

Policy Identification Number	
Policy Title	Student Policy for Alcohol and Other Drugs
Classification	University
Approval Authority	Executive Vice President for Academic Affairs and Provost
Responsible Entity	Associate Provost for Educational Affairs and Student Life
Policy Owner	Darlene Shaw, PhD
New/Revision/Retired	Revised May 21, 2019
Original Effective Date	October 1990

I. Policy Statement

MUSC is committed to providing an environment that promotes educational excellence and the realization of one's full potential as a student and member of the MUSC community. Students who are impaired by the misuse of alcohol and other drugs are harmful to themselves, the University's mission, the treatment of patients, and the well-being of others in the MUSC community. MUSC encourages all impaired students to seek help voluntarily and favors the earliest possible intervention.

II. Scope

This policy applies to all degree-seeking and non-degree-seeking students at MUSC, to include distance students and/or students at any MUSC affiliate learning site. Visiting students are held accountable according to the institutional affiliation agreement between their home institution and MUSC.

III. Approval Authority

The Executive Vice President for Academic Affairs and Provost serves as the approval authority.

IV. Purpose of This Policy

The purpose of this policy is to create a safe and healthy learning and working environment that is free from the misuse and/or illicit use of alcohol and other

drugs, and to provide intervention services for MUSC students. This policy follows the mandate of the Drug Free Schools and Communities Act as articulated in the Education Department General Administrative Regulations (EDGAR) Part 86.

V. Who Should be Knowledgeable of This Policy

All MUSC students, college deans and administrators, faculty, and administrative support should be knowledgeable about this policy.

VI. The Policy

MUSC recognizes that alcohol and other drug misuse is a preventable and treatable condition and acknowledges that, as an institution dedicated to the healing arts, we have the responsibility to facilitate prevention activities, including the right to conduct random and/or scheduled drug testing, and offer treatment to students who suffer from alcohol and other drug misuse.

MUSC encourages all students who misuse drugs or alcohol to seek help voluntarily and favors the earliest possible intervention through its Alcohol and Other Drugs (AOD) Program. To support these efforts toward prevention and intervention, MUSC will integrate education about alcohol and other drug use into student experiences during their enrollment at MUSC. A consistent process for addressing the use and misuse of alcohol and other drugs is outlined in the AOD Program (see Appendix A).

A. MUSC Alcohol and Other Drugs Program

MUSC has an established Alcohol and Other Drugs (AOD) Program to support our students and provide them with information about prevention, established early interventional programs, and continued support while enrolled at MUSC. The AOD Program identifies resources and assistance available to students and the procedural responsibilities of the University and its colleges. See Appendix A for more details.

B. Responsibilities of MUSC

1. MUSC will make available to students a cost-effective health insurance policy that provides some level of coverage for the cost of chemical dependency outpatient and inpatient treatment.
2. MUSC will make outpatient alcohol and other drug misuse counseling available to students through Counseling and Psychological Services (CAPS).
3. The reporting process and procedures outlined in this policy will preserve program participants' confidentiality within the guidelines noted in the section "Intervention" (Appendix A: Section II).
4. MUSC respects the right to confidentiality of recovering students and will assist them in continuing their education and employment. However, MUSC also respects the rights of patients and others and seeks to protect them from the harm that impaired students may cause. Hence, students who fail to cooperate with appropriate behavioral provider(s) and/or programs are subject to corrective and/or disciplinary actions up to dismissal from the program as deemed appropriate by the dean of the student's college.
5. Participation in alcohol and other drug misuse programs does not confer immunity upon the student from corrective/disciplinary action or criminal liability. All records and communications shall be held in the strictest confidence and disclosure will only be made as required by law.
6. Persons with a reasonable belief that a fellow student is using or misusing alcohol or drugs are encouraged to report the use/misuse. Reports shall be made in good faith and without malice. Reports made in good faith that turn out to be unwarranted will not result in punitive action by the University against the reporter.
7. A committee, appointed and charged by the Associate Provost for Educational Affairs and Student Life, will conduct a Biennial Review to determine the effectiveness of the University's AOD program and review applicable drug and alcohol-related statutes, ordinances, and institutional policies related to students found to be in violation. This

committee will prepare a report biennially, completed in even-numbered years.

C. Conduct and Prohibited Use

MUSC prohibits the illegal possession, use, distribution, consumption, sale, and service of alcoholic beverages, and other substances of abuse that violate local, state, or federal law. The University Policy is based on federal and South Carolina law, as well as the South Carolina Alcoholic Beverage Control Law.

MUSC prohibits the following activities:

1. Illicit use, possession, or distribution of a substance in violation of local, state, or federal law, including the following:
 - a. Use, manufacturing, distribution, possession, sale, or storing of drugs or drug paraphernalia
 - b. Use of prescription medications not prescribed for the student; students are expected to use only those prescription medications that are prescribed for them within the confines of a provider-patient relationship according to South Carolina laws
 - c. Possession, by persons under the age of 21 years, of any alcoholic beverage
2. Consumption, manufacturing, distribution, possession, or sale of alcohol on campus other than at sanctioned events. In special and very limited circumstances, e.g., religious services, the Associate Provost for Educational Affairs and Student Life, his/her designee, the appropriate Dean for a college-specific, or a Senior-level Enterprise official (e.g., President, Provost, Executive Officer) may sanction the service of alcohol at an event.
3. Abusive use of alcohol or other legal drugs;
4. Misuse of prescribed or over-the-counter medication that poses a safety risk;

5. Conduct that the University deems inconsistent with maintaining a safe and healthy learning and working environment that is free from the misuse and/or illicit use of alcohol and other drugs.

D. MUSC expects students to adhere to this and related policies regarding the consumption and serving of alcoholic beverages on University property and at University events as defined in the Medical University of South Carolina Student Alcohol Serving Policy. MUSC also expects students who are of legal drinking age in the state of South Carolina (i.e., 21 years of age or older) to act responsibly on the occasions when they choose to consume alcoholic beverages.

E. Prohibited use is subject to criminal sanction/penalty. (See Appendix A.

F. Students who engage in organizing a University or college-sponsored event where alcohol is sold or served must abide by the MUSC Student Alcohol Service Policy.

VII. Special situations

None

VIII. Sanctions for Non-compliance

Students who violate the Student Policy for Alcohol and Other Drugs will be subject to corrective action and/or disciplinary sanctions as indicated in the Policy on Professionalism and Standards of Conduct for Students. The University will consider the health and well-being of any student who violates the Policy on Professionalism and Standards of Conduct for Students, interests of the University, impact on the community, and other aggravating and/or extenuating circumstances. The severity of the imposed corrective and/or disciplinary sanction will be appropriate to the violation. Such actions that may be imposed include, but are not limited to, a restriction of privileges, participation in a behavioral monitoring program, mandated leave of absence, and/or dismissal. In addition, students may be referred to CAPS for assessment and follow up.

In addition to University-imposed corrective actions and/or disciplinary sanctions, students arrested for, charged with, or convicted of violating federal,

state, or local laws, involving the use, possession, manufacture, or sale of alcohol or other drugs, may be subject to criminal prosecution under federal, state, or local laws and may be subject to fines or imprisonment.

If a leave of absence or dismissal was recommended or mandated by the College and the student satisfies their legal obligations, the student may petition the appropriate Dean to return or be readmitted.

Where appropriate or necessary, the University will cooperate with law enforcement agencies if a student's use, possession, or distribution of a substance allegedly violates federal, state, and/or local laws.

A student's eligibility for financial aid may be affected by a drug conviction. A student may be liable for returning any financial aid received during a period of ineligibility.

IX. Related Information

A. References, citations

1. [Safe and Drug-Free Schools and Communities Act](#)
2. [Drug-Free Workplace Act of 1988](#)
3. [MUSC Drug-Free Workplace Policy](#)
4. MUSC Student Alcohol Serving Policy
5. [Responsible Hosting Guidelines](#)
6. [MUSC Event Approval Form for Events Where Alcohol Will Be Served](#)
7. [Student Arrest Policy](#)
8. [Federal Trafficking Penalties](#)
9. [Student Policy on Professionalism and Standards of Behavior](#)

10. [Counseling & Psychological Services Forms](#)

11. [Federal Student Aid Handbook](#)

12. [Behavioral Support and Intervention Team \(BSIT\)](#)

X. Communication Plan

In compliance with the Federal Drug Free Schools and Communities Act (DFSCA), MUSC will communicate this policy annually to all students. In the same communication, MUSC will include the following information required by the DFSCA:

- Policy on Professionalism and Standards of Conduct for Students
- Applicable legal sanctions, local, state and federal laws
- List of Drug and Alcohol programs available to students
- Clear statement that MUSC will impose corrective action and/or disciplinary sanctions and conditions of attendance on students who violate this policy, which may include loss of privileges, participation in a behavioral monitoring program, mandated leave of absence, and/or dismissal from the college.

The policy and AOD Program will be available on the MUSC website.

Each college will include information in their respective handbook.

Educational leadership will be informed during regularly scheduled meetings.

XI. Definitions

Alcohol

ethanol especially when considered as the intoxicating agent in fermented and distilled liquors; b: drink (such as whiskey or beer) containing ethanol; c: a mixture of ethanol and water that is usually 95 percent ethanol

(Source: *Merriam-Webster.com/dictionary*)

Appropriate corrective and/or disciplinary action

includes, but is not limited to, the loss of privileges, removal from classes or a clinical rotation, mandated evaluation at CAPS, participation in a behavioral monitoring program, leave of absence or dismissal

Controlled substance

a drug that requires permission from a doctor to use
(Source: Merriam-Webster.com/dictionary)

Dean's Office

office of the dean of the college in which the student is enrolled or the sponsoring entity for the student's learning experience; responsible for maintaining documentation to include student, date, offense(s), sanction(s), and resolution.

Distribution

the unlawful sale, exchange, or giving of alcohol or other drugs to one or more persons

DFSCA

Drug-Free Schools and Communities Act

Drug

a substance used as a medication or in the preparation of medication; something and often an illegal substance that causes addiction, habituation, or a marked change in consciousness
(Source: Merriam-Webster.com/dictionary)

Impaired

Examples of instances when an MUSC student will be considered impaired include, but are not limited to

- The student exhibits diminished professional (i.e., academic, clinical and/or research) performance in association with the observed or alleged improper use of alcohol or drugs.
- The student poses a danger to themselves or others or displays behavior that is disruptive to the goals of the student's academic, clinical and/or

research programs in association with the observed or alleged improper use of alcohol or drugs.

- The student is, or appears to the reasonable observer to be, under the influence of alcohol and/or other drugs in the classroom, clinical, or other campus or professional setting.
- The student is discovered using or is found to have possession of any illicit substance on University property or at an event which utilizes the University's name.
- The student is arrested or convicted of violating any federal, state, or local law related to the student's use, possession, manufacture, sale, or distribution of alcohol or drugs.

Misuse

improper use or illegal use of alcohol and/or drugs that may be associated with behaviors that negatively affect the student or others

Possession – Unlawful holding or controlling of alcohol, other drugs, or associated paraphernalia

University campus

the grounds and buildings of MUSC and its affiliates, including, but not limited to, offices, classrooms, laboratories, elevators, stairwells, restrooms, shuttle buses, shuttle bus stops, sidewalks, parking areas, meeting rooms, hallways, lobbies, and other common areas

XII. Review Cycle

This policy will be reviewed annually.

XIII. Approval History

Original approval date and subsequent review dates:

<i>Approval Authority</i>	<i>Date Approved/Modified</i>
Executive Vice President for Academic Affairs & Provost	October 1990
Executive Vice President for Academic Affairs &	December 1998

<i>Approval Authority</i>	<i>Date Approved/Modified</i>
Provost	
Executive Vice President for Academic Affairs & Provost	June 2008
Executive Vice President for Academic Affairs & Provost	June 2012

XIV. Approval Signature

Lisa K Saladin, PT, PhD, FAPTA
Executive Vice President for Academic Affairs and Provost

Date

Reference Link:

X. Appendices

Appendix A: MUSC Alcohol and Other Drugs Program

I. Prevention

Recognizing the importance of preventive aspects of alcohol and other drug misuse education, MUSC University and its colleges provide the following programs:

A. Curriculum

All colleges recognize the importance of educating MUSC students about alcohol and other drug misuse. At the discretion of the curriculum committees of each college, information about alcohol and/or drug use will be conveyed in courses if it pertains to that particular course of study.

B. Orientation

Each year at each college-based orientation, the Dean's Office will inform new students about the availability of MUSC resources (e.g., Counseling and Psychological Services Center, Behavioral Support and Intervention Team, Dean's Office) for students concerned about alcohol and other drug use and misuse. The Dean's Office will also provide students with information about MUSC's Student Policy for Prevention of and Intervention in the Misuse of Alcohol and Other Drugs and the Policy for Alcohol Service at Student Events which regulates and governs the serving of alcoholic beverages at MUSC sponsored or authorized student events.

C. Wellness

Students are encouraged to develop healthy lifestyles through the availability of exercise facilities, sports programs, and other health-promoting activities at the MUSC Wellness Center. The Dean's Office will provide students with information about the MUSC Wellness Center programs.

D. Social Activities

Any event for MUSC students that utilizes the University's name is required to have non-alcoholic beverages and food available on occasions when alcohol is served. In addition, any event falling within the scope of the Alcohol Service Policy must comply with the requirements specified in the policy. The service and/or use of alcohol are prohibited at any University-authorized/recognized student-sponsored and /or student-hosted event held anywhere on MUSC's campus with the exception of special circumstances (e.g., religious services) when the Associate Provost for Educational Affairs, his/her designee, or the College dean for college-specific events, may grant an 'exceptional' approval.

E. Other Prevention Activities

Given the MUSC campus is part of a comprehensive academic health system, other resources could be made available on an as-needed basis through consultation with other units on campus.

F. Annual Notification

This policy will be distributed annually to all students. In the same communication, MUSC will include the following information required by the Drug Free Schools Community Act: Professionalism and Standards of Conduct for Students (PSCS); applicable legal sanctions under federal, state and local laws for the unlawful possession or misuse of drugs and alcohol; information about health risks associated with alcohol and/or drug misuse; a list of drug and alcohol treatment programs available to students; and, a clear statement that MUSC will impose corrective action(s) and/or disciplinary sanction(s) on students for violations of the PSCS and a description of those sanctions.

G. Program Effectiveness

The effectiveness of this policy will be reviewed and assessed annually by the Biennial Review Taskforce, and supporting documentation will be retained for use in the compilation of the Biennial Report.

II. Intervention & Support

In the spirit of prevention and early intervention, any member of the community who is concerned about an MUSC student's use of alcohol or other drugs is encouraged to report this concern. The concerned member is directed to call 9-1-1 if the student appears to be in immediate danger to self or others.

Other options for reporting include notifying Counseling and Psychological Services (CAPS) who will reach out to the student. CAPS maintains confidentiality of the student and the community member. Information will not be shared with the Dean's Office, BSIT, or any other person or entity, unless required by law.

Alternatively, a member of the community can submit a report through one of the support services listed below.

- Dean's Office for the College where the student is enrolled
- Behavioral Support and Intervention Team (BSIT)
- Title IX Coordinator for concerns related to alleged sexual misconduct
- MUSC Public Safety

A. When possible, the identity of the reporting source will remain confidential.

B. When made aware of a concern, the Dean's Office will contact the student and, if appropriate, will mandate an evaluation by CAPS. The Dean's Office will contact CAPS, provide the student's name, and provide background information regarding the circumstances that led to the mandated assessment. When a student is referred to or mandated for evaluation by CAPS, the Dean's Office will provide the student with a copy of the MUSC Student Policy for Prevention and Intervention in the Misuse of Alcohol and Other Drugs.

C. Students who voluntarily self-report to MUSC Student Health Services or MUSC Counseling and Psychological Services (CAPS) for evaluation and/or counseling services related to alcohol or other drug use will retain their rights to confidentiality, in accordance with state and federal laws.

D. A student who is mandated to be evaluated by CAPS will retain all rights to confidentiality with the exception that CAPS will inform the Dean's Office that the student reported or failed to report for evaluation. If the Dean's Office requires specific information from the CAPS evaluation(s), the Dean's Office will ask the student to sign a release of information form authorizing CAPS staff to provide the information to the Dean's Office as identified on the form. If a student who is mandated declines to sign a release of information form, the Dean's Office will determine an appropriate course of action, including, but not limited to a mandated assessment at CAPS with no authorization form in place, or other corrective and/or disciplinary action.

E. When a student is referred or mandated to CAPS by a member of the University community for an evaluation or monitoring, the evaluation will include assessment of the student's use of alcohol and/or drugs, identification of actions needed to better evaluate the student's use, and, if indicated, recommendations. Eligibility for licensure may be considered when formulating an appropriate course of action.

F. University officials cannot mandate treatment, but the Dean's Office may determine an appropriate course of action for the student and impose corrective actions and/or disciplinary sanctions if the student does not follow the appropriate course of action.

G. If a student is mandated for assessment at CAPS and does not report for the assessment, CAPS personnel will contact the Dean's Office. If the student does not complete the mandated assessment at CAPS, CAPS personnel (even in the absence of a signed release of information form) will inform the referring Dean's Office of the student's failure to appear for and/or complete the assessment.

H. If, after an assessment at CAPS, the mandated student declines to sign a release of information form allowing specified information to be shared with the referring Dean's Office, CAPS personnel will inform the referring Dean's Office that the student declined to sign a release of information form. The Dean's Office will determine the appropriate course of action.

I. The Dean's Office, once informed by CAPS that a student has failed to comply with a mandated evaluation or that a student has failed to comply with an alcohol/drug/behavioral monitoring contract, will take whatever action they determine appropriate. Potential actions include, but are not limited to, suspension or dismissal from the College.

J. If, due to the student's misuse of alcohol and/or drugs, the Dean's Office places the student on a leave of absence or invokes some other action that interrupts the student's academic progress, the Dean's Office, upon receipt of the student's request to return to the University, will mandate the returning student undergo an evaluation at CAPS, an evaluation that includes recommendations as

to the student's suitability to return to academic and/or clinical work. The student will sign a release of information form allowing CAPS to share information with the Dean's Office. If the student declines to sign the release of information form, the Dean's Office will take an appropriate course of action.

K. If an MUSC student is arrested for or convicted of violating a law involving the use, possession, manufacture, or sale of alcohol or other drugs, the student must satisfy the requirements imposed by of the legal system. If the Dean's Office recommends a leave of absence or dismissal, and the student has satisfied his or her legally imposed penalties and/or requirement, the student can petition the Dean's Office for readmission. If the college elects to readmit the student, the student will be required to enter into a program (e.g., behavioral monitoring) supervised by the Dean's Office. The Dean's Office will consult with CAPS who will evaluate the student and recommend a plan to encourage the student's academic and clinical success.

L. When determining a course of action, the Dean's Office must take into consideration if the student qualifies as an individual with a disability. The Dean's Office is encouraged to consult with the MUSC Americans with Disabilities Act Office.

III. Procedural Responsibilities

A. Reported Misuse of Alcohol and/or Drugs or Other Alcohol and/or Drug Violations: Each college will establish and maintain a process to investigate reports of alcohol and drug misuse, conduct a risk assessment, and determine appropriate action. The process will include the following elements:

- Statement regarding reasonable actions to protect individual privacy
- Notification of drug-screening practices
- Protocol to respond to a positive drug-screen
- Timely meeting with the student and the Dean's Office to include information about the MUSC AOD Program
- Assessment of the circumstances leading to the report and the associated risks to the student and the institution
- Identifying appropriate course of action
- Written notification to the student of the findings of the assessment, the determined action plan, and any corrective actions and/or disciplinary sanctions

- Maintenance of file documenting report, risk assessment, findings, and corrective action and/or disciplinary sanctions
- Process and requirements for readmission, if an option, once the student has satisfied the legal requirements and/or conditions for continuation for study
- A process for the student to appeal the decision
- Identification of the responsible party for any costs related to the recommended action plan, including, but not limited to, those costs associated with the behavioral monitoring contract to include random and/or routine drug testing

B. An MUSC student who is arrested or charged with an infraction of the law involving the use, possession, manufacture, sale, or distribution of alcohol or any other drug, is required to report this information to the Dean's Office within two university/college business days of the offense. See the Student Arrest Policy.

C. An MUSC student who receives a positive drug screen as a result of a random drug screen, an MUSC pre-employment (including work-study) requirement, clinical rotation requirement, or immediate drug screen for cause must ensure that the college Dean's Office is informed. Students are not required to report the results of drug screens conducted through Counseling and Psychological Services. In cases where an Authorization to Release Information is in place, Counseling and Psychological Services will notify the college in the event of a positive finding on a drug screen.

Appendix B: Laws and Sanctions Concerning Drugs and Alcohol

Below is a summary of South Carolina alcohol and drug laws. This is not meant to be an exhaustive listing:

State and Local Laws

STATE LAW	PENALTY	SC CODE OF LAWS SECTION
STATE LAW - ALCOHOL		
Purchase, consumption or possession of beer, wine or alcoholic liquors under the age of 21	Fine of \$100 - \$200 and/or imprisonment for not more than 30 days. Required completion alcohol prevention program.	§ 63-19-2440 § 63-19-2450
Lying or providing false information about age for purpose of purchasing beer, wine or alcoholic liquors	Fine of \$100 - \$200 and/or imprisonment for not more than 30 days.	§ 61-4-60
Open container of beer or wine in motor vehicle	Fine up to \$100 or imprisonment for not more than 30 days.	§ 61-4-110
Purchase of beer or wine for underage person	Fine of \$200 - \$300 and/or imprisonment for not more than 30 days for 1st offense. Fine of \$400 - \$500 and/or imprisonment for not more than 30 days for 2nd or subsequent offense.	§ 61-4-80
Transfer of beer or wine to underage person	Fine of \$200 - \$300 and/or imprisonment for not more than 30 days for 1st offense. Fine of \$400 - \$500 and/or imprisonment for not more	§ 61-4-90 see also § 61-

STATE LAW	PENALTY	SC CODE OF LAWS SECTION
	than 30 days for 2nd or subsequent offense.	6-4070 May be sentenced under both statutes for same offense.
Altering and Fraudulent Use of Driver's License	Fine up to \$200 or imprisonment for not more than 30 days for 1st offense. Fine up to \$500 or imprisonment for not more than 6 months for 2nd or subsequent offense.	§ 56-1-510
Operation a Motor Vehicle while Under the Influence of Drugs or Alcohol or Driving with an Unlawful Alcohol Concentration	Fines and/or imprisonment vary depending on number of offenses. Also suspension of license and required completion of Alcohol and Drug Safety program pursuant to § 56-5-2990. Can also require installation of ignition interlock device for subsequent offender (§ 56-5-2941)	§ 56-5-2930 § 56-5-2933
Felony Driving Under the Influence causing bodily harm or death to someone while driving under the influence of alcohol, drugs or any combination thereof	Fine of \$5,100 - \$10,100 and mandatory imprisonment for 30 days - 15 years when great bodily injury results. Fine of \$10,100 - \$25,100 and mandatory imprisonment for 1 to 25 years when death	§ 56-5-2945

STATE LAW	PENALTY	SC CODE OF LAWS SECTION
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results.

Can also require installation of ignition interlock device for subsequent offender (§ 56-5-2941)

Contributing to Delinquency of a Minor - It is against the law for any person over 18 years of age to knowingly and willfully influence a minor to violate a law or ordinance.	Fine up to \$3,000 and/or imprisonment for not more than 3 years	§ 16-17-490
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Public Disorderly Conduct	Fine up to \$100 or imprisonment up to 30 days.	§ 16-17-530
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Open Containers on Sundays (between 12:00 Saturday night and sunrise Monday morning)	Fine up to \$100 or imprisonment up to 30 days.	§ 16-4-140
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STATE LAW - DRUGS

Possession and Distribution of Controlled Substances (i.e., cocaine, crack, marijuana, etc.)	Penalty varies depending on circumstances of arrest, the drug type and the amount.	§ 44-53-370
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Possession manufacturing and trafficking of methamphetamine and cocaine based and other controlled substances	Penalty varies depending on circumstances of the arrest.	§ 44-53-375
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Distribution of Controlled Substance within Proximity of a School	Penalty varies depending on circumstances and drug. Fines can exceed \$10,000 and/or	§ 44-53-445
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STATE LAW	PENALTY	SC CODE OF LAWS SECTION
Possession or Sale of Drug Paraphernalia	imprisonment for up to 15 years. Fine up to \$500 for individual. § 44-53-391 Fine up to \$50,000 for corporations.	
Exposing of Child to Methamphetamine	1st Offense - up to \$5,000 fine and/or 5 years imprisonment 2nd or Subsequent Offense - up to \$10,000 fine and/or up to 10 years imprisonment.	§ 44-53-378
Disposal of waste from production of methamphetamine	1st Offense - up to \$5,000 fine and/or 5 years imprisonment 2nd or Subsequent Offense - up to \$10,000 fine and/or up to 10 years imprisonment.	§ 44-53-376

A. Charleston, South Carolina – Code of Ordinances, Chapter 21: Offenses, Article VI: Offenses Against Public Health

1. Section 21-126 (selections)

- (a) No person shall sell, offer for sale, give away, bargain, trade, distribute in any manner, transport, use, prescribe, possess, knowingly keep, conceal or allow on premises under his control one ounce or less of marijuana or ten (10) grams or less of hashish.

2. Section 21-127 (selections)

- (a) It shall be unlawful for any person to advertise for sale, manufacture, possess, sell or deliver, or to possess with the intent to sell or deliver, paraphernalia.

B. Charleston, South Carolina – Code of Ordinances, Chapter 21: Offenses, Article VIII: Offenses Against Public Morals

1. Section 21-163 – Public Intoxication

No person shall be intoxicated in a public place, whether such intoxication results from alcohol, drugs or other intoxicants.

II. Federal Laws and Penalties

FEDERAL TRAFFICKING PENALTIES

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.	5 kgs or more mixture	First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture	Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	1 kg or more mixture	Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		100 gm or more pure or 1 kg or more mixture	
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount			
Flunitrazepam (Schedule IV)	Other than 1 gram or more	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
All Schedule V drugs	Any amount			

FEDERAL TRAFFICKING PENALTIES—MARIJUANA

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants;	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

FEDERAL LAW - DRUGS

Summary of federal laws related to illicit drugs: Federal law prohibits the possession and distribution of illegal drugs. The severity of sanction imposed depends on the type and quantity of drugs, prior convictions, and whether death or serious injury occurred. Penalties can be increased for offenses which involve distribution to minors. Federal laws require or permit forfeiture of personal or real property used to illegally possess, facilitate possession, transport or conceal a controlled substance. A person's ability to purchase a firearm or receive federal benefits such as student loans, grants, contracts or professional or commercial licenses may be revoked or denied as a result of a drug conviction. For more detailed information about federal drug possession and trafficking penalties, see <http://www.justice.gov/dea/druginfo/ftp3.shtml>.

III. Other Resources

[State and Federal Laws and Sanctions Concerning Drugs and Alcohol](#)
[Title 21 United States Code \(USC\) Controlled Substances Act](#)

[Government agencies and organizations relating to the control of and adherence to the Controlled Substances Act](#)

[South Carolina Judicial Department: Summary Court Judges Bench Book](#)
(Crimes and Offenses: Section A. Alcoholic Beverages and Section J. Poisons, Drugs, and Other Controlled Substances)

Federal trafficking penalties are listed on pages 30 – 31 in the [DRUGS OF ABUSE I, 2017 EDITION: A DEA Resource Guide](#).

[Ineligibility for FSA funds – FSA HB June 2016](#)

[The Americans with Disabilities Act](#)

DRUGS OF ABUSE I, 2017 EDITION: A DEA Resource Guide

[illegible]

Appendix D: Additional Resources

[Campus Drug Prevention](#)

The Drug Enforcement Administration (DEA) is pleased to provide institutions of higher education and their surrounding communities with these resources to prevent drug abuse among college students. We are committed to promoting the importance of prevention and its role in helping ensure the health and safety of our nation's colleges and universities.

[Coalition of Higher Education Associations for Substance Abuse Prevention](#) (CoHEASAP)

CoHEASAP is a coalition of higher education associations and organizations that seek to eradicate the abuse of alcohol, tobacco, legal and illegal drugs and other substances among college students.

[College Drinking Prevention](#) (NIAAA)

This is the National Institute on Alcohol Abuse and Alcoholism's one-stop resource for comprehensive research-based information on issues related to alcohol abuse and binge drinking among college students.

[National Center for Safe Supportive Learning Environments](#) (ED)

The National Center on Safe Supportive Learning Environments is funded by the U.S. Department of Education's Office of Safe and Healthy Students to help schools and communities address issues such as bullying, harassment, violence, and substance abuse. The Center provides training and support to Department of Education grantees, school and district administrators, institutions of higher education, teachers, support staff at schools, and communities, and seeks to improve schools' conditions so all students have the opportunity to realize academic success in safe and supportive environments.

[Screening, Brief Intervention, and Referral to Treatment](#)

Screening, Brief Intervention, and Referral to Treatment (SBIRT) is an approach to the delivery of early intervention and treatment to people with substance use disorders and those at risk of developing these disorders. The Substance Abuse

and Mental Health Services Administration offers this website to provide information and resources related to SBIRT.

[Strategic Prevention Framework](#) (SAMHSA)

The Substance Abuse and Mental Health Services Administration's Strategic Prevention Framework (SPF) is a planning process for preventing substance use and misuse. Prevention professionals use the SPF as a comprehensive guide to plan, implement, and evaluate prevention problems.