepresent one's age or the age of anyone else for the purpose of purchasing alcohol or gaining entrance to a place that sells alcohol. It is illegal to supply a minor with alcohol or to allow a minor to drink in one's presence. If that minor subsequently injures himself or others because of the loss of ability due to alcohol consumption, the person supplying the alcohol can be held liable.

Students are responsible for their behavior and actions, whether or not they are under the

influence of alcohol. Under no circumstances will the consumption of alcohol constitute a mitigating circumstance when it contributes to the violation of College regulations. **Bloomfield College students are also responsible for the behavior of their guests.** Bloomfield College respects students' right to privacy. College representatives will not enter residential rooms without substantive cause, i.e., without reasonable suspicion that College policies have been violated (see below for examples). However, those whose behavior infringes on the rights of others have, in essence, forfeited that privacy. Guidelines are available for events where alcoholic beverages will be provided and attended by persons under the legal drinking age. Those who are of legal drinking age and who wish to sponsor campus events with alcohol must comply with the guidelines established by the Office of the Vice President for Student Affairs. If given approval to serve alcoholic beverages, those organizing the event are responsible for ensuring that only those of legal drinking age are served. Students of legal drinking age will be issued an ID bracelet for timely and required identification. Availability of alcoholic beverages shall not be the primary focus of advertising campus social events.

***Ways in which incidents will be handled:***

- a) If a Resident Director (RD), Resident Advisor (RA) or Dean observes an individual entering or leaving a room with alcohol, s/he has substantive cause to enter that room to investigate a possible alcohol violation.
- b) In the event of a noise complaint, the RA or RD will go to the room and knock on the door. If no one answers, the RA or RD may enter the room. The RA or RD will instruct the residents of the room to control the noise. S/he will not have cause to investigate possible alcohol violations unless indicators of alcohol consumption or provision are observed, such as evidence of intoxicated behavior, kegs, bottles or cans and/or odor of alcohol. All residents and guests must remain present until the RA or RD collects appropriate information. This procedure will be the same for any similar complaint.

**Students and their guest(s) are in violation of the College's Alcoholic Beverage Policy under any or all of the following circumstances:**

1. **A) TRANSPORTING** an open/closed container of alcohol across common spaces of the College (lounges, game rooms, dining areas, hallways, courtyards, driveways, parking lots, etc.);  
**B) POSSESSION OR CONSUMPTION** of alcohol (empty/partially full or full bottles, cans, containers, etc.) while on College grounds/property, which includes residential rooms. Alcohol containers, including but not limited to empty or full beer cans or bottles, are not permitted as room decorations.  
**C) SERVING, PROVIDING OR MAKING AVAILABLE** alcohol to persons under the age of 21 in any campus or off-campus location. No person under the age of 21 is permitted to consume or possess alcohol on Bloomfield College Property or at any Bloomfield College

sponsored/affiliated event on/off campus.

**D) PROCURING** alcohol for persons under the age of 21 or by students under the age of 21 through the falsification of identification;

2. When individuals are not drinking alcoholic beverages but are in the presence of individuals drinking or in possession of alcoholic beverages in a resident's room or in a residence facility's common and surrounding areas.
3. When a student and or their guest are found in an intoxicated state in a residence facility or when their consumption of alcohol contributes to behavior that:
  - A) Infringes (disrespects) the peace and privacy of others and the overall community; (vomiting, public urination, etc.);
  - B) Intimidates, threatens, or injures self and others (belligerency);
  - C) Leads to the destruction of property; that student will be subject to a general fine of \$100 or more (based on the degree/assessment of damages and the cost of repair/replacement) and or suspension/expulsion from the Residential Education and Housing Program.
  - D) Requires hospitalization and/or police/security intervention; that student will be subject to a fine of \$100 and or suspension/expulsion from the Residential Education and Housing Program.

Violations of local ordinances or State laws may be grounds for disciplinary action, regardless of where such violations occur, if they clearly violate Bloomfield College standards of conduct. The preceding regulations apply to students both on and off the College campus, particularly in the local vicinity.

### **Drug Policy**

Bloomfield College does not condone the possession, use, manufacture or distribution of illegal substances of any kind in any amount. Students in violation of this policy may be jeopardizing their own well-being as well as the well-being of the College community. Among those violations considered to be most serious are: the manufacture, sale or distribution of illegal drugs; any involvement in illegal drug use or traffic with minors particularly from the local area; and possession or use of the more dangerous or highly addictive drugs.

The use, possession, or sale of drugs or narcotics by a student will subject that individual to administrative disciplinary action and/or legal prosecution under federal, state or local laws. The College Health and Counseling Centers are available for students who are involved in the misuse of drugs or narcotics and wish to seek aid in altering this behavior pattern. The College will promote and encourage programs that explore the problem of drug and alcohol abuse.

**For any questions regarding the Alcohol and Drug Policy, please contact the Office of Student Affairs at 973-748-9000, Ext. 245.**

## **Sanctions for Violation of Alcohol and Drug Policy**

In addition to criminal sanctions and civil liability under state law (as outlined below), a student found in violation of the College's Alcohol Policy will be subjected to disciplinary action and sanctions will be imposed. Disciplinary sanctions may vary and are assigned in accordance with the type(s) of unacceptable behavior in which a student engaged/participated, as well as the student's level of responsibility for the incident. The seriousness of the incident(s) and the student's past disciplinary history will be considered in determining the appropriate sanction(s) rendered. The following consequences for violating the College's Alcohol Policy/Student Code of Conduct and failing to comply with the expectations of Bloomfield College students are outlined below:

**First Offense:** Based on the nature of the incident/violation determined by the College, a student will receive a written *Disciplinary Warning* indicating that additional violations of the policies will result in more serious disciplinary sanctions. The student will be placed on *Conduct Probation* for a semester. A fine of \$50.00 will also be imposed. If the student is under the age of 18, a Parental Notice will be sent to the student's parents/legal guardians. Resident students will also be required to attend one alcohol education workshop.

**Second Offense:** Based on the nature of the incident/violation determined by the College, a second offense, or a first offense involving obtaining alcohol for a minor, will result in a fine of \$100.00 and *Conduct Probation* for a minimum of 30 days for commuters. In addition to the \$100.0 fine and 30 days of *Conduct Probation*, a resident student will also receive a (3) three-day *Suspension From Housing*, advised to seek counseling with the College's Personal Counseling Center, and participate in a community service project (approved by the Office of Residential Education & Housing). If the student is under the age of 18, a Parental Notice will be sent to the student's parents/legal guardians.

**Third Offenses:** Based on the nature of the incident/violation determined by the College, a third offense in any form will result in a fine of \$250.00 and *Conduct Probation* for a minimum of 90 days for commuters. In addition to the \$250.00 fine and 90 days of *Conduct Probation*, resident students will be *Suspended from Housing* for a minimum of (7) seven days; recommended for two counseling sessions with the College's Personal Counseling Center; and participate in an on/off campus Alcohol Educational Awareness Program; If the student is under the age of 18, a Parental Notice will be sent to the student's parents/legal guardians.

**Additional Offenses:** Based on the nature of the incident/violation determined by the College, any additional offenses in any form will result in a fine of \$500.00 and *Conduct Probation* for a calendar year for commuters. In addition to the \$500.00 fine and *Conduct Probation* for one calendar year, resident students will be *Suspended from Housing* for a minimum of (30) thirty days, or be *Dismissed from College Housing*. Students will be recommended to pursue counseling intervention with the College's Personal Counseling Center. If the student is under the age of 18, a Parental Notice will be sent to the student's parents/legal guardians.

Regardless of the number and description of student alcohol violations outlined above, the College reserves the right to suspend or dismiss a student immediately pending the investigative process and/or its outcome.

Offenses involving serving alcohol to or obtaining alcohol for a minor, will automatically result in a fine of \$200.00; conduct probation for a minimum of one semester; and possible partial or total suspension from housing and/or the College for a minimum of 30 days. **Any offense involving the use and possession of illegal drugs will result at minimum in partial or total suspension from housing and/or the College for a minimum of 30 days, conduct probation for a minimum of 30 days, and may result in dismissal from the College.**

**Hosting Party Offense: If a resident hosts a party within his/her room/apartment (i.e., resident(s) allows the party to occur in his/her room/apartment), the sanction will be the same as a second offense resulting in a fine of \$100 fine, 30 days of *Conduct Probation*, (3) three-day *Suspension From Housing*, advised to seek counseling with the College's Personal Counseling Center, and participation in a community service project (approved by the Office of Residential Education & Housing). If the student is under the age of 18, a Parental Notice will be sent to the student's parents/legal guardians. A second violation will be treated the same a third offense. A fourth offense will be treated as an additional offense (including minimum suspension from housing for 30 days or dismissal from housing).**

Any violation of the other sections of the Code of Conduct that is associated with the Alcohol and Drug Policy, e.g., damage to property, will result in separate disciplinary actions for each offense. **Any offenses involving the possession, and sale/ distribution of illegal drugs on campus will result in immediate dismissal from the College.** In addition, as stipulated below, all students of the College are also subject to local, state, and federal laws. Infraction of the Alcohol and Drug Policy may therefore also result in prosecution by such authorities. In cases involving prosecution by federal, local and state authorities, the College reserves the right to impose disciplinary actions whether infractions occurred on or off the college campus. Students with concerns about drugs or alcohol may contact the Office of Student Affairs for counseling and referrals. Students who violate the College's alcohol or drug policies will be encouraged to use local area alcohol and drug programs. In some cases, the requirement, recommendation and encouragement of counseling may accompany disciplinary sanctions. Any student charged with a violation may petition for an appeal through the Vice President for Student Affairs/Dean of Students.

#### **Applicable Legal Sanctions: Local, State, and Federal Laws**

Local, state and federal laws which apply to illegal possession, use or distribution of drugs and alcohol (including vehicular violations) will be fully enforced at Bloomfield College. The College will refer offenders for prosecution to the appropriate local state or federal government. Examples of maximum penalties for specific offenses are as follows:

***Offense:*** Driving while under the influence of alcohol or drugs (DWI).

***Jurisdiction:*** State of New Jersey.

**Maximum Penalty:** 2nd offense-loss of license for 2 years.

### **Handling Intoxicated Persons**

It is the primary responsibility of those in the presence of a severely intoxicated person to contact appropriate College or local medical or safety personnel. These may be Resident Directors & Advisors, Deans, Health Service/Wellness staff, local police or members of the rescue squad. Intoxication can be grounds for disciplinary action. Contacting the Security Office for assistance in transporting a student in need of medical attention will not, in itself, lead to disciplinary action. Disciplinary action will occur only if other circumstances indicating a violation of College policy are observed. In such cases, the fact that students initiated a call for assistance will be considered a mitigating circumstance. The College is always concerned first and foremost with the safety of its students.

When confronted with a person who has consumed excessive amounts of alcohol or drugs it is important to obtain professional medical care immediately. Check to see if the person is breathing, feel the abdomen for movement or put your hand near the mouth and feel for air movement. If the person cannot be aroused easily, call the Security Office at 973-748-9000, Ext. 366, who will then notify the Bloomfield Police for medical transport.

### **As Bloomfield College Good Samaritans, below are some important facts to remember:**

Don't leave the person alone, maintain an unobstructed airway and check on him/her often. If the person is breathing but is sleepy, turn him/her on his/her side or stomach so she/he will not choke if vomiting occurs. Do not place the person in a cold shower because it can cause the person to go into shock.

If the person becomes violent, call 911 and notify Security at Ext. 366 or 1-800-809-2222. Again, do not leave the person alone. If the person is responsive, ask how much she/he has had to drink or if she/he has used other drugs. If the person has consumed excessive amounts of alcohol or used other drugs, medical treatment may be needed. Call the Bloomfield First Aid Squad at 973-680-4147. Don't leave the person alone. Whenever you are in doubt about how to handle an intoxicated person call Mountainside Hospital Emergency Treatment Facility for medical advice anytime at 973-429-6000 or call the Bloomfield Ambulance Squad for emergency transport or general assistance at 973-680-4147. All calls are confidential. If all fails, call campus security or dial 911.

### **Distribution of AOD Policy**

All current students will be given a copy of this Policy.

### **Effective AOD Date**

This Policy is effective immediately for all students.

## **[Alcohol and Other Drug Awareness Programs](#)**

The Division of Student Affairs typically provides Alcohol and Other Drug Prevention and Awareness Program each semester. Additionally, students can contact the following offices for help:

- **The Bloomfield College Personal Counseling Office at 973-748-9000, ext. 403 -- <http://campus.bloomfield.edu/counselor/>**
- **The Bloomfield College Wellness Center -- <http://campus.bloomfield.edu/wellnesscenter/>**

**National Alcohol and Substance Abuse Information Center Hotline – Open 24 hours per day, 365 days per year**

**1-800-784-6776**

#### **Useful Website Links:**

- **Alcoholics Anonymous -- <http://www.aa.org>**
- **Al-Anon and Alateen -- <http://www.al-anon.alateen.org/>**
- **The National Alcohol and Substance Abuse Information Center -- <http://www.addictioncareoptions.com>**
- **The Governor's Council on Alcoholism and Drug Abuse (GCADA) for the State of New Jersey -- <http://www.nj.gov/treasury/gcada>**
- **The New Jersey Division of Addiction Services -- <http://www.nj.gov/humanservices/das/index.htm>**
- **The New Jersey Division of Alcoholic Beverage Control -- <http://www.nj.gov/lps/abc/index.html>**
- **The New Jersey Self-Help Support Group Clearing House -- <http://www.njgroups.org/>**
- **Alcohol 101 Plus: Making Responsible Decisions On Campus -- <http://www.alcohol101plus.org/home.html>**

### **Health Risks Associated with Use or Abuse of Alcohol and Drugs**

#### **Tobacco and Nicotine**

Smokers are more likely than nonsmokers to contract heart disease. Lung, larynx, esophageal, bladder, pancreatic, and kidney cancers also strike smokers at increased rates. Thirty percent of cancer deaths are linked to smoking. Chronic obstructive lung diseases, such as emphysema and chronic bronchitis, are 10 times more likely to occur among smokers than among nonsmokers. Smoking during pregnancy also poses risks, such as spontaneous abortion, pre-term birth, and low birth weights. Fetal and infant deaths are more likely to occur when the pregnant woman is a smoker. Nicotine is both psychologically and physically addictive.

#### **Alcohol**

Low doses significantly impair the judgment and coordination needed to operate vehicles. Small amounts can also lower inhibitions. Moderate to high doses cause marked impairments in higher mental functions, and loss of memory and the ability to learn and remember information. High doses cause respiratory depression and death. Long-term

consumption, particularly when combined with poor nutrition, can also lead to dependence and permanent damage to vital organs such as the brain and the liver. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation.

### **Cannabis**

(Marijuana, Hashish, Hashish Oil, Tetrahydrocannabinol)

Physical effects of cannabis include increased heart rate, bloodshot eyes, dry mouth and throat, and increased appetite. Use of cannabis may impair or reduce short-term memory and comprehension, alter sense of time, reduce ability to perform tasks requiring concentration and coordination, and impair driving ability. Motivation and cognition may be altered, making the acquisition of new information difficult. Marijuana, hashish, THC, etc., can also produce paranoia and psychosis. Long-term use may result in possible lung damage, reduced sperm count and sperm motility, and may affect ovulation cycles. Cannabis can also be psychologically addictive.

### **Inhalants**

(Nitrous Oxide, Amyl Nitrite, Butyl Nitrite, Chlorohydrocarbons, Hydrocarbons)

Immediate effects of inhalants include nausea, sneezing, coughing, nosebleeds, fatigue, lack of coordination, and loss of appetite. Solvents and aerosol sprays also decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrite cause rapid pulse, headaches, and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain damage. Deeply inhaling vapors, or using large amounts over a short time, may result in disorientation, violent behavior, unconsciousness, or death. High concentrations of inhalants can cause suffocation by displacing oxygen in lungs. Long-term use can cause weight loss, fatigue, electrolyte imbalance, muscle fatigue, and permanent damage to the nervous system.

### **Cocaine (Crack)**

Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature. Occasional use can cause nasal irritation; chronic use can ulcerate the mucous membrane of the nose. Crack or freebase rock is extremely addictive. Physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia, and seizures. The use of cocaine can cause death by cardiac arrest or respiratory failure.

### **Stimulants**

(Amphetamines, Methamphetamines, Crank, Ice)

Stimulants cause increased heart and respiratory rates, elevated blood pressure, dilated pupils, and decreased appetite. Users may experience sweating, headache, blurred vision, dizziness, sleeplessness, and anxiety. Extremely high doses can cause rapid or irregular heartbeat, tremors, loss of coordination, and physical collapse. Amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure. In addition to physical effects, feelings of restlessness, anxiety, and moodiness can result. Use of large amounts over a long period of time can cause

amphetamine psychosis that includes hallucinations, delusions, and paranoia. The use of amphetamines can cause physical and psychological dependence.

### **Depressants**

(Barbituates, Methaqualone, Tranquilizers)

Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering gait, and altered perception. Large doses can cause respiratory depression, coma, and death. Combination of depressants and alcohol can multiply effects of the drugs, thereby multiplying risks. Babies born to mothers who abuse depressants during pregnancy may be physically dependent on the drugs and show withdrawal symptoms shortly after birth. Birth defects and behavioral problems may also result. The use of depressants can cause both physical and psychological dependence.

### **Hallucinogens**

(PCP, LSD, Mescaline, Peyote, Psilocybin)

Phencyclidine (PCP) interrupts the functions of the neocortex, the section of the brain that controls intellect and instinct. PCP blocks pain receptors, and users can have violent PCP episodes resulting in self-inflicted injuries. Lysergic acid diethylamide (LSD), mescaline, and psilocybin cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness, and tremors.

### **Narcotics**

(Heroin, Methadone, Codeine, Morphine, Meperidine, Opium)

Narcotics initially produce a feeling of euphoria that often is followed by drowsiness, nausea, and vomiting. Users may experience constricted pupils, watery eyes and itching. Overdoses may produce respiratory depression, clammy skin, convulsions, coma and death. Addiction in pregnant women can lead to premature, stillborn, or addicted infants who experience severe withdrawal symptoms. Use of narcotics can cause physical and psychological dependence.

### **Designer Drugs**

(Analog of Fenetyl, Analog of Meperidine, MDMA, Ecstasy Analog of PCP)

Many "designer drugs" are related to amphetamines and depressants and have mild stimulant and depressant properties. Use can produce severe neurochemical damage to the brain. Narcotic analogs can cause symptoms such as those seen in Parkinson's disease: uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage. Analog of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating, and faintness. Psychological effects include anxiety, depression, and paranoia. Analog of PCP cause illusions, hallucinations, and impaired perception.

### **Anabolic Steroids**

Steroid users subject themselves to more than 70 side effects, ranging in severity from acne to liver cancer, including psychological as well as physical reactions. The liver and cardio-vascular and reproductive systems are most seriously affected by use. In males, use can cause withered testicles, sterility, and impotence. In females, irreversible masculine traits can develop along with breast reduction and sterility. Psychological effects in both sexes include very aggressive behavior, known as "roid rage", and

depression. While some side effects appear quickly, others, such as heart attacks and strokes, may not show up for years.

### **References**

- U.S. Dept. of Education (1989). What Works: Schools Without Drugs. (Rockville, MD: National Clearinghouse for Alcohol and Drug Information, 1989), pp 61-72.
- National Institute on Drug Abuse, NIDA Capsules, (Rockville, MD: Press Office of the National Institute on Drug Abuse, 1986).

## **[Alcohol Awareness -- Driving While Intoxicated in New Jersey](http://www.nj.gov/oag/hts/alcohol.html)**

**<http://www.nj.gov/oag/hts/alcohol.html>**

### **Drunk Driving - Over the Limit. Under Arrest.**

In New Jersey, a person is guilty of drunk driving if he/she operates a motor vehicle with a Blood Alcohol Concentration (BAC) of 0.08 percent or greater. BAC refers to the amount of alcohol in your blood. Although the law refers to a 0.08 percent BAC, you can be convicted of driving while under the influence of intoxicating liquor even when your BAC is below 0.08 percent. The BAC threshold determining drunk driving was changed from 0.10 percent to 0.08 percent in early 2004. Consuming even small amounts of alcohol dulls the senses, decreases reaction time, and hampers judgment, vision and alertness. If you consume any amount of alcohol and your driving is affected, you can be convicted of drunk driving.

### **Parents and Guardians**

A parent or guardian who is convicted of driving while intoxicated and who has a minor under age 17 as a passenger in the motor vehicle is also guilty of a disorderly persons offense. In addition to the penalties otherwise prescribed by law, a person shall forfeit the right to operate a motor vehicle for a period of not more than six months and shall be ordered to perform community service for a period of not more than five days.

## **The Penalties Driving While Intoxicated in New Jersey**

### **1st Offense**

As per P.L. 2003, CHAPTER 314, two categories were created for first time offenders based on BAC levels. Parameters for the two categories and corresponding penalties are as follows: If the offender's BAC is 0.08 percent or higher but less than 0.10 percent, or if the offender permits another person with a BAC over 0.08 percent but less than 0.10 percent to operate a motor vehicle, the penalties are as follows:

A fine of \$250-\$400\*

Imprisonment for up to 30 days\*

➤ 3 months license suspension\*

➤ A minimum of six hours a day for two consecutive days in an Intoxicated Driver Resource Center

➤ An automobile insurance surcharge of \$1,000 a year for 3 years.

If the offender's BAC is 0.10 percent or higher, or the person operates a motor vehicle while under the influence of a narcotic, hallucinogenic or habit-producing drug, or permits another person with a BAC of 0.10 percent to operate a motor vehicle, the penalties are as follows:

Imprisonment for up to 30 days\*

- A license suspension between 7 months and 1 year\*
- A minimum of six hours a day for two consecutive days in an Intoxicated Driver Resource Center
- An automobile insurance surcharge of \$1,000 a year for 3 years

### **2nd Offense**

- A fine of \$500-\$1,000\*
- Imprisonment of at least 48 consecutive hours, and up to 90 days\*
- 2-year license suspension\*
- 48 consecutive hours detainment in a regional Intoxicated Driver Resource Center, at a charge of \$100 a day
- An automobile insurance surcharge of \$1,000 a year for 3 years.

### **3rd Offense**

- A fine of \$1,000\*
- Imprisonment of 180 days\*
- Detainment in an in-patient alcoholism treatment program
- A fee to be paid to the Intoxicated Driver Resource Center dependent upon court sentence
- An automobile insurance surcharge of \$1500 a year for 3 years  
*\* If occurring within a school zone or school crossing, this penalty is increased under Public Law 99, Chapter 185.*

### **Any Offense Also Carries**

\$100 surcharge to be deposited in a drunk driving enforcement fund

A Motor Vehicle Commission restoration fee of \$50 and an Intoxicated Driving Program fee of \$100

A Violent Crimes Compensation Fund fee of \$50

A Safe and Secure Community Program fee of \$75

### **Registration Revocation/Ignition Interlock**

In addition to the penalties listed, judges may order the installation of an ignition interlock device or the revocation of vehicle registration (Public Law 2000, Chapter 83). The ignition interlock device, which measures the driver's blood alcohol level, may be required for up to three years following license restoration after a DWI conviction.

### **Consequences of Underage Drinking and Driving**

In New Jersey, you must be 21 to purchase, possess or consume alcoholic beverages. Underage drinking is illegal and can have severe consequences for young people who drink and for adults who provide alcoholic beverages to those under 21.

If you are under 21 and you buy or drink alcohol in a place with an alcohol beverage license, you may be fined \$500 and lose your license for 6 months. If you do not have your driver's license, the suspension starts when you are first eligible to receive a license. Also you may be required to participate in an alcohol education or treatment program.

If you are under 21 and drive with any detectable amount of alcohol in your system (.01 BAC or above), you will be subjected to the following penalties:

- Loss or postponement of driving privileges for 30 to 90 days
- 15 to 30 days of community service
- Participation in a program of alcohol education and highway safety

### **Driving with a Suspended License due to Driving While Intoxicated**

- A fine of \$500
- 10 to 90 days imprisonment
- 1 to 2 years added license suspension
- If you have a crash & someone is hurt while your license is suspended, you face a mandatory 45 day jail sentence
- Revocation of motor vehicle registration

### **Refusal to Submit to Breath Test**

*1st offense* -- \$250-\$500 fine and a 6-month license suspension\*

*2nd offense* -- \$250-\$500 fine and a 2-year license suspension\*

*3rd offense* -- \$250-\$500 fine and a 10-year license suspension\*

➤ Automobile insurance surcharge of \$1,000 a year for 3 years for 1st and 2nd offenses, \$1,500 for 3rd offense

➤ \$100 surcharge to be deposited in a drunk driving enforcement fund

*\* If occurring within a school zone or school crossing, this penalty is increased under Public Law 99, Chapter 185.*

### **Possessing an Open Container in the Passenger Compartment**

*1st offense* - \$200

*2nd offense* - \$250 fine or 10 days of community service

## **New Jersey Marijuana Penalties**

		<b>Incarceration</b>	<b>Fine</b>
<b>Possession</b>			
50 g or less	misdemeanor	6 months	\$1,000
More than 50 g	felony	18 months	\$25,000
Within 1,000 feet of school	misdemeanor	additional minimum 100 hours community service	depends on quantity
<b>Cultivation</b>			
Less than 1 oz	felony	18 months	\$10,000
1 oz to 5 lbs	felony	3 - 5 years	\$25,000

5 to 25 lbs (or 10 to 50 plants)	felony	5 - 10 years	\$150,000
More than 25 lbs (or more than 50 plants)	felony	10 - 20 years	\$300,000
<b>Sale</b>			
Less than 1 oz	misdemeanor	1 year	\$150,000
1 oz or more	felony	3 years	\$150,000
Within 1,000 feet of school property or school bus	felony	at least 1/3 - 1/2 of total sentence*	\$150,000
Less than 1 oz within 500 feet of public housing or specified public areas	felony	additional 3 - 5 years	\$15,000
1 oz or more within 500 feet of public housing or specified public areas	felony	additional 5 - 10 years	\$150,000
To minors or pregnant females	felony	double penalty	double penalty
*Mandatory minimum sentence.			
<b>Miscellaneous</b> (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia possession or use	misdemeanor	6 months	\$1,000
Paraphernalia sale	felony	18 months	\$10,000
Paraphernalia sale to a person under 18 years	felony	3 - 5 years	\$15,000
<b>Details</b>			
<p>Possession of 50 grams or less of marijuana or being under the influence of marijuana is a disorderly persons offense, punishable by up to six months in jail and a fine of up to \$1,000. Possession of greater than 50 grams is punishable by up to 18 month in jail and a fine of up to \$25,000. Any possession within 1,000 feet of a school adds an additional 100 hours or more of community service to the sentence.</p> <p>Manufacture or distribution of less than one ounce of marijuana is punishable by up to 18 months in jail and a fine up to \$10,000. For amounts of one ounce or more, the penalty increases to 3 - 5 years in prison and a fine up to \$25,000. Manufacture or sale of five pounds or more or cultivation of 10 - 50 plants is punishable by 5 - 10 years in prison and a fine up to \$150,000. For amounts of 25 pounds or greater, or cultivation of greater than 50 plants, the penalties increase to 10 - 20 years in prison and a fine up to \$300,000.</p> <p>If you are growing marijuana and caught with over 10 plants, the presumption of operating a narcotics manufacturing facility occurs which is a 1st degree felony carrying 10- 20 years.</p> <p>Sale or distribution of marijuana within 1,000 feet of school property or on a school bus adds the imposition of a minimum sentence. For less than one ounce of marijuana, the minimum sentence imposed is between one-third and one-half of the total sentence or one year, whichever is greater. For one ounce or more, the minimum sentence imposed is between one-third and one-half of the total sentence or three years, whichever is greater. An additional fine of up to \$150,000 may also be imposed for these violations.</p> <p>Sale or distribution of marijuana within 500 feet of public housing, a public park or a public building increases the possible penalties. For sale of less than one ounce, the penalty increases by 3 - 5 years in prison and a fine up to \$15,000. Sale or distribution in these zones of one ounce or more is punishable by 5 - 10 years in prison and a fine up to \$150,000.</p> <p>Distribution to minors or pregnant females increases the penalty to twice the possible sentence.</p> <p>Use or possession of paraphernalia is punishable by up to six months in jail and a fine up to \$1,000. Distribution of paraphernalia is punishable by up to 18 months in jail and a fine up to \$10,000. Any distribution of paraphernalia to a person under 18 years of age is punishable by 3 - 5 years in prison and a fine up to \$15,000.</p> <p><b>Mandatory minimum sentence:</b> When someone is convicted of an offense punishable by a mandatory minimum</p>			

sentence, the judge must sentence the defendant to the mandatory minimum sentence or to a higher sentence. The judge has no power to sentence the defendant to less time than the mandatory minimum. A prisoner serving an MMS for a federal offense and for most state offenses will not be eligible for parole. Even peaceful marijuana smokers sentenced to "life MMS" must serve a life sentence with no chance of parole.

## [New Jersey Illicit Drug Statue and Penalties](#)

A person convicted of manufacturing, distributing, dispensing or possessing with intent to distribute any dangerous substance or controlled substance analog under N.J.S.2C:35-5, of maintaining or operating a controlled dangerous substance production facility under N.J.S.2C:35-4, of employing a juvenile in a drug distribution scheme under N.J.S.2C:35-6, leader of a narcotics trafficking network under N.J.S.2C:35-3, or of distributing, dispensing or possessing with intent to distribute on or near school property or buses under section 1 of P.L.1987, c.101 (C.2C:35-7), who has been previously convicted of manufacturing, distributing, dispensing or possessing with intent to distribute a controlled dangerous substance or controlled substance analog, shall upon application of the prosecuting attorney be sentenced by the court to an extended term as authorized by subsection c. of N.J.S.2C:43-7, notwithstanding that extended terms are ordinarily discretionary with the court. The term of imprisonment shall, except as may be provided in N.J.S.2C:35-12, include the imposition of a minimum term. The minimum term shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or three years, whichever is greater, not less than seven years if the person is convicted of a violation of N.J.S.2C:35-6, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

## [Federal Drug Trafficking Penalties](#)

<http://www.usdoj.gov/dea/agency/penalties.htm>

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 - 4999 gms mixture	<b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$2 million if an individual, \$5 million if not an individual  <b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious	5 kgs or more mixture	<b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$4 million if an individual, \$10 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine
Cocaine Base (Schedule II)	5-49 gms mixture		50 gms or more mixture	
Fentanyl (Schedule II)	40 - 399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10 - 99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100 - 999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1 - 9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5 - 49 gms pure or 50 - 499 gms mixture		50 gms or more pure or 500 gms or more mixture	

PCP (Schedule II)	10 - 99 gms pure or 100 - 999 gms mixture	injury, life imprisonment. Fine of not more than \$4 million if an individual, \$10 million if not an individual	100 gm or more pure or 1 kg or more mixture	of not more than \$8 million if an individual, \$20 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment
<b>PENALTIES</b>				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gm or more	<b>Second Offense:</b> Not more than 30 yrs. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual		
Other Schedule III drugs	Any amount	<b>First Offense:</b> Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		
Flunitrazepam (Schedule IV)	30 to 999 mgs	<b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual		
All other Schedule IV drugs	Any amount	<b>First Offense:</b> Not more than 3 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		
Flunitrazepam (Schedule IV)	Less than 30 mgs	<b>Second Offense:</b> Not more than 6 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.		
All Schedule V drugs	Any amount	<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  <b>Second Offense:</b> Not more than 2 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

### Federal Trafficking Penalties - Marijuana

DRUG	QUANTITY	1 <sup>st</sup> OFFENSE	2 <sup>nd</sup> OFFENSE
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 20 years, not more than life</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine not more than \$8 million if an individual, \$20 million if other than an individual</li> </ul>
Marijuana	100 kg to 999 kg mixture; or 100 to 999	<ul style="list-style-type: none"> <li>• Not less than 5 years, not more than 40 years</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life</li> </ul>

	plants	<ul style="list-style-type: none"> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$2 million if an individual, \$5 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• If death or serious injury, mandatory life</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual</li> </ul>
Marijuana	<p>more than 10 kgs hashish; 50 to 99 kg mixture</p> <p>more than 1 kg of hashish oil; 50 to 99 plants</p>	<ul style="list-style-type: none"> <li>• Not more than 20 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine \$1 million if an individual, \$5 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 30 years</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine \$2 million if an individual, \$10 million if other than individual</li> </ul>
Marijuana	1 to 49 plants; less than 50 kg mixture	<ul style="list-style-type: none"> <li>• Not more than 5 years</li> <li>• Fine not more than \$250,000, \$1 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years</li> <li>• Fine \$500,000 if an individual, \$2 million if other than individual</li> </ul>
Hashish	10 kg or less		
Hashish Oil	1 kg or less		