

**Federal Drug-Free Schools and Communities Act**  
**[\[Edgar Part 86\]](#)**  
**Binghamton University Annual Policy Notification**

**INTRODUCTION**

As a requirement of the Federal Drug-Free Schools and Communities Act Amendments of 1989, Binghamton University distributes this notification of the University's alcohol and drug prevention programs to all students and employees on an annual basis. This process is formally conducted by the Division of Student Affairs. Questions concerning this notification or the campus alcohol and other drug programs, interventions, and policies may be directed to the College Prevention Coordinator for Alcohol, Tobacco, and Other Drug Programs and Services; Rasheema Wright, at aodstaff@binghamton.edu and (607)-777-3088.

Information in this notification is directly derived from University policies. No information in this notification is meant to supersede the policies.

**POLICIES AND EXPECTATIONS**

As an academic community, Binghamton University is committed to providing an environment in which learning and scholarship can flourish. The possession or use of illegal drugs, or the abuse of those which may otherwise be legally possessed, seriously affects the University environment, as well as the individual potential of our students and staff.

The University enforces state laws and related University policies, including those prohibiting the following activities on campus:

1. Providing alcoholic beverages to individuals under 21 or possession or consumption of alcoholic beverages by individuals under 21.
2. Distribution, possession, or use of illegal drugs or controlled substances.
3. Possession of firearms or other dangerous weapons.

The following section outlines, more in-depth, the policies that have been adopted by the university for its students and employees. Students and employees are subject to the university policies, as well as all applicable local, state, and federal laws. The university will impose appropriate sanctions on any member of the campus community who is found responsible for violating the law and/or University policy. The use of, or addiction to, alcohol, marijuana, or controlled substances is not considered an excuse for violations of the Student Code of Conduct or staff expectations, and will not be a mitigating factor in the application of appropriate disciplinary sanctions for such violations.

The University strongly encourages students and staff to voluntarily obtain assistance for dependency or substance abuse problems before such behaviors results in an arrest and/or disciplinary referral, which might result in their separation from the institution.

## **Student Code of Student Conduct - Alcohol and Other Drugs Policies**

It is the responsibility of all members of the Binghamton University community to uphold the values of the institution, which are unity, identity and excellence. Students are expected to conduct themselves in a manner that supports and respects the rights of others. Accordingly, student behavior should be consistent with University policy as well as state and federal law at all times. Student behavior that is not consistent with these standards, whether on or off campus, may be addressed through the Code of Student Conduct in an effort to educate students, manage safety and deter behavior that negatively impacts either the individual or the community.

The abuse of alcohol and other drugs by students, regardless of age and of location (on-campus or off-campus), is prohibited by the [Student Code of Conduct](#). It is each student's individual responsibility to review and understand the Code of Student Conduct. Copies of the Code of Student Conduct are available [online](#). The University can, and will, impose disciplinary sanctions on students for code of conduct violations. Students are also subject to city ordinances and state and federal laws. See the [Office of Student Conduct's website](#), to submit any questions regarding the code or procedures.

Please note that while the list below is not comprehensive, it does reflect some of the behaviors pertaining to substance use by Binghamton University students that are prohibited. For a complete list of prohibited behaviors see full [Code of Student Conduct](#). Students engaging, attempting to engage or assisting in the following are subject to disciplinary sanctions:

1. Consumption, possession or purchase of alcoholic beverages by any person less than the minimum age allowed by law.
2. Distribution of alcoholic beverages to anyone less than the minimum age allowed by law.
3. Possession of more than one case of beer (288 oz. or 2 4 12-oz. cans or bottles) or two liters of wine or two liters of distilled spirits.
4. Possession of bulk containers of alcohol.
5. Possession, personal use or purchasing of marijuana, illegal drugs, prescription drugs prescribed to another person or controlled substances; or possession of drug paraphernalia containing drug residue.
6. Distribution of marijuana, illegal drugs, prescription drugs prescribed to another person or controlled substances.
7. Manufacture, sale, or use of altered or another person's documents, including those used for identification.

8. Intentionally or recklessly destroying or damaging property.
9. Endangering, threatening, causing, or attempting to cause physical harm to any person or causing reasonable apprehension of such harm.
10. Sexual harassment.
11. Domestic violence or dating violence.
12. Any form of sexual violence, sexual assault and/or rape.
13. Hazing.

## **Binghamton University Policy On Substance Abuse in the Workplace**

It is the policy of Binghamton University that all employees will remain free of any drug and/or alcohol induced impairments while on duty, refrain from the use of illegal drugs and/or alcohol while on duty, and while serving in a designated safety sensitive position, and undergo any drug and/or alcohol testing in accordance with the Omnibus Transportation Employee Testing Act.

**Click here:** [Full Policy on Substance Abuse in the Workplace](#)

Below are some important highlights of the Substance Abuse policy for employees to know. It is the policy of Binghamton University that:

1. No employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverage or illegal drug on the job site, on Binghamton University property (including property leased or rented by Binghamton University), while on duty, in a state vehicle, a vehicle leased or rented for state business, or a private vehicle being used for state business during the employees' work hours.
2. After January 1, 1996, an employee covered by OTETA and notified of being in a safety sensitive position as defined by the rules of OTETA is further prohibited from the use of alcohol four (4) hours prior to operating a Commercial Motor Vehicle (CMV). No supervisor having knowledge that an employee in such a position has used alcohol within four (4) hours shall permit that employee to operate a CMV.
3. No employee shall report for work unfit for duty at the beginning of a shift or upon returning from any break, lunch or rest period, as a result of consuming alcohol and/or illegal drugs. Further, no employee serving in a safety sensitive position as defined by the OTETA shall report to work in a condition that violates the Act and the corresponding rules.
4. While prescription drugs are not prohibited, they should not render an employee unfit for duty. The employee should bring situations of this nature to the attention of the supervisor, especially if the employee's job responsibilities have an impact on health and safety. These situations are to be addressed confidentially on a case-by-case basis and it may be necessary for the employee to provide certification from their physician that the prescription substance does not adversely impact fitness to do their job.
5. Work-related accidents or injuries involving state vehicles, equipment and/or property where it can be demonstrated that the use of alcohol or drugs may have been a contributing factor will result in formal disciplinary action which can include penalties up

to and including termination of employment. In addition, for employees serving in safety sensitive positions covered under OTETA, they shall be required to take post-accident alcohol and drug tests. Employees serving in OTETA covered positions shall not use alcohol for eight (8) hours following an accident or until the employee undergoes the post-accident alcohol test, whichever occurs first.

6. An employee shall notify their supervisor of any criminal drug and/or alcohol statute conviction, which results from a violation occurring no later than five (5) days after the date of conviction (Drug-Free Workplace Act of 1988). The supervisor who has been notified of such conviction must inform the Associate Vice President for Human Resources within twenty-four (24) hours of receiving the information from the employee.
7. This provision within this policy applies to employees for whom possession of a valid driver's license is a requirement of their position at the University. Article 19A, Section 509(l) of the NYS Vehicle and Traffic Law states that a driver notified that their license, permit, or privilege to operate a motor vehicle has been revoked, suspended or withdrawn or who is convicted of a violation of such provisions of this chapter as shall constitute a misdemeanor or a felony in any jurisdiction shall notify the motor carrier (supervisor) that employs such person of the contents of the notice before the end of the business day on which it is received. A driver who fails to notify their employer of such suspension, revocation, or conviction or a violation of such provisions of this chapter as shall constitute a misdemeanor or felony shall be subject to a five (5) working day suspension, or a suspension equivalent to the number of working days such driver was not in compliance with this article, whichever is longer.
8. An employee may be directed to undergo medical examination and/or testing under Section 72 of the NYS Civil Service Law, at the expense of Binghamton University if the supervisor suspects that the employee is not able to perform their duties as a result of alcohol or controlled substance related disabilities. Further, employees covered under OTETA serving in safety sensitive positions must undergo alcohol and/or drug testing when the supervisor has "reasonable suspicion" to believe that employee has violated the alcohol and drug prohibitions of the OTETA. A reasonable suspicion must be based on specific reliable observations about the employee's appearance, behavior, speech, or body odors. Some examples would be: an unsteady gait, the odor of alcohol on the breath, thick or slurring speech, abusive language or behavior, disorientation or lethargy. Other factors to consider include: the employee's time and attendance pattern, on- the-job accidents, difficulty remembering instructions of conversations, poor relationships with co-workers, supervisors, and other members of the campus community. Usually, reasonable suspicion will be based upon a combination of factors as referenced on the [Reasonable Suspicion Form](#)
9. Violation of the provisions of this "Policy on Alcohol and Substance Abuse in the Workplace" may result in disciplinary action up to and including termination of employment according to the terms of the bargaining unit contract of the specified union involved.

Binghamton University will assist faculty and staff who have a drug or alcohol problem in their recovery provided the employee seeks and/or accepts assistance. However, Binghamton University will take appropriate formal disciplinary action, which can include penalties up to, and including termination of employment in order to resolve drug or alcohol related performance and/or misconduct problems.

## **Binghamton University Alcoholic Beverages on Campus Policy**

Binghamton University has long had a strong commitment to providing an environment that promotes academic, social and personal development. In keeping with this commitment, the University has developed a [policy](#) governing the sale and service of alcoholic beverages on campus at University-sanctioned events. When the responsible use of alcoholic beverages at University-sanctioned events is appropriate, such use must be consistent with the University's mission, vision and responsibilities to all members of the University community. All sales and service of alcoholic beverages must be provided in adherence with and subject to enforcement of all federal, state and local laws concerning alcohol and alcoholic beverages.

**Click Here:** [Full Policy on Alcoholic Beverages on Campus](#)

Binghamton University Auxiliary Services (BUAS), reporting through the Division of Student Affairs, has the primary responsibility for the oversight, appeals process and periodic review of the policy, with assigned campus stakeholders as partners to ensure campus compliance. In addition, it is the responsibility of any individual or group coordinating an event to review Binghamton University's Alcohol Policy to ensure compliance and enforcement.

### **A. Use of Alcoholic Beverages on Campus:**

1. Persons under 21 are prohibited from purchasing, possessing or consuming alcoholic beverages.
2. Persons 21 and over are prohibited from possessing open containers and consuming alcoholic beverages except in authorized residence hall rooms, suites, apartments, licensed dining facilities or authorized campus buildings during University-sanctioned events.
3. Possession of open containers and/or the consumption of alcoholic beverages is prohibited on University grounds, including in all common areas and athletic fields, by any person regardless of age, except at University-sanctioned events when appropriate arrangements have been made.
4. Persons 21 and over are prohibited from removing alcoholic beverages from or bringing such beverages into dining facilities or University-sanctioned events.
5. All persons are prohibited from possessing or consuming from bulk containers of alcohol.
6. State funds may not be used for the purchase of alcoholic beverages.
7. Under no circumstances may individuals bring their own alcoholic beverages for personal consumption to an event held on campus unless approved by the Office of the

President (or designee). Very limited exceptions to the policy may include specific University approved events (i.e. Homecoming Tailgate) or Ceremonial Use.

8. Sponsor(s) of social events at which alcohol is served assume full responsibility for the enforcement of all federal, state and local laws and University policies with respect to the consumption of alcohol. This responsibility includes serving appropriate amounts of non-alcoholic beverages and food at events where alcohol is served.
9. Permission for serving alcohol may be obtained by following the Procedure for Requesting Permission to Serve Alcohol at University-Sanctioned Events.
10. Proof of age with photo identification is required and must be presented to the appropriate "responsible person" as designated on the Procedure for Requesting Permission to Serve Alcohol at University-Sanctioned Events form at all functions where alcoholic beverages are served and students are present. The following are acceptable forms of proof:
  - a. a valid driver's license
  - b. an official state or federal ID
  - c. a passport
  - d. military identification
11. On the occasion of gift-giving between colleagues, or single-item raffle items for University-sponsored events, such gifts containing alcoholic beverages shall not be given to persons under the age of 21, nor opened or consumed on University property.

**B. NY State Requires License to Serve or Sell Alcohol at University-Sanctioned Events:**

1. Only persons twenty-one (21) years of age or older are legally entitled to possess, purchase, be sold, given or served alcohol.
2. Any event at which alcoholic beverages are sold or served requires a license from the New York State Liquor Authority. The sale of alcoholic beverages under the terms of State law and University policy is permitted at the licensed premises of Binghamton University Dining Services.
3. Any alcoholic beverages sold or served outside of the licensed premises requires a special liquor permit from the State of New York. This includes events or performances where tickets are sold and alcohol is provided free of charge or in exchange for a purchased ticket. This permit must be secured through Binghamton University Dining Services and arranged at least 30 business days in advance in order to allow time for the State permit to be issued.
4. Any person who shall be injured in person, property, means of support or otherwise, by reason of the intoxication or impairment of ability of any person under the age of 21 years, whether resulting in his/her death or not, shall have a right of action to recover actual damages against any person who knowingly causes such intoxication or impairment of ability by unlawfully furnishing to or unlawfully assisting in procuring alcoholic beverages for such person with knowledge or reasonable cause to believe that such person was under the age of 21 years.
5. For additional information regarding the Alcohol Beverage Control laws see <http://www.sla.ny.gov/>.

### **C. Policy Enforcement:**

The University President or designee reserves the right to terminate any event, with or without notice, which does not adhere to the requirements outlined in this policy. Additionally, the University President or designee may terminate any event that becomes dangerous or disruptive to the instructional and business functions of the institution. Failure to comply with this policy may result in the disciplinary or other remedial actions including removal of alcohol by University Police from University premises

## **Binghamton University Tobacco Free Campus Policy**

Binghamton University is a tobacco-free campus. The use of tobacco will be prohibited on all University property. This policy applies to the entire University community and is applicable 24 hours a day, seven days a week. The University is committed to support all students and employees who wish to stop using tobacco products. The campus will promote evidence-based cessation resources. Students can access information about cessation treatment, including counseling and nicotine replacement therapy, through Health Services. Employees can access support through the Employee Assistance Program.

**Click Here:** [Full tobacco Free Campus Policy](#)

### **Exceptions**

Tobacco use may be permitted under the following exceptions:

1. Sponsored research involving tobacco or tobacco products, provided that the University employee obtains the prior approval of the Vice President for Research, and a waiver is requested and granted in accordance with sponsored research requirements, if any. Smoke, like any other contaminant, will be controlled.
2. By artists or actors who are participating in University-authorized performances that require smoking as part of the artistic production, with prior approval of the Environmental Health and Safety Department.
3. Educational or clinical purposes with prior approval of the Vice President for Research or Executive Vice President/Provost.

### **Additional**

1. The sale of tobacco products or tobacco-related merchandise is prohibited on University property.
2. The free distribution or sampling of tobacco products and associated products is prohibited on University property.
3. Sponsorship of campus events by companies that directly produce tobacco is prohibited.
4. Advertisement of tobacco products at campus events is prohibited regardless of sponsorship.
5. Organizers of public events on campus are responsible to communicate this policy and enforce it with attendees.

## **Department of Athletics' Alcohol, Tobacco and Other Drug (ATOD) Policy and Substance Abuse Screening and Deterrence Program**

In addition to the campus policies already outlined, the Department of Athletics has its own ATOD policies which can be found in the Student-Athlete Handbook. Athletic Department ATOD policies encompass mandatory drug testing and, departmental sanctions as a result of positive tests.

**Click Here:** [Full Department of Athletics Alcohol, Tobacco and Other Drug Policy](#)

The Athletics Department's policy is as follows:

- Alcohol consumption by a student-athlete under 21 years of age is illegal.
- The use of drugs (recreational or performance enhancing) is illegal.
- The use of any tobacco products at an NCAA sponsored event is a violation and will affect eligibility.
- The consumption of alcohol by student-athletes and any other Binghamton University Athletics' student personnel (i.e. student-trainers, managers, scorekeepers, etc.) is prohibited in connection with any official intercollegiate team function or Athletics Department activity.
- An official team function, for purposes of this policy, is defined as any activity that is held at the direction of, or under the supervision of athletics department personnel.
- This includes when traveling as a representative of the University as a student-athlete.
- Student athletes that are not of legal age to drink alcohol are prohibited from drinking at all times.
- In addition, any member of the Athletics Department staff shall not be permitted at any time to consume alcohol in the presence of student-athletes.
- A student-athlete who consumes alcohol at any time will be accountable for any alcohol- related incident in which she or he is involved.

The Department of Intercollegiate Athletics at Binghamton University believes that the use of controlled substances and performance enhancing drugs represents a danger to the health and careers of student-athletes and constitutes a threat to the integrity of intercollegiate athletics. Therefore, the department has implemented a mandatory program of drug education, screening and treatment (counseling/rehabilitation) to assist and benefit our student athletes. Additionally, the NCAA conducts a drug testing program that requires the participation of all student-athletes.



## HEALTH RISKS OF COMMONLY ABUSED SUBSTANCES

Substance	Nicknames/Slang Terms	Short Term Effects	Long Term Effects
Alcohol		slurred speech, drowsiness, headaches, impaired judgment, decreased perception and coordination, distorted vision and hearing , vomiting, breathing difficulties, unconsciousness, coma, blackouts,	toxic psychosis, physical dependence, neurological and liver damage, fetal alcohol syndrome, vitamin B1 deficiency, sexual problems, cancer, physical dependence
Amphetamines	uppers, speed, meth, crack, crystal, ice, pep pills	increased heart rate, increased blood pressure, dry mouth, loss of appetite, restlessness, irritability, anxiety	delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis, physical dependence
Barbiturates and Tranquilizers	barbs, bluebirds, blues, yellow jackets, red devils, roofies, rohypnol, ruffies, tranqs, mickey, flying v's	slurred speech, muscle relaxation, dizziness, decreased motor control	severe withdrawal symptoms, possible convulsions, toxic psychosis, depression, physical dependence
Cocaine	coke, cracks, snow, powder, blow, rock	loss of appetite increased blood pressure and heart rate, contracted blood vessels, nausea, hyper-stimulation anxiety, paranoia, increased hostility Increased rate of breathing, muscle spasms and convulsions. dilated pupils disturbed sleep,	depression, weight loss, high blood pressure, seizure, heart attack, stroke, hypertension, hallucinations, psychosis, chronic cough, nasal passage injury, kidney, liver and lung damage

Gamma Hydroxy Butyrate	GHB, liquid B, liquid X, liquid ecstasy, G, georgia homeboy, grievous bodily harm	euphoria, decreased inhibitions, drowsiness, sleep, decreased body temperature, decreased heart rate, decreased blood pressure	memory loss, depression, severe withdrawal symptoms, physical dependence, psychological dependence
Heroin	H, junk, smack, horse, skag	euphoria, flushing of the skin, dry mouth, "heavy" arms and legs, slowed breathing, muscular weakness	constipation, loss of appetite, lethargy, weakening of the immune system, respiratory (breathing) illnesses, muscular weakness, partial paralysis, coma, physical dependence, psychological dependence
Ketamine	K, super K, special K	dream-like states, hallucinations, impaired attention and memory, delirium, impaired motor function, high blood pressure, depression	Urinary tract and bladder problems, abdominal pain, major convulsions, muscle rigidity, increased confusion, increased depression, physical dependence, psychological dependence
LSD	acid, stamps, dots, blotter, A-bombs	dilated pupils, change in body temperature, blood pressure and heart rate, sweating, chills, loss of appetite, decreased sleep, tremors, changes in visual acuity, mood changes	may intensify existing psychosis, panic reactions, can interfere with psychological adjustment and social functioning, insomnia, physical dependence, psychological dependence
MDMA	ecstasy, XTC, adam, X, rolls, pills	impaired judgment, confusion, confusion,	same as LSD, sleeplessness,

		blurred vision, teeth clenching, depression, anxiety, paranoia, sleep problems, muscle tension	nausea, confusion, increased blood pressure, sweating, depression, anxiety, memory loss kidney failure, cardiovascular problems, convulsions death, physical dependence, psychological dependence
Marijuana/Cannabis	pot, grass, dope, weed, joint, bud, reefer, doobie, roach	sensory distortion, poor coordination of movement slowed reaction time, panic, anxiety	bronchitis, conjunctivas, lethargy, shortened attention span, suppressed immune system, personality changes, cancer, psychological dependence, physical dependence possible for some
Mescaline	peyote cactus	nausea, vomiting, anxiety, delirium, hallucinations, increased heart rate, blood pressure, and body temperature,	lasting physical and mental trauma, intensified existing psychosis, psychological dependence
Morphine/Opiates	M, morf, duramorph, Miss Emma, monkey, roxanol, white stuff	euphoria, increased body temperature, dry mouth, "heavy" feeling in arms and legs	constipation, loss of appetite collapsed veins, heart infections, liver disease, depressed respiration, pneumonia and other pulmonary complications, physical dependence, psychological dependence

PCP	crystal, tea, angel dust, embalming fluid, killer weed, rocket fuel, supergrass, wack, ozone	shallow breathing, flushing, profuse sweating, numbness in arms and legs, decreased muscular coordination, nausea, vomiting, blurred vision, delusions, paranoia, disordered thinking	memory loss, difficulties with speech and thinking, depression, weight loss, psychotic behavior, violent acts, psychosis, physical dependence, psychological dependence
Psilocybin	mushrooms, magic mushrooms, shrooms, caps, psilocybin & psilocyn	nausea, distorted perceptions, nervousness, paranoia,	confusion, memory loss, shortened attention span, flashbacks may intensify existing psychosis,
Steroids	roids, juice	increased lean muscle mass, increased strength, acne, oily skin, excess hair growth, high blood pressure	Cholesterol imbalance, anger management problems, masculinization or women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage, psychological dependence

## **RESOURCES FOR STUDENTS AND STAFF**

[Help](#) is available both on campus and within the community for students and staff members who are dependent on, or who abuse the use of alcohol or other drugs.

### **Prevention and Education**

Whether working with students individually, or providing campus-wide programming, the Alcohol, Tobacco and Other Drugs office staff are committed to empowering Binghamton University students to make healthy lifestyle choices surrounding substance use. Through all programs and services, the ATOD staff strive to engage the community and build collaborations that will ensure a safe campus environment for all. The ATOD program is built on a foundation of evidence-based prevention and harm-reduction approaches that ask students to explore the how and why behind their behaviors, and give them the tools necessary to support their well-being.

The ATOD program at Binghamton University uses a multi-pronged approach to address drug and alcohol misuse by the campus community. Among the strategies employed by the ATOD office are:

- **eCHECKUP TO GO:** An evidence based online prevention tool used for indicated students who are referred to the ATOD Office by University professionals or who self-refer. Students can take the alcohol, cannabis, or tobacco assessment.
- **Brief Alcohol Screening and Intervention for College Students (BASICS):** An intervention for students who drink alcohol heavily or are at risk for alcohol-related problems. Students participate in a motivational interview designed to help them make better alcohol-use decisions by providing personalized feedback on their habits and situating them in the larger context of peer drinking norms.
- **Cannabis Screening and Intervention for College Students (CASICS):** An intervention for students who use marijuana heavily or are at risk for marijuana-related problems. Students participate in a motivational interview designed to help them make better marijuana-use decisions by providing personalized feedback on their habits and situating them in the larger context of peer drinking norms.
- **Binghamton Campus and Community Coalition (BCCC):** The ATOD office recognizes that addressing college student substance misuse requires buy-in from the local community. BCCC is a 25+ member community coalition that engages in collaborative partnerships to reduce high-risk substance use using a strategic prevention framework.
- **Environmental Management:** Through campus and community alliances, the ATOD staff focus on maintaining an environment in which policies, programs, and physical spaces are aligned to limit access to, and the availability of, alcohol, tobacco, and other drugs.
- **Peer-to-Peer Engagement:** Studies show that peers have an important influence on emerging adult substance use behaviors. In addition to training students to conduct peer-led interventions, the ATOD program is designed to facilitate meaningful dialogue among peers and to dispel myths about peer substance-use behaviors.
- **Recovery Resources:** The University Counseling Center (UCC) provides one-on-one services to students struggling with drug and alcohol addiction, as well as oversees the

Campus Recovery Center (CRC). The CRC hosts regular meetings for students struggling with addiction who are looking for additional support in a safe and inclusive space.

For more information concerning current programs, interventions and policies, contact Linda Reynolds, College Prevention Coordinator at (607-777-3088) or [Ireynold@binghamton.edu](mailto:Ireynold@binghamton.edu).  
[emonroe@binghamton.edu](mailto:emonroe@binghamton.edu).

### **Counseling and Treatment**

The University Counseling Center offers free services to all students. Students may receive referrals from counselors in the Counseling Center to local treatment centers for evaluation and treatment. Through Binghamton University's Human Resources department, the Employee Assistant Center offers employees additional education and counseling, as well as appropriate referrals.

The agencies named below provide a variety of services which may include evaluation services, medically supervised withdrawal and stabilization services, inpatient and outpatient treatment, individual and group therapy, and family programs. Interested individuals are encouraged to contact each agency for additional information regarding specific services and costs.

### **Emergency Services**

- [Binghamton University Campus Police](#): \*911
- [Harpur's Ferry Volunteer Ambulance](#): (607) 777-3333
- [University Counseling Center](#): (607) 777-2772
- Provide same-day urgent appointments Monday through Friday from 1 to 4 p.m. After-hours crisis line for nights, weekends and holidays: 607-777-2772, push number 2 when prompted. A crisis counselor will speak with you immediately.
- [UHS Binghamton General Hospital Comprehensive Psychiatric Emergency Program \(CPEP\)](#): (607) 762-2302
- 24-hour crisis hotline and confidential psychiatric advice.

### **Nearest Hospital Emergency Departments**

When the Decker Student Health Services Center is closed or they have no available appointments, these are your options for receiving immediate medical care:

- [Lourdes Hospital](#)
- [Lourdes Orthopedics Walk-In](#)
- [UHS Wilson Medical Center](#)
- [UHS Binghamton General Hospital](#)

### **On-Campus Resources**

- [College Prevention Coordinator for ATOD Programs](#)  
Linda Reynolds / [Ireynold@binghamton.edu](mailto:Ireynold@binghamton.edu) / (607) 777-3088
- [ATOD Office](#): [aodstaff@binghamton.edu](mailto:aodstaff@binghamton.edu)
- [University Counseling Center](#): (607) 777-2772
- [Binghamton University Campus Police](#): Non-emergency number - (607) 777-2393

### **Off-Campus/Community Resources**

- [The Addiction Center of Broome County:](#) (607) 723-7308  
Assists individuals with substance use disorders and their families.
- [Alcoholics Anonymous \(Broome County\):](#) (607) 722-5983  
Is a community of men and women who have had a drinking problem.
- [Co-Dependents Anonymous:](#) (607) 687-5620  
Program for recovery from substance use codependence.
- [Crime Victims Assistance Center:](#) (607) 722-4256  
Safe environment for people who have been a victim of, or affected by, a crime. Provide free counseling to survivors as well as a 24-hour crisis line and advocacy program.
- [Fairview Recovery Services, Inc.:](#) (607) 777-4777  
Provides a wide range of substance use disorder treatment services including stabilization services, Medication Assistant Treatment, vocational counseling, recreational therapy, peer support, etc.
- [Helio Health:](#) (315) 471-1564  
Provides drug and alcohol withdrawal and stabilization services, detoxification, inpatient rehabilitation, counseling, etc.
- [Triple Cities Narcotics Anonymous:](#) (315) 847-3842  
Community of men and women who have a drug problem.
- [Southern Tier AIDS Program \(STAP\):](#) (607) 798-1706  
Comprehensive HIV/AIDS services, syringe exchange program, opioid overdose prevention program, substance use information and referrals, etc.
- [UHS Substance Abuse and Addiction Medicine Department:](#) (607) 762-3288  
Substance use disorder assessments, outpatient groups, and family programming.
- [UHS New Horizons Alcohol & Chemical Dependency Treatment Center:](#) (607) 777-2255

### **Family Resources**

- [Adult Children of Alcoholics](#)
- [Al-Anon & Alateen:](#) (607) 722-0889  
Offers help and hope to friends and families of alcoholics (current or former).
- [Gam-anon](#)  
For families of gamblers.
- [Nar-anon](#)  
For friends and families of addicts.

In accordance with Americans with Disabilities Act of 1990, no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of the University. Further, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the University or be subjected to discrimination by the University.

## **SANCTIONS AND PENALTIES**

### **Student Sanctions - Alcohol and Drugs**

Students found to be in violation of local, state, and/or federal law, or who violate the University's policies, are subject to University disciplinary procedures and/or referral to the appropriate authorities for legal action. Arrest and prosecution for alleged violations of criminal law or city ordinances may result from the same incident for which the University imposes disciplinary sanctions.

Campus disciplinary sanctions include, but are not limited to student conduct warnings, educational ATOD interventions, loss of privileges, probation, suspension, and/or dismissal. Sanctions also apply to registered student organizations. Additional disciplinary procedures may also be applied by the Department of Athletics and the National Collegiate Athletic Association (NCAA). Students are responsible for complying with all University policies and rules. If alcohol or drug violations occur, students are subject to appropriate discipline according to the Student Code of Conduct.

Commonly Imposed Disciplinary Sanctions for On-Campus Alcohol and Other Drugs Policy Violations Include:

<b>Behavior</b>	<b>Typical Sanctions</b>
<p><b>Rule #1: Underage Drinking and/or Possession</b> Underage individual with a <b>large</b> amount of alcohol (more than a 6 pack of cans/bottles and 1 bottle of wine/liquor).</p>	<p><u>First offense:</u></p> <ul style="list-style-type: none"> <li>• Conduct Warning</li> <li>• Educational Intervention</li> </ul> <p><u>Second offense:</u></p> <ul style="list-style-type: none"> <li>• Disciplinary probation until graduation</li> <li>• Educational Intervention</li> <li>• Relocation, if appropriate</li> <li>• Loss of visitation to appropriate area</li> </ul> <p><u>Third offense:</u></p> <ul style="list-style-type: none"> <li>• Final Probation</li> <li>• Educational Intervention</li> <li>• Removal from all University housing</li> <li>• Loss of visitation to all residential areas</li> </ul> <p><u>Fourth offense:</u></p> <ul style="list-style-type: none"> <li>• Suspension</li> </ul>
<p><b>Rule #1: Underage Drinking and/or Possession</b> Providing person under 21 years of age with alcohol. Hosting a party in your room, suite, or apartment where underage drinking takes place.</p>	<p><u>First offense:</u></p> <ul style="list-style-type: none"> <li>• 4 semesters disciplinary probation</li> <li>• Educational Intervention</li> <li>• Relocation if appropriate</li> <li>• Loss of visitation to appropriate area</li> </ul> <p><u>Second offense:</u></p> <ul style="list-style-type: none"> <li>• Final probation until graduation</li> </ul>



	<ul style="list-style-type: none"> <li>• Educational Intervention</li> <li>• Removal from all University Housing</li> <li>• Loss of visitation to all residential areas</li> </ul> <p><u>Third offense:</u></p> <ul style="list-style-type: none"> <li>• 2 semesters of Suspension Upon Return</li> <li>• Final Probation</li> <li>• Removal from all University housing</li> <li>• Loss of visitation to all residential areas</li> </ul>
<p><b>Rule #2: Exceeding Alcohol Possession Limit</b>  Possession of more alcohol than stated in rule (applies to individuals 21 years of age and over.)</p>	<p><u>First offense:</u></p> <ul style="list-style-type: none"> <li>• Conduct Warning</li> <li>• Educational Intervention</li> </ul> <p><u>Second offense:</u></p> <ul style="list-style-type: none"> <li>• 4 semesters disciplinary probation</li> <li>• Educational Intervention</li> </ul> <p><u>Third offense:</u></p> <ul style="list-style-type: none"> <li>• Final Probation</li> <li>• Educational Intervention</li> <li>• Relocation if appropriate</li> <li>• Loss of visitation of appropriate area</li> </ul>
<p><b>Rule #3: Personal Use/Possession of Drugs</b>  Possession/personal use of marijuana (small amount = 20 grams or less)</p> <ul style="list-style-type: none"> <li>• Possession of drug paraphernalia with marijuana residue</li> <li>• Purchasing or attempting to purchase a small amount of marijuana</li> </ul> <p>Sanctioning considerations for all violations include:</p> <ul style="list-style-type: none"> <li>• How the violation was committed</li> <li>• The amount and nature of the drug(s) involved</li> <li>• The level of knowledge and the intent of the student</li> <li>• Prior disciplinary history of the student</li> <li>• Frequency of incident</li> </ul>	<p><u>First offense:</u></p> <ul style="list-style-type: none"> <li>• Conduct Warning</li> <li>• Educational Intervention</li> </ul> <p><u>Second offense:</u></p> <ul style="list-style-type: none"> <li>• 4 semesters disciplinary probation</li> <li>• Educational Intervention</li> </ul> <p><u>Third offense:</u></p> <ul style="list-style-type: none"> <li>• Final Probation</li> <li>• Educational Intervention</li> <li>• Relocation or Removal from Housing if appropriate</li> <li>• Loss of visitation to appropriate area</li> </ul> <p><u>Fourth offense:</u></p> <ul style="list-style-type: none"> <li>• Suspension</li> </ul>
<p><b>Rule #3 Personal Use/Possession of Drugs</b>  Possession/personal use of marijuana (<b>large</b> amount = more than 20 grams). Purchasing or attempting to purchase a (<b>large</b> amount) of marijuana</p>	<p><u>First offense:</u></p> <ul style="list-style-type: none"> <li>• 2 semesters disciplinary probation</li> <li>• Educational Intervention</li> </ul> <p><u>Second offense:</u></p> <ul style="list-style-type: none"> <li>• Final Probation</li> <li>• Relocation if appropriate</li> <li>• Loss of visitation to appropriate area</li> <li>• Educational Intervention</li> </ul> <p><u>Third offense:</u></p> <ul style="list-style-type: none"> <li>• Final probation until graduation</li> <li>• Educational Intervention</li> </ul>

	<ul style="list-style-type: none"> <li>• Removal from all University housing</li> <li>• Loss of visitation to all residential areas</li> </ul>
<p><b>Rule #3: Personal Use/Possession of Drugs</b>          Possession/personal use of prescription drugs prescribed to another person. Purchasing or attempting to purchase prescription drugs prescribed to another person.</p>	<p><u>First offense:</u></p> <ul style="list-style-type: none"> <li>• 4 semesters of Disciplinary Probation</li> <li>• Educational</li> </ul> <p><u>Second offense:</u></p> <ul style="list-style-type: none"> <li>• Final Probation</li> <li>• Relocation if appropriate</li> <li>• Loss of visitation to appropriate area</li> <li>• Educational Intervention</li> </ul>
<p><b>Rule #3: Personal Use/Possession of Drugs</b>          Possession/personal use of other drugs. Possession of drug paraphernalia with residue other than marijuana. Purchasing or attempting to purchase other drugs.</p>	<p><u>First offense:</u></p> <ul style="list-style-type: none"> <li>• Final Probation</li> <li>• Educational Intervention</li> </ul> <p><u>Second offense:</u></p> <ul style="list-style-type: none"> <li>• 2 semesters of Suspension</li> </ul> <p>Upon Return:</p> <ul style="list-style-type: none"> <li>• Final Probation</li> <li>• Removal from all University housing</li> <li>• Loss of visitation to all residential areas</li> </ul>
<p><b>Rule #4: Distribution/Sale of Drugs</b>          Selling or distributing small quantity of marijuana (up to 4 oz. or 113g).</p> <p>Sanctioning considerations for all violations of Rule #4 include:</p> <ul style="list-style-type: none"> <li>• How the violation was committed</li> <li>• The amount and nature of the drug(s) involved</li> <li>• The level of knowledge and the intent of the student</li> <li>• Delivery or attempted delivery of the drug(s)</li> <li>• Prior disciplinary history of the student</li> </ul>	<p>1 to 4 semesters of Suspension</p> <p>Upon Return:</p> <ul style="list-style-type: none"> <li>• Final Probation</li> <li>• Removal from all University housing</li> <li>• o Loss of visitation to all residential areas</li> </ul>
<p><b>Rule #4: Distribution/Sale of Drugs</b>          Selling or distributing <b>large</b> quantities of marijuana (more than 4oz or 113g).</p>	<p>2 semesters of suspension to expulsion</p> <p>Upon Return:</p> <ul style="list-style-type: none"> <li>• Final Probation until graduation</li> <li>• Removal from all University housing</li> <li>• o Loss of visitation to all residential areas</li> </ul>
<p><b>Rule #4: Distribution/Sale of Drugs</b>          Selling other drugs(i.e.cocaine,heroin,ecstasy, Controlled prescriptions, etc.)</p>	<p>1 year suspension to expulsion</p>

## Employee Sanctions – Alcohol and Drugs

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by employees on University premises, or while conducting University business off University premises, is absolutely prohibited. Violations of this prohibition by employees may result in the application of sanctions, including possible required participation in an approved drug abuse assistance or rehabilitation program, and disciplinary action up to and including termination of employment under applicable regulations, University policies, statutes, employment contracts, or collective bargaining agreements.

### Policy on Alcohol and Substance Abuse in the Workplace

- Violation of the provisions of the Policy on Alcohol and Substance Abuse in the Workplace may result in disciplinary action up to and including termination of employment according to the terms of the bargaining unit contract of the specified union involved.
- An employee who reports to work unfit for duty and is sent home using sick leave accruals or sick leave without pay may be subject to medical exam at the expense of Binghamton University as a condition of returning to work. In such cases, the appropriate staff of Human Resources should be contacted for advice and assistance.

### Alcoholic Beverages on Campus Policy

- Violations of laws, regulations, rules, statutes or policies covering the use and distribution of alcoholic beverages may lead to University discipline or legal action. The University reserves the right to discipline students and/or employees found to be in violation of this policy or in violation of applicable laws related to the possession or consumption of alcoholic beverages. The institution may impose penalties for violations of standards of conduct up to and including expulsion, termination of employment and criminal prosecution. Any disciplinary action resulting from violations of this policy shall be administered in a manner consistent with the term of the applicable collective bargaining agreement and/or Student Code of Conduct and/or other applicable provisions of state law, SUNY and/or Binghamton University policy.
- The sponsoring organization/department/entity is responsible for the condition of the facility where an event is held, and may be denied future use of the facility, and may be required to pay restitution, if the facility is left in poor condition, if damage occurs, or if the laws, regulations, rules, statutes or policies governing the use and distribution of alcoholic beverages and other Binghamton University policies are not followed.

## Federal and New York State Penalties – Alcohol and Drugs

### NYS Penal Laws Regarding Alcohol and Other Drugs

#### 220.18 Criminal possession of a controlled substance in the second degree.

A person is guilty of criminal possession of a controlled substance in the second degree when he or she knowingly and unlawfully possesses:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug and said preparations, compounds, mixtures or substances are of an aggregate weight of four ounces or more; or
2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers and said preparations, compounds, mixtures or substances are of an aggregate weight of two ounces or more; or
3. a stimulant and said stimulant weighs ten grams or more; or
4. lysergic acid diethylamide and said lysergic acid diethylamide weighs twenty-five milligrams or more; or
5. a hallucinogen and said hallucinogen weighs six hundred twenty-five
6. milligrams or more; or
7. a hallucinogenic substance and said hallucinogenic substance weighs twenty-five grams or more; or
8. methadone and said methadone weighs two thousand eight hundred eighty milligrams or more.

Criminal possession of a controlled substance in the second degree is a class A-II felony.

#### S 220.21 Criminal possession of a controlled substance in the first degree.

A person is guilty of criminal possession of a controlled substance in the first degree when he or she knowingly and unlawfully possesses:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug and said preparations, compounds, mixtures or
2. substances are of an aggregate weight of eight ounces or more; or
3. methadone and said methadone weighs five thousand seven hundred sixty milligrams or more.

Criminal possession of a controlled substance in the first degree is a class A-I felony.

#### S 220.25 Criminal possession of a controlled substance; presumption.

1. The presence of a controlled substance in an automobile, other than a public omnibus, is presumptive evidence of knowing possession thereof by each and every person in the automobile at the time such controlled substance was found; except that such presumption does not apply (a) to a duly licensed operator of an automobile who is at the time operating it for hire in the lawful and proper pursuit of his trade, or (b) to any person in the automobile if one of them, having obtained the controlled substance and not being under duress, is authorized to possess it and such controlled substance is in

the same container as when he received possession thereof, or (c) when the controlled substance is concealed upon the person of one of the occupants.

2. The presence of a narcotic drug, narcotic preparation, marihuana or phencyclidine in open view in a room, other than a public place, under circumstances evincing an intent to unlawfully mix, compound, package or otherwise prepare for sale such controlled substance is presumptive evidence of knowing possession thereof by each and every person in close proximity to such controlled substance at the time such controlled substance was found; except that such presumption does not apply to any such persons if (a) one of them, having obtained such controlled substance and not being under duress, is authorized to possess it and such controlled substance is in the same container as when he received possession thereof, or (b) one of them has such controlled substance upon his person.

S 220.28 Use of a child to commit a controlled substance offence.

1. A person is guilty of use of a child to commit a controlled substance offense when, being eighteen years old or more, he or she commits a felony sale or felony attempted sale of a controlled substance in violation of this article and, as part of that criminal transaction, knowingly uses a child to effectuate such felony sale or felony attempted sale of such controlled substance.
2. For purposes of this section, "uses a child to effectuate the felony sale or felony attempted sale of such controlled substance" means conduct by which the actor: (a) conceals such controlled substance on or about the body or person of such child for the purpose of effectuating the criminal sale or attempted sale of such controlled substance to a third person; or (b) directs, forces or otherwise requires such child to sell or attempt to sell or offer direct assistance to the defendant in selling or attempting to sell such controlled substance to a third person.

For purposes of this section, "child" means a person less than sixteen years of age. Use of a child to commit a controlled substance offense is a class E felony.

S 220.31 Criminal sale of a controlled substance in the fifth degree.

A person is guilty of criminal sale of a controlled substance in the fifth degree when he knowingly and unlawfully sells a controlled substance.

Criminal sale of a controlled substance in the fifth degree is a class D felony.

S220.34 Criminal sale of a controlled substance in the fourth degree.

A person is guilty of criminal sale of a controlled substance in the fourth degree when he knowingly and unlawfully sells:

1. a narcotic preparation; or
2. a dangerous depressant or a depressant and the dangerous depressant weighs ten ounces or more, or the depressant weighs two pounds or more; or

3. concentrated cannabis as defined in paragraph (a) of subdivision four of section thirty-three hundred two of the public health law; or
4. phencyclidine and the phencyclidine weighs fifty milligrams or more; or
5. methadone; or
6. any amount of phencyclidine and has previously been convicted of an offense defined in this article or the attempt or conspiracy to commit any such offense; or
7. ketamine and said ketamine weighs four thousand milligrams or more.
8. a controlled substance in violation of section 220.31 of this article, when such sale takes place upon school grounds or on a school bus; or
9. a controlled substance in violation of section 220.31 of this article, when such sale takes place upon the grounds of a child day care or educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds. As used in this subdivision, the phrase "the grounds of a child day care or educational facility" shall have the same meaning as provided for in subdivision five of section 220.44 of this article. For the purposes of this subdivision, a rebuttable presumption shall be established that a person has knowledge that they are within the grounds of a child day care or educational facility when notice is conspicuously posted of the presence or proximity of such facility; or
10. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid, as defined in paragraph four of subdivision (e) of schedule I of section thirty-three hundred six of the public health law, and said preparations, compounds, mixtures or substances are of an aggregate weight of twenty-eight grams or more.

Criminal sale of a controlled substance in the fourth degree is a class C felony.

*S220.30 Criminal sale of a controlled substance in the third degree*

A person is guilty of criminal sale of a controlled substance in the third degree when he knowingly and unlawfully sells:

1. a narcotic drug; or
2. a stimulant, hallucinogen, hallucinogenic substance, or lysergic acid diethylamide and has previously been convicted of an offense defined in article two hundred twenty or the attempt or conspiracy to commit any such offense; or
3. a stimulant and the stimulant weighs one gram or more; or
4. lysergic acid diethylamide and the lysergic acid diethylamide weighs one milligram or more; or
5. a hallucinogen and the hallucinogen weighs twenty-five milligrams or more; or
6. a hallucinogenic substance and the hallucinogenic substance weighs one gram or more; or
7. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers and the preparations, compounds, mixtures or substances are of an aggregate weight of one-eighth ounce or more; or

8. phencyclidine and the phencyclidine weighs two hundred fifty milligrams or more; or
9. a narcotic preparation to a person less than twenty-one years old.

Criminal sale of a controlled substance in the third degree is a class B felony.

S220.41 Criminal sale of a controlled substance in the second degree.

A person is guilty of criminal sale of a controlled substance in the second degree when he knowingly and unlawfully sells:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug and the preparations, compounds, mixtures or substances are of an aggregate weight of one-half ounce or more; or
2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers and the preparations, compounds, mixtures or substances are of an aggregate weight of one-half ounce or more; or
3. a stimulant and the stimulant weighs five grams or more; or
4. lysergic acid diethylamide and the lysergic acid diethylamide weighs five milligrams or more; or
5. a hallucinogen and the hallucinogen weighs one hundred twenty-five milligrams or more; or
6. a hallucinogenic substance and the hallucinogenic substance weighs five grams or more; or
7. methadone and the methadone weighs three hundred sixty milligrams or more.

Criminal sale of a controlled substance in the second degree is a class A-II felony.

S 220.43 Criminal sale of a controlled substance in the first degree.

A person is guilty of criminal sale of a controlled substance in the first degree when he knowingly and unlawfully sells:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug and the preparations, compounds, mixtures or substances are of an aggregate weight of two ounces or more; or
2. methadone and the methadone weighs two thousand eight hundred eighty milligrams or more.

Criminal sale of a controlled substance in the first degree is a class A-I felony.

S 220.44 Criminal sale of a controlled substance in or near school grounds.

1. A person is guilty of criminal sale of a controlled substance in or near school grounds when he knowingly and unlawfully sells:  
a controlled substance in violation of any one of subdivisions one through six-a of section 220.34 of this article, when such sale takes place upon school grounds or on a school bus; or

2. a controlled substance in violation of any one of subdivisions one through eight of section 220.39 of this article, when such sale takes place upon school grounds or on a school bus; or
3. a controlled substance in violation of any one of subdivisions one through six of section 220.34 of this article, when such sale takes place upon the grounds of a child day care or educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds; or
4. a controlled substance in violation of any one of subdivisions one through eight of section 220.39 of this article, when such sale takes place upon the grounds of a child day care or educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds.
5. For purposes of subdivisions three and four of this section, "the grounds of a child day care or educational facility" means (a) in or on or within any building, structure, athletic playing field, a playground or land contained within the real property boundary line of a public or private child day care center as such term is defined in paragraph (c) of subdivision one of section three hundred ninety of the social services law, or nursery, pre-kindergarten or kindergarten, or (b) any area accessible to the public located within one thousand feet of the real property boundary line comprising any such facility or any parked automobile or other parked vehicle located within one thousand feet of the real property boundary line comprising any such facility. For the purposes of this section an "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.
6. For the purposes of this section, a rebuttable presumption shall be established that a person has knowledge that they are within the grounds of a child day care or educational facility when notice is conspicuously posted of the presence or proximity of such facility.

Criminal sale of a controlled substance in or near school grounds is a class B felony.

*S 220.45 Criminally possessing a hypodermic instrument.*

A person is guilty of criminally possessing a hypodermic instrument when he or she knowingly and unlawfully possesses or sells a hypodermic syringe or hypodermic needle. It shall not be a violation of this section when a person obtains and possesses a hypodermic syringe or hypodermic needle pursuant to section thirty-three hundred eighty-one of the public health law, which includes the state's syringe exchange and pharmacy and medical provider-based expanded syringe access programs.

Criminally possessing a hypodermic instrument is a class A misdemeanor.

*S 220.46 Criminal injection of a narcotic drug.*

A person is guilty of criminal injection of a narcotic drug when he knowingly and unlawfully possesses a narcotic drug and he intentionally injects by means of a hypodermic syringe or hypodermic needle all or any portion of that drug into the body of another person with the latter's consent.



Criminal injection of a narcotic drug is a class E felony.

S 220.48 Criminal sale of a controlled substance to a child.

A person is guilty of criminal sale of a controlled substance to a child when, being over twenty-one years old, he or she knowingly and unlawfully sells a controlled substance in violation of section 220.34 or 220.39 of this article to a person less than seventeen years old.

Criminal sale of a controlled substance to a child is a class B felony.

S 220.50 Criminally using drug paraphernalia in the second degree.

A person is guilty of criminally using drug paraphernalia in the second degree when he knowingly possesses or sells:

1. Diluents, dilutants or adulterants, including but not limited to, any of the following: quinine hydrochloride, mannitol, mannite, lactose or dextrose, adapted for the dilution of narcotic drugs or stimulants under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for purposes of unlawfully mixing, compounding, or otherwise preparing any narcotic drug or stimulant; or
2. Gelatine capsules, glassine envelopes, vials, capsules or any other material suitable for the packaging of individual quantities of narcotic drugs or stimulants under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for the purpose of unlawfully manufacturing, packaging or dispensing of any narcotic drug or stimulant; or
3. Scales and balances used or designed for the purpose of weighing or measuring controlled substances, under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for purpose of unlawfully manufacturing, packaging or dispensing of any narcotic drug or stimulant.

Criminally using drug paraphernalia in the second degree is a class A misdemeanor.

S 220.55 Criminally using drug paraphernalia in the first degree.

A person is guilty of criminally using drug paraphernalia in the first degree when he commits the crime of criminally using drug paraphernalia in the second degree and he has previously been convicted of criminally using drug paraphernalia in the second degree.

Criminally using drug paraphernalia in the first degree is a class D felony

S 220.60 Criminal possession of precursors of controlled substances.

- a. A person is guilty of criminal possession of precursors of controlled substances when, with intent to manufacture a controlled substance unlawfully, he possesses at the same time:  
carbamide (urea) and propanedioc and malonic acid or its derivatives; or

- b. ergot or an ergot derivative and diethylamine or dimethyl- formamide or diethylamide; or
- c. phenylacetone (1-phenyl-2 propanone) and hydroxylamine or ammonia or formamide or benzaldehyde or nitroethane or methylamine.
- d. pentazocine and methyl iodide; or
- e. phenylacetone nitrile and dichlorodiethyl methylamine or dichlor- odiethyl benzylamine; or
- f. diphenylacetone nitrile and dimethylaminoisopropyl chloride; or
- g. piperidine and cyclohexanone and bromobenzene and lithium or magnesium; or
- h. 2, 5-dimethoxy benzaldehyde and nitroethane and a reducing agent.

Criminal possession of precursors of controlled substances is a class E felony.

*S 220.65 Criminal sale of a prescription for a controlled substance or*

A person is guilty of criminal sale of a prescription for a controlled substance or of a controlled substance by a practitioner or pharmacist when:

1. being a practitioner, as that term is defined in section thirty-three hundred two of the public health law, he or she knowingly and unlawfully sells a prescription for a controlled substance. For the purposes of this section, a person sells a prescription for a controlled substance unlawfully when he or she does so other than in good faith in the course of his or her professional practice; or
2. being a practitioner or pharmacist, as those terms are defined in section thirty-three hundred two of the public health law, he or she, acting other than in good faith, while purporting to act within the scope of the power, authority and privileges of his or her license, as that term is defined in section thirty-three hundred two of the public health law, knowingly and unlawfully sells a controlled substance.

Criminal sale of a prescription for a controlled substance or of a controlled substance by a practitioner or pharmacist is a class C felony.

*S 220.70 Criminal possession of methamphetamine manufacturing*

A person is guilty of criminal possession of methamphetamine manufacturing material in the second degree when he or she possesses a precursor, a chemical reagent or a solvent with the intent to use or knowing another intends to use such precursor, chemical reagent, or solvent to unlawfully produce, prepare or manufacture methamphetamine.

Criminal possession of methamphetamine manufacturing material in the second degree is a class A misdemeanor.

*S 220.71 Criminal possession of methamphetamine manufacturing material in the first degree.*

A person is guilty of criminal possession of methamphetamine manufacturing material in the first degree when he or she commits the offense of criminal possession of methamphetamine manufacturing material in the second degree, as defined in section 220.70 of this article, and has previously been convicted within the preceding five years of criminal possession of methamphetamine manufacturing material in the second degree, as defined in section 220.70

of this article, or a violation of this section.

Criminal possession of methamphetamine manufacturing material in the first degree is a class E felony.

*S 220.72 Criminal possession of precursors of methamphetamine.*

A person is guilty of criminal possession of precursors of methamphetamine when he or she possesses at the same time a precursor and a solvent or chemical reagent, with intent to use or knowing that another intends to use each such precursor, solvent or chemical reagent to unlawfully manufacture methamphetamine.

Criminal possession of precursors of methamphetamine is a class E felony.

*S 220.73 Unlawful manufacture of methamphetamine in the third degree.*

A person is guilty of unlawful manufacture of methamphetamine in the third degree when he or she possesses at the same time and location, with intent to use, or knowing that another intends to use each such product to unlawfully manufacture, prepare or produce methamphetamine:

1. Two or more items of laboratory equipment and two or more precursors, chemical reagents or solvents in any combination; or
2. One item of laboratory equipment and three or more precursors, chemical reagents or solvents in any combination; or
3. A precursor:
  - a. mixed together with a chemical reagent or solvent; or
  - b. with two or more chemical reagents and/or solvents mixed together.

Unlawful manufacture of methamphetamine in the third degree is a class D felony.

*S 220.74 Unlawful manufacture of methamphetamine in the second degree.*

A person is guilty of unlawful manufacture of methamphetamine in the second degree when he or she:

1. Commits the offense of unlawful manufacture of methamphetamine in the third degree as defined in section 220.73 of this article in the presence of another person under the age of sixteen, provided, however, that the actor is at least five years older than such other person under the age of sixteen; or
2. Commits the crime of unlawful manufacture of methamphetamine in the third degree as defined in section 220.73 of this article and has previously been convicted within the preceding five years of the offense of criminal possession of precursors of methamphetamine as defined in section 220.72 of this article, criminal possession of methamphetamine manufacturing material in the first degree as defined in section 220.71 of this article, unlawful disposal of methamphetamine laboratory material as defined in section 220.76 of this article, unlawful manufacture of methamphetamine in the third degree as defined in section 220.73 of this article, unlawful manufacture of methamphetamine in the second degree as defined in this section, or unlawful

manufacture of methamphetamine in the first degree as defined in section 220.75 of this article.

Unlawful manufacture of methamphetamine in the second degree is a class C felony.

*S 220.75 Unlawful manufacture of methamphetamine in the first degree.*

A person is guilty of unlawful manufacture of methamphetamine in the first degree when such person commits the crime of unlawful manufacture of methamphetamine in the second degree, as defined in subdivision one of section 220.74 of this article, after having previously been convicted within the preceding five years of unlawful manufacture of methamphetamine in the third degree, as defined in section 220.73, unlawful manufacture of methamphetamine in the second degree, as defined in section 220.74 of this article, or unlawful manufacture of methamphetamine in the first degree, as defined in this section.

Unlawful manufacturer of methamphetamine in the first degree is a class B felony.

*S 220.76 Unlawful disposal of methamphetamine laboratory material.*

A person is guilty of unlawful disposal of methamphetamine laboratory material when, knowing that such actions are in furtherance of a methamphetamine operation, he or she knowingly disposes of, or possesses with intent to dispose of, hazardous or dangerous material under circumstances that create a substantial risk to human health or safety or a substantial danger to the environment.

Unlawful disposal of methamphetamine laboratory material is a class E felony.

*S 220.77 Operating as a major trafficker.*

A person is guilty of operating as a major trafficker when:

1. Such person acts as a director of a controlled substance organization during any period of twelve months or less, during which period such controlled substance organization sells one or more controlled substances, and the proceeds collected or due from such sale or sales have a total aggregate value of seventy-five thousand dollars or more; or
2. As a profiteer, such person knowingly and unlawfully sells, on one or more occasions within six months or less, a narcotic drug, and the proceeds collected or due from such sale or sales have a total aggregate value of seventy-five thousand dollars or more.
3. As a profiteer, such person knowingly and unlawfully possesses, on one or more occasions within six months or less, a narcotic drug with intent to sell the same, and such narcotic drugs have a total aggregate value of seventy-five thousand dollars or more.

Operating as a major trafficker is a class A-I felony.

*S 220.78 Witness or victim of drug or alcohol overdose.*

1. A person who, in good faith, seeks health care for someone who is experiencing a drug or alcohol overdose or other life threatening medical emergency shall not be charged or

prosecuted for a controlled substance offense under article two hundred twenty or a marihuana offense under article two hundred twenty-one of this title, other than an offense involving sale for consideration or other benefit or gain, or charged or prosecuted for possession of alcohol by a person under age twenty-one years under section sixty-five-c of the alcoholic beverage control law, or for possession of drug paraphernalia under article thirty-nine of the general business law, with respect to any controlled substance, marihuana, alcohol or paraphernalia that was obtained as a result of such seeking or receiving of health care.

2. A person who is experiencing a drug or alcohol overdose or other life threatening medical emergency and, in good faith, seeks health care for himself or herself or is the subject of such a good faith request for health care, shall not be charged or prosecuted for a controlled substance offense under this article or a marihuana offense under article two hundred twenty-one of this title, other than an offense involving sale for consideration or other benefit or gain, or charged or prosecuted for possession of alcohol by a person under age twenty-one years under section sixty-five-c of the alcoholic beverage control law, or for possession of drug paraphernalia under article thirty-nine of the general business law, with respect to any substance, marihuana, alcohol or paraphernalia that was obtained as a result of such seeking or receiving of health care.
3. Definitions. As used in this section the following terms shall have the following meanings:
  - a. "Drug or alcohol overdose" or "overdose" means an acute condition including, but not limited to, physical illness, coma, mania, hysteria or death, which is the result of consumption or use of a controlled substance or alcohol and relates to an adverse reaction to or the quantity of the controlled substance or alcohol or a substance with which the controlled substance or alcohol was combined; provided that a patient's condition shall be deemed to be a drug or alcohol overdose if a prudent layperson, possessing an average knowledge of medicine and health, could reasonably believe that the condition is in fact a drug or alcohol overdose and (except as to death) requires health care.
  - b. "Health care" means the professional services provided to a person experiencing a drug or alcohol overdose by a health care professional licensed, registered or certified under title eight of the education law or article thirty of the public health law who, acting within his or her lawful scope of practice, may provide diagnosis, treatment or emergency services for a person experiencing a drug or alcohol overdose.
4. It shall be an affirmative defense to a criminal sale controlled substance offense under this article or a criminal sale of marihuana offense under article two hundred twenty-one of this title, not covered by subdivision one or two of this section, with respect to any controlled substance or marihuana which was obtained as a result of such seeking or receiving of health care, that:
  - a. the defendant, in good faith, seeks health care for someone or for him or herself who is experiencing a drug or alcohol overdose or other life threatening medical emergency; and

- b. the defendant has no prior conviction for the commission or attempted commission of a class A-I, A-II or B felony under this article.
5. Nothing in this section shall be construed to bar the admissibility of any evidence in connection with the investigation and prosecution of a crime with regard to another defendant who does not independently qualify for the bar to prosecution or for the affirmative defense; nor with regard to other crimes committed by a person who otherwise qualifies under this section; nor shall anything in this section be construed to bar any seizure pursuant to law, including but not limited to pursuant to section thirty-three hundred eighty-seven of the public health law.
6. The bar to prosecution described in subdivisions one and two of this section shall not apply to the prosecution of a class A-I felony under this article, and the affirmative defense described in subdivision four of this section shall not apply to the prosecution of a class A-I or A-II felony under this article.

[NYS Laws Regarding Alcohol and Vehicle Traffic Laws \(DMV Website\)](#)

**Federal Drug Laws**

The possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are enforced for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

*Denial of Federal Aid (20 USC 1091)*

Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work study programs, and more. Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program.

*Forfeiture of Personal Property and Real Estate (21 USC 853)*

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

*Federal Drug Trafficking Penalties (21 USC 841)*

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The following list 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 result from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a University (21 USC 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

<b>Drug/Substance</b>	<b>Amount</b>	<b>Penalty - 1st Conviction</b>
Barbiturates	Any amount	Up to 5 years' prison. Fine up to \$250,000
Cocaine	5 kgs. or more	Not less than 10 years' prison, not more than life. Fine up to \$4 million
	Less than 100 grams	10-63 months' prison. Fine up to \$1 million
Crack Cocaine	50 grams or more	Not less than 10 years' prison, not more than life. Fine up to \$4 million
	5-49 grams	Not less than 5 years' prison, not more than 40 years. Fine up to \$2 million
	5 grams or less	10-63 months' prison. Fine up to \$1 million
Ecstasy	Any amount	Up to 20 years' imprisonment. Fine up to \$1 million. 3 years of supervised releases (following prison)
GHB	Any amount	Up to 20 years' imprisonment. Fine up to \$1 million. 3 years of supervised releases (following prison)
Hashish	10-100 kg	Up to 20 years' imprisonment. Fine up to \$1 million.
	10 kg or less	Up to 5 years' imprisonment. Fine up to \$250,000
Hash Oil	1-100 kg	Up to 20 years' imprisonment. Fine up to \$1 million.
	1 kg or less	Up to 5 years' imprisonment. Fine up to \$250,000
Heroin	1 kg or more	Not less than 10 years' prison, not more than life. Fine up to \$4 million
	100-999 grams	Not less than 5 years' prison, not more than 40 years. Fine up to \$2 million
	100 grams or less	10-63 months' prison. Fine up to \$1 million
Ketamine	Any amount	Up to 5 years' imprisonment. Fine up to \$250,000. 2 years supervised release

LSD	10 grams or more	Not less than 10 years' prison, not more than life. Fine up to \$4 million
	1-10 grams	Not less than 5 years' prison, not more than 40 years. Fine up to \$2 million
Marijuana	1000 kg or more	Not less than 10 years' prison, not more than life. Fine up to \$4 million
	100-999 kg	Not less than 5 years' prison, not more than 40 years. Fine up to \$2 million
	50-99 kg	Up to 20 years' imprisonment. Fine up to \$1 million
	50 kg or less	Up to 5 years' imprisonment. Fine up to \$250,000
Methamphetamine	50 grams or more	Not less than 10 years' prison, not more than life. Fine up to \$4 million
	10-49 grams	Not less than 5 years' prison, not more than 40 years. Fine up to \$2 million
	10 grams or less	10-21 months' prison. Fine up to \$1 million
PCP	100 grams or more	Not less than 10 years' prison, not more than life. Fine up to \$4 million
	10-99 grams	Not less than 5 years' prison, not more than 40 years. Fine up to \$2 million
	10 grams or less	10-21 months' prison. Fine up to \$1 million
Rohypnol	1 gram or more	Up to 20 years' imprisonment. Fine up to \$1 million
	less than 30 mgs	Up to 5 years' imprisonment. Fine up to \$250,000

*Federal Drug Possession Penalties (21 USC 844)*

Persons convicted on Federal charges of possessing any controlled substance face penalties of up to 1 year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than 2 years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000. Possession of drug paraphernalia is punishable by a minimum fine of \$750.

Special sentencing provisions for possession of crack cocaine impose a mandatory prison term of not less than 5 years but not more than 20 years and a fine up to \$250,000, or both if:

- It is a first conviction and the amount of crack possessed exceeds 5 grams;



- It is a second conviction and the amount of crack possessed exceeds 3 grams;
- It is a third or subsequent crack conviction and the amount exceeds 1 gram.

Civil penalties of up to \$10,000 may also be imposed for possession of small amounts of controlled substances, whether or not criminal prosecution is pursued.