

# Alcohol, Marijuana and Other Drug Policy

Alcohol, Marijuana, and Other Drug Policy

Approving University Official(s): Dean of Students

Responsible Office: Campus Life and Student Affairs

Effective Date: Prior to August 27, 2019

Next review date: July 1, 2023

## I. Policy Statement

This policy lays out the regulations for alcohol, marijuana, and other drug possession, use, and distribution on campus. While students must define their own values and make their own choices, the University expects all of its members to comply with both Drew University Policy and federal, state, and local laws as they apply to alcohol, marijuana, and other drugs.

## II. Purpose

The purpose of the Drew University Alcohol, Marijuana, and Other Drug Policy is to promote student responsibility, respect for the community and self, and to establish a University community that is safe, healthy, and conducive to serious academic endeavors.

## III. Audience

The entire University community.

## IV. Definitions

**“Alcohol”**: ethyl alcohol, hydrated oxide of ethyl, or neutral spirits from whatever source fit for human consumption and has an alcohol content of more than half of 1% by volume (NJ Statute 33) as well as any containers or devices whose sole purpose is for the storage or consumption of alcohol.

**“Binge drinking”**: rapid consumption of alcohol with or without the intention of becoming intoxicated. Binge drinking includes any competitive or non-competitive drinking game.

**“Common source”**: any device or amount that is intended to provide for distribution to multiple parties. This includes items such as kegs, punch bowls, “jungle juice”, etc., as well as any amount that is unreasonable for the consumption by members of the room/suite.

**“Consumption”**: active use or being under the influence of alcohol, marijuana, or other drug.

**“Distribution”**: providing a person with a substance, and not accepting or intending to accept money or barter.

**“Drug”**: all illegal drugs and misused illegal drugs, both over-the-counter and prescription, synthetic and other derivatives not covered under marijuana within this policy.

**“Good Samaritan”**: an individual who seeks emergency medical attention for themselves, or for another student whose medical assistance is needed, for the consumption of alcohol marijuana, and/or other drug overdose.

**“High-Risk Alcohol Behavior”**: engaging in any behavior that creates an environment that increases the likelihood of over-consumption, including but not limited to engaging in drinking games, and/or instances of over-consumption that require medical evaluation, regardless of where the evaluation takes place.

**“Host/Hosting”**: any student holding a function in their living unit where an alcohol, marijuana, or drug violation is taking place.

**“Manufacture”**: the act of creating a substance or the purchase or purchasing of materials necessary to make or synthesize a substance for personal use, distribution, or sale.

**“Marijuana”**: all parts of the plant genus Cannabis L., whether growing or not; the seeds thereof, and every compound, manufacture, salt, derivatives, mixture, or preparation of the plant or its seeds, containing tetrahydrocannabinol (THC) and/or utilized as a psychoactive substance. It is inclusive of products such as resin, wax, butter/budder, shatter, taffy, etc.

**“Marijuana Concentrate”**: any marijuana product containing a THC content of greater than 35%.

**“Medical marijuana”**: any marijuana product prescribed by a physician for the expressed purpose of providing medical treatment.

**“Paraphernalia”**: equipment, products, or materials of any kind intended for use to plan, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, ingest, inhale, or otherwise introduce into the human body marijuana or other drugs.

**“Possession”**: substances, containers, empty or not, and/or paraphernalia, are on one's person, in one's living environment, automobile, or other known hiding location.

**“Public areas”**: hallways, foyers, stairwells, bathrooms, lounges, or other public areas, including outdoor University grounds, or any other area beyond an individually assigned resident room. Propped room/suite doors may make the space public.

**“Online course”**: any educational course selected by the institution that addresses the alleged violation and required to be completed by the student. The student is responsible for all fees and costs for the completion of the course.

**“Open container”**: any bottle, can, cup, glass, etc., containing or having contained alcohol, without a sealed lid.

**“Residence hall room”**: all parts of an individual suite/quad, etc. including a bathroom connected to an individual suite/quad, etc.

**“Sale”**: the exchange of a substance with the intention or act of receiving money or barter.

**“Social host probation”**: a disciplinary status for a set period of time during which the occupants of the residence hall room may only allow one (1) additional person per resident within the residence hall room.

## V. Guidelines and Procedures

The University holds students accountable for the decisions they make, particularly when they have an adverse effect on the health and safety of the community, on the quality of life of other students, on the learning environment, or on the students themselves. To support student responsibility, the University offers a wide range of educational and counseling services that provide accurate substance use information and evaluation. In addition to the formal services, students can gain support from faculty, staff, and other members of the community. The policy provides a range of sanctions yet students should be aware that law enforcement may also be involved leading to arrest and charges in the appropriate venue.

The policy seeks to establish clear community standards around alcohol, marijuana, and other drugs. While the policy defines guidelines for the consequences of various behaviors, the context of those behaviors will be considered when policy violations are adjudicated. Repeat offenders may face a higher level of sanction.

Entering a university setting for many necessitates a new level of independence. Students have the privilege of making their own decisions, as well as the outcomes of those decisions. Keeping this in mind, the University encourages students to be responsible for their actions and will use parental/guardian notification as a partnership, including informing parents/guardians of the potential health and safety concerns and/or significant sanctions.

Students who need assistance in addressing concerns regarding substance use/abuse for themselves or others are encouraged to contact Drew's Alcohol and Other Drug counselor at (973) 408-3318. Additional information is found at: <http://www.drew.edu/Counseling/services/substance-awareness-and-education>

## A. Guidelines for the Use of Alcohol:

- Alcohol possession and consumption is permitted only for students of legal drinking age (21). Alcohol can only be consumed on campus in a student's residence hall room or at a University sponsored event.
- Healthy, legal consumption does not include competitive or binge drinking. Competitive drinking includes any type of drinking games.
- No student may possess or consume alcohol above 100 proof on campus.
- No student may possess common sources of alcohol on campus. Common sources include kegs and other containers of alcohol (e.g., punch bowls, “jungle juice”, etc), including an amount of alcohol that is not reasonable to be consumed by the above age residents of a room/suite.
- Students of legal age may not give, leave in an easily accessible place, or sell alcohol to minors to transport, possess, or consume.
- No student may host the consumption of alcohol by other students under the age of 21 within their residence hall rooms.
- Minors may not transport, possess, consume, or purchase alcohol. Used or empty containers found in a room or on one's person, may constitute possession.
- No open containers or consumption of alcohol may take place in public areas.
- Consumption in student rooms should neither infringe on the rights of other students to study nor negate any normal student activity.
- Alcoholic beverages may not be sold at any time except through approved liquor licenses by the university, borough and state. Alcohol Permit (one-day): Special one-day permits are necessary for student events where alcohol is to be served. A form, available from the Madison town clerk, must be signed by both the Dean of Students and the Director of Campus Security and submitted to the Alcoholic Beverage Commission in Trenton.
- Public areas include hallways, foyers, stairwells, bathrooms, lounges, or other public areas, including outdoor University grounds, without an event liquor license, or any other area beyond an individually assigned resident room. Propped room/suite doors may make that space public.
- All parts of an individual suite/quad, etc. shall be considered a residence hall room including a bathroom connected to the individual suite/quad, etc.
- Alcohol may be confiscated or the student may be asked to pour out containers.
- Full responsibility for compliance with policies and laws belongs to all students. A student will be held responsible for their guests' actions. Guests violating the policies and laws may be asked to leave the campus or may be trespasses.
- No student may engage in high-risk alcohol behavior.
- No student may sell or manufacture alcohol.
- No student may engage in binge drinking.
- Students must adhere to all federal, state, and local laws regarding appropriate alcohol consumption and possession.

## B. Guidelines for the Use of Marijuana:

Under the Drug-Free Schools and Communities Act, Drew University is required to strive to maintain a drug free community in order to receive federal education funding. At the federal level, Marijuana, in all its forms, remains an illicit drug, and therefore is prohibited from being possessed, consumed, distributed, or produced on campus.

The intent of defining marijuana within the policy is to recognize the unique context of its use and a belief that education and engagement within the community for violators is the most effective approach to reducing and eliminating its use. In line with Drew University's mission of engaging thoughtfully with the students and community, the goal of this policy is to put forward rehabilitative sanctions that balance individual accountability with community impact and that are consistently enforced and evaluated.

Marijuana, within the University policy, refers to all parts of the plant Genus Cannabis L., whether growing or not; the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, containing tetrahydrocannabinol (THC) and/or utilized as a psychoactive substance. It is inclusive of products such as resin, wax, butter/budder, shatter, taffy, etc. Commonly acknowledged marijuana paraphernalia is defined as equipment, products, or materials of any kind intended for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, ingest, inhale, or otherwise introduce into the human body marijuana. For the purpose of this policy, concentrate will refer to any marijuana product containing a THC content of greater than 35%.

1. Students may not consume or be in possession of marijuana or marijuana paraphernalia as defined above.
  - a. Possession means that such substances are on one's person, in one's living environment, automobile, or known hiding location. If a student is hosting a guest, possession extends to their guests.
  - b. Consumption refers to active use or being under the influence.
2. Students may not sell or distribute, or possess with the intent of distribution or sale, any controlled substance or commonly acknowledged drug paraphernalia.
  - a. Distribution of marijuana is providing a person with marijuana and not accepting or intending to accept money or barter.
  - b. Students may not sell for money or barter marijuana.
  - c. Students may not manufacture via purchasing or possessing the materials necessary to make or synthesize marijuana for personal use, distribution, or sale.
3. Medical marijuana may not be possessed, used, or distributed on campus.

Students should be aware that federal law dictates that any conviction in a court of law regarding controlled substances, including marijuana, may lead to a loss of financial aid for a set period of time.

No student may consume, possess, distribute, manufacture, or sell marijuana and/or marijuana paraphernalia, including medical marijuana.

## C. Guidelines for the Use of Drugs:

1. Students may not consume or be in possession of any controlled substance or commonly acknowledged drug paraphernalia, as defined above.
  - a. Possession means that such substances are on one's person, in one's living environment, automobile, or known hiding location. If a student is hosting a guest, possession extends to their guests.
  - b. Consumption refers to active use or being under the influence.
2. Students may not sell or distribute, or possess with the intent of distribution or sale, any controlled substance or commonly acknowledged drug paraphernalia.
  - a. Distribution of controlled substance(s) is providing a person with a controlled substance, and not accepting or intending to accept money or barter.
  - b. Students may not sell for money or barter, any controlled substance.
  - c. Students may not manufacture via purchasing or possessing the materials necessary to make or synthesize illegal drugs for personal use, distribution, or sale.
3. Prescribed drugs may only be in possession of, and consumed by, the individual to whom the medication has been prescribed. It should always be in the prescription container with the prescription label.

Students should be aware that federal law dictates that any conviction in a court of law regarding controlled substances may lead to a loss of financial aid for a set period of time.

No student may consume, possess, distribute, manufacture, or sell any drug and/or drug paraphernalia

## D. "Good Samaritan" Medical Amnesty

To safeguard students so they receive the help they need without fear of penalty or retribution. Students who seek emergency medical attention for themselves, or for a student whom medical assistance is needed, for consumption of alcohol and/or other drug overdose will not be charged with alcohol or other drug violations of Daniel's Dictionary, the Drew University code of conduct, providing they:

1. Contact and obtain assistance from Residence Life and Housing Staff, Campus Security Officers, medical professionals and/or local law enforcement;
2. Complete an assessment/evaluation with the Alcohol and Other Drug Counselor, in a timely manner; AND
3. Meet with a member of the Student Conduct and Community Standards staff.

To honor the culture of respect of self and others, this policy is only to those students who activate the assistance and not for those found by university employees. You should always call for assistance if you, or you see someone in need. To activate medical assistance call Campus Security at (973) 408-4444 or 4444 from a campus phone.

Additional information about local and state Medical Amnesty laws are available in the Laws section at the end of this policy.

## E. Hosting

According to the Social Host Law of New Jersey, a host accepts a level of responsibility for guest behavior, the amount of alcohol consumed, and any injury that occurs due to drinking. In order to reduce the risk of incidence, common sources, high-proof alcohols (over 100 proof), "jungle juice" and progressive parties are specifically identified. Those stated either encourage excessive drinking, or make it difficult for the host to monitor the amounts of alcohol consumed.

Residents holding a function in their living unit where an alcohol violation is taking place are considered hosts. All residents on the roster who are present during the time of the incident will likely be regarded as the host and subjected to disciplinary actions.

The University will sanction those involved with hosting a function and/or providing alcohol, differently from an individual attending the function. The goal is to increase education and awareness of the responsibilities that go along with hosting and living in a community. If a member of a room/suite is found responsible for hosting, then all members of the room/suite may be placed on "Social Host Probation." Those who are documented for and found responsible for hosting a party will have the amount and type of alcohol confiscated considered during adjudication.

On an interim basis, students involved in hosting a function where an alcohol violation has allegedly occurred may be immediately placed on Social Host Probation. Final outcomes, including and sanctions, will be determined through the student conduct process.

Students should be familiar with the penalties that can happen via a third party and NJ Social Host Law.

## VI. Consequences of Violating this Policy

### Alcohol Violations

- Level 1 Alcohol Offense
  - Underage possession and consumption of alcohol
  - Open container in any public area of the University
- Level 1 Adjudication - Potential sanctions
  - Warning
  - Attend alcohol education class (in person or online); the course fee must be paid directly by the student to the course provider
  - Educational activity or service to the Drew community
- Level 2 Alcohol Offense
  - Repeat of a Level 1 offense
  - Engaging in high-risk alcohol behavior
  - Hosting underage consumption of alcohol
  - Possession of common sources of alcohol
- Level 2 Adjudication - Potential sanctions
  - Warning or disciplinary probation
  - Alcohol assessment and compliance with subsequent recommendations
  - Educational activity or service to the Drew community
  - Parental/guardian notification via copy of sanctioning letter, or call
  - Social host probation
- Level 3 Alcohol Offense
  - Repeat of Level 2 offense
  - Serving alcohol to minors
  - Selling alcohol on campus
- Level 3 Adjudication - Potential sanctions
  - Disciplinary probation, suspensions or expulsion from housing
  - Suspension or expulsion from the University
  - Housing relocation
  - Restriction of some campus events
  - Referral to off-campus substance abuse assessment and compliance with subsequent recommendations
  - Completion of an online education course or an alcohol and drug assessment
  - Educational activity or service to the Drew community
  - Parental/guardian notification via copy of sanctioning letter, or call
  - Social host probation

### Marijuana Violations

- Level 1: Possession and Consumption
  - Possession of plant material not exceeding one (1) ounce or 28 grams
  - Consumption of marijuana
- Level 1 Adjudication: Possession and Consumption - Potential Sanctions
  - Warning
  - Completion of an online marijuana education course
  - Educational activity or service to the Drew Community
- Level 2 Possession and Consumption
  - Repeat of Level 1 offense
  - Possession of marijuana concentrate not exceeding seven (7) grams

- Level 2 Adjudication: Possession and Consumption - Potential Sanctions
  - Warning or disciplinary probation
  - Referral for substance abuse assessment
  - Educational activity or service to the Drew community
  - Parental/guardian notification via a copy of sanctioning letter or phone call
- Level 3: Possession and Consumption
  - Repeat of Level 2 offense
  - Possession of quantities of plant material greater than one (1) ounce or seven (7) grams of concentrate
- Level 3 Adjudication: Possession and Consumption
  - Disciplinary probation
  - Referral to off-campus substance abuse assessment and compliance with subsequent recommendations
  - Educational service to the Drew community
  - Parental/guardian notification via copy of sanctioning letter or phone call
  - Potential referral for prosecution
- Level 4: Possession and Consumption
  - Repeat of Level 3 offense
- Level 4 Adjudication: Possession and Consumption
  - Suspension or expulsion from housing
  - Suspension or expulsion from the University
  - Referral to off-campus substance abuse assessment and compliance with subsequent recommendations
  - Educational activity or service to the Drew community
  - Parental/guardian notification via copy of sanctioning letter or phone call
  - Potential referral for prosecution

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- Level 1: Distribution, or Intent to Distribute
    - Engaging in distribution or attempting to distribute marijuana
  - Level 1 Adjudication: Distribution, or Intent to Distribute
    - Suspension from the university for a specified period of time
    - Suspension or expulsion from housing
    - Residence hall restriction
  - Level 2: Distribution, or Intent to Distribute
    - Repeat of Level 1 offense
  - Level 2 Adjudication: Distribution, or Intent to Distribute
    - Expulsion from the University
    - Potential referral to prosecution

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- Level 1: Sale or Manufacturing, or Intent to Sell or Manufacture
    - The attempted sale, the sale, or the manufacture of marijuana
  - Level 1 Adjudication: Sale or Manufacturing, or Intent to Sell or Manufacture
    - Expulsion from the University
    - Potential referral to prosecution

## Other Drug Violations

- Level 1: Possession and Consumption
  - Possession or consumption of drug or drug paraphernalia
- Level 1 Adjudication: Possession and Consumption - Potential Sanctions
  - Disciplinary probation
  - Residence hall restriction
  - Educational activity or service to the Drew community
  - Required substance abuse assessment and compliance with recommendations, or completion of a online course
  - Parental/guardian notification via copy of sanctioning letter or phone call
- Level 2: Possession and Consumption
  - Repeat of Level 1 offense
- Level 2 Adjudication: Possession and Consumption - Potential Sanctions
  - Suspension from residence halls for a specified period of time
  - Residence hall restriction
  - Probation effective for the remainder of time enrolled at Drew
  - Required substance abuse assessment and compliance with recommendation
  - Educational activity or service to the Drew community
  - Parental/guardian notification via copy of sanctioning letter or phone call
- Level 3: Possession and Consumption
  - Repeat of Level 2 offense

- Level 3 Adjudication: Possession and Consumption
    - Suspension or expulsion from the University
    - Suspension or expulsion from housing
    - Potential referral for prosecution
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- Level 1: Distribution, or Intent to Distribute
    - Engaging in distribution or attempting to distribute drugs other than marijuana
  - Level 1 Adjudication: Distribution, or Intent to Distribute
    - Suspension from the university for a specified period of time
    - Suspension or expulsion from housing
    - Residence hall restriction
  - Level 2: Distribution, or Intent to Distribute
    - Repeat of Level 1 offense
  - Level 2 Adjudication: Distribution, or Intent to Distribute
    - Expulsion from the University
    - Potential referral to prosecution
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- Level 1: Sale or Manufacturing, or Intent to Sell or Manufacture
  - The attempted sale, the sale, or the manufacture of any drug other than marijuana
- Level 1 Adjudication: Sale or Manufacturing, or Intent to Sell or Manufacture
  - Expulsion from the University
  - Potential referral to prosecution

## VII. Related Information

### A. Alcohol and Other Drug Counselor

In view of the University's commitment to educate and support the growth and development of the whole person, a full-time NJ Licensed Clinical Alcohol and Drug Counselor is available to anyone in the campus community during the academic year. If you or someone you know may have a problem with alcohol and/or drugs, the counselor provides assessment, education, and individual and group counseling. Referrals off-campus and to local support groups are also available. Call (973) 408-3318 for assistance.

### B. Laws

According to New Jersey State law, it is illegal for anyone under the age of 21 to:]

1. Purchase, possess, consume, manufacture, or distribute alcoholic beverages
2. Enter places licensed to sell alcoholic beverages with the intent to purchase, have served or delivered to them, alcoholic beverages
3. Misrepresent his/her age or the age of anyone else for the purpose of purchasing alcohol or gaining entrance to a place that sells or serves alcohol It is also illegal for anyone to purchase, manufacture, or distribute alcohol to a person who is under 21 years of age. In addition to criminal sanctions for violations of State law, there is potential civil liability for serving minors or serving a person who is already intoxicated.

Madison Borough Code § 233-1: ordinance on alcoholic beverages, possession, and consumption by Minors on Private Property (This Ordinance was passed in 2013 and can be found in the Borough Code as [Borough Code § 233-1.](#))

Possession or consumption by persons under legal age on private property is prohibited. Below is a listing of all violations and penalties under the Code:

- Any person under the legal age to purchase alcoholic beverages who knowingly possesses, without legal authority, or who knowingly consumes any alcoholic beverage on private property shall be subject, upon conviction, to a fine of \$250 for the first offense and \$350 for any subsequent offense.
- The Municipal Judge may, in addition to any other sentence imposed for the offense, suspend or postpone, for up to six months, the driving privilege of the defendant. Upon the conviction of any person under this section, Chapter 233, the Municipal Judge shall forward a report to the Division of Motor Vehicles (the "Division") stating the first and last day of the suspension or postponement period imposed by the Municipal Judge pursuant to this section, Chapter 233. If a person is less than 17 years of age at the time of the imposition of a sentence, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of 17 years.
- If a person, at the time of the imposition of a sentence, has a valid New Jersey driver's license, the Municipal Judge shall immediately collect the license and forward it to the Division, along with the report. If for any reason the license cannot be collected, the Municipal Judge shall include in the report the complete name, address, date of birth, eye color, and sex of the person, as well as the first and last date of the license suspension period imposed by the Municipal Judge.
- The Municipal Judge shall inform the person orally and in writing that, if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge, in writing, the receipt of written notice shall not be a defense to a subsequent charge of violation of N.J.S.A. 39:3-40.

- If the person convicted under this section, Chapter 233, is not a New Jersey resident, the Municipal Judge shall suspend or postpone, as appropriate, the nonresident driving privilege of the person based on the age of the person and submit the required report to the Division. The Municipal Judge shall not collect the license of a nonresident convicted under this section, Chapter 233. Upon receipt of a report from the Municipal Judge, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.
  - The Municipal Judge shall have the discretion to waive the penalty provisions of Subsections A, B and C above if the defendant is enrolled in an educational institution that has imposed administrative sanctions and penalties against the defendant for the offense(s). [Added 5-29-2013 by Ord. No. 16-2013]

#### Exceptions:

- Religious observance, presence of a parent or guardian. Nothing in Chapter 233 shall prohibit an underage person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite, or consuming or possessing an alcoholic beverage in the presence of, and with the permission of, a parent, guardian or relative who has attained the legal age to purchase or consume alcoholic beverages. As used in this section, Chapter 233, "guardian" means a person who has qualified as a guardian of the underage person pursuant to testamentary court appointment, or other applicable laws, as determined by the Municipal Judge, and "relative" means an underage person's grandparent, aunt, uncle, sibling, or any other person related by blood or affinity.
- Performance of employment. Nothing in Chapter 233 shall prohibit possession of alcoholic beverages by any person while engaged in the performance of employment pursuant to an employment permit issued by the Director of the Division of the Alcoholic Beverage Commission, or for a bona fide hotel or restaurant, in accordance with the provisions of N.J.S.A. 33:1-26, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or postsecondary educational institution; however, nothing in Chapter 233 shall be construed to preclude the imposition of a penalty under these subsections, N.J.S.A. 33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.
- An underage person and one or two other persons, if applicable, shall be immune from prosecution under this chapter prohibiting any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property if: [Added 5-29-2013 by Ord. No. 16-2013]
  - One of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption;
  - The underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1, provided each of their names to the 9-1-1 operator;
  - The underage person was the first person to make the 9-1-1 report; and
  - The underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call, remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.
- The underage person who received medical assistance as provided in Subsection F(3) of this section shall also be immune from prosecution under this chapter prohibiting the possession or consumption of an alcoholic beverage on private property. [Added 5-29-2013 by Ord. No. 16-2013]

## C. Controlled Substances

Being aware of state and federal laws regarding controlled substance use and possession is very important. The consequences of drug possession, use, and distribution vary depending on the type of drug. Federal law prohibits the possession, use, or distribution of illicit drugs. Strict penalties are provided for drug convictions, including mandatory prison terms for many offenses.

The following information, although not complete, provides an overview of federal penalties:

- Denial of Federal Benefits (21 USC 862).  
A federal drug conviction may result in the loss of federal benefits including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in the denial of federal benefits for up to five years for a first conviction, 10 years for a second conviction, and a permanent denial of benefits for a third conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions.
- Federal Drug Trafficking Penalties (21 USC 841).  
Penalties for federal drug trafficking convictions vary according to the quantity of the substance involved in the transaction. The list below is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe. If death or serious bodily injury results from the use of a controlled dangerous substance that has been illegally distributed, the person convicted on federal drug charges of distributing the substances faces a mandatory life sentence and fines ranging up to \$8 million. Persons convicted on federal charges of drug trafficking within 1,000 feet of a school (21 USC 845a) face penalties of prison terms and fines that are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year.

The following information, although not complete, provides an overview of New Jersey State laws and/or penalties:

- The New Jersey Comprehensive Drug Reform Act (N.J.S. 2C: 35-1 et seq).  
The NJCDRA created new offenses, increased penalties for some existing offenses to "ensure the imposition of stern, consistent punishment for all drug offenders," and transferred all drug offenses into the Code of Criminal Justice.
- Drug-Free School Zone (NJ Statute 2C: 35-1.1)  
Drew University is within 1,000 feet of an elementary school and a nursery school and, therefore, is within a drug-free school zone as defined by New Jersey law. This means that any person who distributes, dispenses, or possesses with intent to distribute a controlled dangerous substance anywhere at Drew is subject to arrest, time in jail, and a fine up to \$150,000 depending upon the amount of substance possessed. During part of this term of imprisonment there is no eligibility for parole.

The following information, although not complete, outlines the potential penalties for a conviction:

- Simple possession, use, or being under the influence of:
    - Marijuana: 0-18 months in jail; a fine of \$500 to \$15,000; and a mandatory loss of driver's license for 6 months to 2 years.
    - Cocaine/Crack: 3-5 years in jail; a fine of \$1,000 to \$25,000; and a mandatory loss of driver's license for 6 months to 2 years.
    - Amphetamine ("Speed"): 3-5 years in jail, a fine of \$1,000 to \$25,000; and a mandatory loss of driver's license for 6 months to 2 years.
    - Psilocybin ("Shrooms") and LSD: 3-5 years in jail; a fine of \$1,000 to \$25,000; and a mandatory loss of driver's license for 6 months to 2 years.
  - Possession of:
    - MDMA/Ecstasy: .50 oz. or less: maximum fine \$100,000; maximum prison sentence of 5 years in jail, 2 1/2 years without parole; and a mandatory loss of driver's license for 6 months to 2 years.
    - MDMA/Ecstasy: .50 oz. to 5.0 oz.: maximum fine \$150,000; maximum prison sentence of 10 years in jail, 5 years without parole; and a mandatory loss of driver's license for 6 months to 2 years.
    - MDMA/Ecstasy: 5.0 oz. or more: maximum fine \$250,000; maximum prison sentence of 20 years in jail, 10 years without parole; and a mandatory loss of driver's license for 6 months to 2 years.
  - Use or possession with the intent to distribute:
    - Marijuana: 0-10 years in jail; a fine of \$750 to \$100,000; and a mandatory loss of driver's license for 6 months to 2 years.
    - Cocaine: 3-20 years in jail (with a 3-5 year mandatory sentence with no parole if the amount exceeds 5oz.); a fine of \$1,000 to \$300,000; and a mandatory loss of driver's license for 6 months to 2 years.
    - Amphetamine ("Speed"): 3-10 years in jail; a fine of \$1,000 to \$100,000; and a mandatory loss of driver's license for 6 months to 2 years.
    - Psilocybin ("Shrooms") and LSD: 3-5 years in jail; a fine of \$2,000 to \$300,000; and a mandatory loss of driver's license from 6 months to 2 years.
  - Possession or distribution:
    - Ketamine: maximum fine \$100,000; maximum prison sentence of 5 years in jail, 2 1/2 years without parole; mandatory loss of driver's license for 6 months to 2 years.
    - Rohypnol (Flunitrazepam): maximum fine \$100,000; maximum prison sentence of 5 years in jail, 2 1/2 years without parole; mandatory loss of driver's license for 6 months to 2 years.
    - GHB (Gamma Hydroxybutyrate) and GBL (Gamma Butyrolactone): maximum fine \$100,000; maximum prison sentence of 5 years in jail, 2 1/2 years without parole; revocation of driver's license for a maximum of 6 months; mandatory loss of driver's license for 6 months to 2 years.
- In addition to the foregoing fines, every defendant who is convicted of any drug offense or who goes into a drug diversionary program must pay a mandatory penalty ranging from \$500 to \$3,000 and a mandatory \$50 laboratory fee. The Act provides that any person, 18 years or older, who uses, solicits, or directs a juvenile (17 years or younger) to manufacture or distribute drugs is guilty of a second degree crime and is subject to imprisonment for 5-10 years and a fine up to \$300,000.
- Use or possession of drug paraphernalia:
    - Up to 6 months in jail; mandatory fine of \$500 to \$1,000; and a mandatory loss of license for 6 months to 2 years.
    - It is unlawful for any person to deliver drug paraphernalia to a person under 18 years of age.

## D. Signs and Symptoms of Problematic Drinking

- Increase in alcohol tolerance
- Urgency to have the first drink
- Drinking because you are angry, upset, or stressed
- Your personality is altered when drinking
- Drinking the night before has caused you to miss or to be late for class
- You sometimes have a drink to help you sleep
- When you drink, you wind up drunk
- You promise yourself you will cut down or stop, but that only lasts a short time, if at all
- Someone has expressed concern over your drinking
- It is difficult to stop after one or two drinks
- The day after drinking you have trouble remembering parts of the night (blackouts)
- You regret things you have said or done while drinking
- Even after others have stopped, you want to continue drinking
- You get irritated when anyone talks about your drinking
- At times, grades have suffered because of drinking
- A significant part of the day is spent getting, using, or recovering from the effects of alcohol

## E. Signs and Symptoms of Problematic Drug Use:

- Loss of appetite, increase in appetite, changes in eating habits, unexplained weight loss or gain
- Slowed or staggering walk; poor physical coordination
- Red, watery eyes; pupils larger or smaller than usual; blank stare
- Puffy face, blushing, or paleness
- Smell of substance on breath, body, or clothes
- Extreme hyperactivity; excessive talkativeness
- Runny nose, hacking cough
- Excessive sweating
- Tremors or shakes of hands, feet, or head
- Change in overall attitude/personality



- Change in activities or hobbies
- Drop in grades, skipping class
- Difficulty paying attention; forgetfulness
- General lack of motivation, energy, self-esteem; "I don't care" attitude
- Moodiness, irritability, or nervousness
- Paranoia
- Secretive or suspicious behavior
- Change in personal grooming habits
- Change in peer group or isolation from others

## VIII.        Contacts

The following office can address questions regarding this Policy: Dean of Students: [stuaff@drew.edu](mailto:stuaff@drew.edu) or (973) 408-3390.

## IX.         History

This policy has been updated as of August 27, 2022.