

**JOHN CARROLL UNIVERSITY'S DRUG-FREE SCHOOLS AND COMMUNITIES ACT  
AND DRUG-FREE WORKPLACE ACT NOTIFICATION**

Consistent with its mission and tradition, John Carroll University is committed to implementing a drug- and alcohol-free program that strives to maintain a lawful working and learning environment and to promote the health and safety of all its students, staff, and faculty. This program is designed to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its premises or as any part of a University-sponsored activity.

In compliance with the Drug-Free Schools and Communities Act of 1989 and the Drug-Free Workplace Act of 1988, the information provided in this notice is designed to ensure that all members of the John Carroll community are aware of the following: the University's alcohol and drug policies; health risks associated with drug and alcohol use and abuse; available resources to all students, staff, and faculty; and applicable federal, state, and local laws.

**I. STANDARDS OF CONDUCT**

In accordance with federal, state, and local laws, the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance and/or illegal use of alcohol by any student, faculty, or staff member on John Carroll University's premises or at a University-sponsored activity is strictly prohibited. Additionally, John Carroll University has implemented drug and alcohol policies that it will enforce. Students should familiarize themselves with the University's Drug and Alcohol Policies below, and as set forth in the Community Standards Manual. Employees should familiarize themselves with the University's Drug-Free Workplace Policy below, and as included in the Human Resources Policies on John Carroll University's website.

**A. FOR STUDENTS:**

**Illegal Drugs:**

The University prohibits the illegal use, possession, sale, distribution, manufacture, and/or growth of illegal, synthetic, or counterfeit drugs on University premises (including University property located off the main campus), or at any University-sponsored event or program (including study abroad, immersion experiences, community services sites, and internship experiences) regardless of where it takes place. Association with (including the presence at) gatherings involving such use, possession, sale, distribution, manufacture or growth is also prohibited. Possession or use of equipment, products, or materials that are used or are reasonably anticipated to be used in the manufacture, growth, distribution, sale, or use of illegal, synthetic, or counterfeit drugs or in the misuse, sale or distribution of prescription drugs is prohibited. Examples of equipment, products, and materials include but are not limited to bongos (purchased or home-made), pipes, rolling papers, vaporizers, scales, and grinders.

### **Prescription Drugs:**

The misuse of prescription and over-the-counter drugs is not permitted. This includes sharing a prescription with unauthorized persons; selling and or buying a whole or partial prescription to unauthorized persons; intentionally combining a prescription with other substances; possessing/using a prescription drug not prescribed to you; and intentionally exceeding the prescribed dosage of a drug. In addition, storing prescription drugs in an unlabeled or incorrectly labeled container is considered a violation of this policy.

Students found responsible through the student conduct process for the sale, distribution, manufacture, and/or growth of illegal, synthetic, and/or counterfeit drugs may be suspended or dismissed from the University. This also applies to students found responsible for the sale and/or distribution of prescription drugs.

### **Federal and State Law:**

Members of the University community are expected to be aware of and obey federal, state and municipal laws and ordinances regulating the use, possession, sale, distribution, manufacture, and/or growth of illegal, synthetic, or counterfeit drugs. When the University is notified of students being cited for violations of law or ordinances by municipal, state or federal authorities, those students will also face University conduct proceedings. The University reserves the right to take disciplinary action against any student for off-campus behavior that violates this policy.

Students should be aware of the penalties for drug violations. The federal and state penalties for drug violations are set out later in this notice. Students who are criminally convicted of drug offenses may lose federal or state financial aid. Students who lose aid due to drug violations can contact John Carroll University's Student Enrollment and Financial Services office at (216) 397-4248 to be provided with written notice describing the ways in which the student can regain eligibility.

### **Medical Marijuana:**

John Carroll University is subject to the federal Drug Free Schools and Communities Act Amendments, a federal law which mandates campus communities be free of controlled substances, including marijuana. Federal law prohibits the use of medical marijuana in any form, including but not limited to smoking, tinctures, topicals, edibles and oils.

Because of the University's obligations to comply with the Drug Free Schools and Communities Act as a recipient of federal funds, John Carroll University must observe and has adopted the federal standard. Therefore, the use, possession, manufacture, cultivation, dissemination or being under the influence of medical marijuana on University property or at University-related activities is prohibited. Possessing or distributing drug paraphernalia is also prohibited whether or not the

medical marijuana or paraphernalia was used on-campus, regardless of a medical permit.

### **Alcoholic Beverage Policy:**

The primary educational focus of the University is to create a safe and lawful environment that fosters learning. Therefore, the University is committed to establishing a comprehensive program to prevent high-risk drinking behaviors as well as prevent the unlawful use, possession or distribution of alcoholic beverages. The University will work to provide an environment that supports those who choose not to drink as well as those of legal age who choose to consume alcohol responsibly.

The University expects students to recognize their personal responsibility in contributing to this learning and living environment by considering the impact of their decisions regarding their use of alcohol on themselves as well as the community regarding their use of alcohol. Behavior that infringes on the physical or emotional well-being of oneself or others and/or their pursuit of scholarship is unacceptable.

### **Students Under the Age of 21:**

The University prohibits possession or consumption of alcohol by individuals under the age of 21. Further, no underage individual may be in the presence of others possessing or consuming alcohol, regardless of whether the individual consuming or possessing alcohol is of legal age.

### **Students Over the Age of 21:**

The University permits individuals over the age of 21 to possess and consume alcohol. However, the University prohibits individuals over the age of 21 from being intoxicated or from engaging in other disruptive or disorderly behavior. This includes drinking or having open containers in public areas on University premises, (unless specifically authorized in designated areas for special events), or in University-owned vehicles. Additionally, students over the age of 21 are not permitted to consume alcoholic beverages in the presence of students under the age of 21.

The sale, manufacture or purchase of any alcoholic beverage on University premises is prohibited.

### **Fake ID's:**

Possession of a false identification (i.e. Fake ID's) is a violation of the Alcoholic Beverage Policy.

### **Roommate Exception to "In the Presence of Alcohol" Rule:**

Individuals over 21 who have an underage roommate(s) may consume alcohol in their rooms in the presence of their underage roommate(s), provided there are no guests present and the door is shut.

## **Other Student Responsibilities Regarding Alcohol:**

Students are responsible for the activity that occurs in their residence whether on or off campus. Therefore, students providing their residence as a place for those under 21 to consume alcoholic beverages, either intentionally or recklessly (leaving residence unsecured, not monitoring guests), is not permitted.

Student safety and responsible drinking are the University's main priorities with regard to the legal consumption of alcohol. Therefore, students of legal drinking age are expected to set a positive example to all minors by discouraging alcohol-related behavior that is abusive to oneself or to others. Additionally, expectations for students who reside in University assigned housing include:

1. For students 21 years and older, recurring patterns of irresponsible behavior could result in revoking the privilege to consume alcoholic beverages in the residence by the Office of Residence Life pending further disciplinary action.
2. Displays or collections of empty alcohol containers, such as bottles or boxes, are not permitted for those under 21. Displays or collections by those 21 or over need to be clean and free from debris.
3. Devices used for the rapid consumption of alcoholic beverages, such as funnels or bongs are prohibited.
4. Shot glasses may be possessed by individuals under the age of 21, but only for souvenir or decorative purposes. If any residue of liquid is present inside a shot glass and the owner is under 21, this policy is violated and the shot glass could be confiscated. For individuals under the age of 21, flasks are not permitted under any circumstances.
5. Drinking games, including beer pong and water pong, are prohibited. A drinking game is any game that encourages/forces a player to drink based on something that happens in the game (for example, if a player makes a cup, draws/plays a certain card, or rolls a certain combination of dice, etc., the player drinks).
6. The presence of keg beer or alcohol from other common sources is not permitted.

For students 21 years and older, recurring patterns of irresponsible behavior could result in revoking the privilege to consume alcoholic beverages in the residence halls by the Office of Residence Life pending further disciplinary action.

Members of the University community are expected to be aware of and obey federal, state, and municipal laws or ordinances regulating the use, possession, sale or manufacture of alcoholic beverages. When the University is notified of students being cited for violations of law or ordinances by municipal, state, or federal authorities, those students may also face University conduct proceedings.

The University reserves the right to take disciplinary action against any student for off-campus behavior that violates this policy. This includes study abroad, immersion experiences, community service sites, and internship experiences.

If a student is found responsible for violation(s) of this policy, action will be taken to repair harm. Administrative actions may be taken to prevent further harm and to keep the University community safe. A list of possible outcomes can be found here: <https://jcu.edu/about-us/administrative-offices/dean-of-students/student-conduct-community-standards/disciplinary-actions>. Also, Student Affairs has established requirements for University social events with alcohol. Those requirements are available under Alcoholic Beverage Policy [here](#).

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### **Good Samaritan/Medical Amnesty Policy:**

The University will typically provide a one-time amnesty to individuals who ask for assistance when experiencing a medical emergency or crisis, are assisted by others who seek help for them in a medical emergency or crisis, help others get help in a crisis, or proactively reach out to university personnel/resources for help due to behavior that violates University policy and harms only themselves. Depending on the situation, educational interventions in lieu of the conduct process may be explored, but typically no conduct proceedings or conduct record will result unless the student fails to comply with the education interventions.

Information related to an incident where amnesty is granted may be used in subsequent disciplinary processes to establish the seriousness of repeated behavior or support a conduct violation for failing to comply with educational interventions. In all cases, amnesty may be denied to individuals who engage in behavior that harms others, contributed to the underlying issue by providing drugs or alcohol to others in violation of University policy, have repeated qualifying incidents, or who are otherwise deemed inappropriate for amnesty under this policy.

Details about this policy are available [here](#).

## **B. FOR EMPLOYEES:**

### **Drug-Free Workplace Policy:**

The policy of John Carroll University is to take affirmative steps to maintain an environment free from drug and alcohol impairment and substance abuse.

Consistent with the University's mission and applicable laws, this Drug-Free Workplace policy is designed to maintain a professional environment and promote the health and safety of all its employees. The policy is available [here](#). In accordance with the Drug-Free Workplace Act of 1988 and Drug-Free Schools and Communities Act of 1989, the University prohibits the unlawful manufacture, distribution, dispensation, possession, sale, or use of illicit drugs or alcohol in the workplace, on University premises, or as part of any University activities on or off campus.

Any medical use or possession of marijuana, even if lawful under a state statute,

does not alter any obligations of employees to remain in compliance with this policy and federal law requiring a drug-free workplace.

All employees, contractors and volunteers are expected to abide by this policy and all other standards of University conduct as a condition of employment, volunteering or performing services on behalf of the University.

The legal drinking age in Ohio is 21 years old, and knowingly furnishing alcohol to a person under the age of 21 is prohibited by state law and this policy. Consistent with Ohio law, employees, contractors and volunteers of legal drinking age shall not furnish alcohol to any person, student or employee under the age of 21.

Employees, contractors and volunteers of legal drinking age are not permitted to consume alcohol at any time while working unless attending a University-sponsored event or activity. When attending a University-sponsored event or activity, individuals who elect to consume alcohol are expected to do so in a mature and responsible manner.

The University prohibits the use of prescribed or illegal drugs and/or the consumption of alcohol by any employee, contractor or volunteer when the alcohol consumption impairs the individual's University-related job duties, adversely affects job performance, and/or endangers the physical well-being of any other person.

This includes the operation of vehicles, machinery and equipment. No employee, contractor or volunteer of the University may report to or engage in University-related work while impaired by drugs or alcohol.

Employees violating this policy will be disciplined, up to and including termination of employment, in a manner consistent with the University's Corrective Action Policy. Employees also may be referred to suitable education, treatment counseling, or treatment resources. When warranted, corrective action may include the requirement of successful completion of or satisfactory progress toward a drug and alcohol program. Persons who violate this policy also may be subject to criminal sanctions including citations, arrest and prosecution under federal, state, or local law.

The University encourages employees to voluntarily seek help with drug and alcohol problems. The University encourages the earliest possible diagnosis and treatment of drug and/or alcohol abuse. Early recognition and treatment of drug or alcohol abuse are important for successful rehabilitation, helping to minimize lost work time and reduce workplace, personal, and family disruption. Although the decision to seek diagnosis and accept treatment for drug and alcohol abuse is solely the individual employee's responsibility, the University will seek to assist employees in providing referral to resources for drug or alcohol abuse. Treatment for alcohol and/or other drug use disorders may be covered by the employee's benefits plan.

However, the ultimate financial responsibility for recommended treatment or rehabilitation services belongs to the employee.

The University encourages employees to seek assistance in dealing with their own substance abuse problems or problems of a family member by directly contacting the Human Resources Department, or the University Employee Assistance Program (EAP). No employee will be terminated solely as a result of seeking treatment and rehabilitation services for drug or alcohol abuse.

In order to comply with the Drug-Free Workplace Act, the University requires all employees to notify the Human Resources Department of any conviction of a criminal drug statute involving either a workplace violation or a non-workplace violation within five (5) business days after such a conviction. The University will notify the appropriate federal contracting agency within ten (10) business days after receiving notice of a conviction of a criminal drug statute involving a workplace violation by any employee working under a federal contract or grant.

### **C. TOBACCO-FREE CAMPUS:**

On August 1, 2018, the University became a tobacco-free campus. Smoking, the use of any tobacco product, vaping and the use of electronic cigarettes are prohibited throughout campus, including on any University owned or leased properties and in any University-owned vehicles. The University's Tobacco-Free Policy and smoking cessation resources can be found [here](#).

### **D. ALCOHOL USE AND SERVICE POLICY:**

The University has adopted an Alcohol Use and Service Policy to specify the University requirements for use and provision of alcohol on University property or in connection with University-sponsored events and activities. This policy applies to all University departments, divisions, schools, units, faculty, staff, students, and any external entity and/or individual serving alcohol on University property, at a University-sponsored Event or activity, or at an Event off University Property if any part of the cost of the event is paid with University funds. The policy governs the service of alcohol at Events.

Alcohol may be used or service on University property or in connection with University-sponsored Events and activities only in accordance with both the procedures in the Alcohol Use and Service Policy and applicable state, local and federal laws and regulations.

The complete Alcohol Use and Service Policy is available [here](#).

## **II. HEALTH RISKS OF ILLICIT DRUGS AND ALCOHOL:**

The U.S. Department of Justice provided the attached chart (Appendix A – Controlled Substances – Uses and Effects) – summarizing the health risks associated with certain illicit drugs and alcohol. See **Appendix A – Drugs of Abuse – Uses and Effects**.

## **III. ALCOHOL AND DRUG EDUCATION AND TREATMENT SERVICES**

**FOR EMPLOYEES AND STUDENTS:**

John Carroll University has great concern for anyone struggling with alcohol or illicit drug abuse. The University refers individuals with these concerns to the following resources:

**For Employees:**

For employees, Human Resources and the University's Employee Assistance Program can provide assistance with drug or alcohol abuse issues.

**Human Resources** (216) 397-1905

**Employee Assistance Program** (800) 227-6007

or visit their website [here](#).

**For Students:**

For students, campus resources at John Carroll University's Student Health and Wellness Center, University Counseling Center, and Health Promotion & Wellness are available to provide substance abuse counseling and/or referral assistance to students who are facing problems associated with drug and alcohol abuse.

The following University offices are resources for students who are concerned about their own alcohol or drug use or that of their peers:

**Health Promotion & Wellness** (216) 397-1973

**Student Health and Wellness Center** (216) 397-4349

Murphy Hall, Lower Level

Or visit their website [here](#).

**University Counseling Center** (216) 397-4283

2567 South Belvoir Boulevard

Or visit their website [here](#).

**Dean of Students** (216) 397-3010

Lombardo Student Center, Room 207A

Or visit their website [here](#).

**University Police (emergency situations)** (216) 397-1234

Rec Complex, Room 14

Or visit their website [here](#).

These centers offer a range of programs, services, and resources to educate students about the risks associated with alcohol and drug use and abuse.

Examples of such programs are as follows:

**AlcoholEdu for College:** As an online alcohol prevention program, AlcoholEdu is designed to set forth a personalized approach, impacting both individual behavior and campus culture. Today, it is used on hundreds of campuses and produces the largest database on college students and alcohol consumption. All first-year students at John Carroll University are required to complete Alcohol Edu. Failure to comply will result in a \$100 fine.

**Drug Education Consultation:** These are one-on-one appointments for those referred and/or sanctioned through the Office of the Dean of Students. Students are required to complete an assessment regarding their own alcohol use and meet with the Coordinator of Student Wellness. All information received during this consultation is private and/or confidential and will be discussed in a judgment-free environment.

**Educational Programs throughout the school year:** Programs are put on throughout the year by the Health Promotion & Wellness office that promote alcohol and drug education. Students may be required to attend this programming if they are referred and/or sanctioned through the Office of the Dean of Students.

#### **IV. FEDERAL AND STATE PENALTIES:**

##### **A. FEDERAL LAW**

Federal law forbids the illegal possession of controlled substances. For more information regarding these federal penalties, see the chart attached as **Appendix B - Federal Trafficking Penalties.**

Depending on the number of previous offenses, a person federally convicted of illegal possession of a controlled substance is subject to imprisonment, fine, forfeiture of property, or all of the above. In addition to these sanctions, punishments may include forfeiture of any conveyance used to transport or conceal a controlled substance, denial of federal benefits for at least one year, ineligibility to receive or purchase a firearm, and a civil penalty up to \$10,000.00.

Federal law also forbids the illegal trafficking or manufacturing of a controlled substance. Penalties differ based upon circumstance and number of previous offenses, but may be enhanced by as much as three times if such offenses are committed at or near a public or private school, a college or university, or the drugs were sold to persons under the age of 21. A trafficking offense committed after two previous drug trafficking offenses results in a mandatory life imprisonment. In addition, the violator's federal benefits (including eligibility for school loans) may be terminated for a period of up to 5 years for a first offense, up to 10 years for a second offense, and for life for a third or subsequent offense.

##### **B. STATE LAW**

Ohio law includes criminal provisions regarding the unlawful possession, use, and distribution of drugs and intoxicating alcohols. Ohio law also prohibits the illegal sale, possession, cultivation, manufacture, or trafficking of controlled substances; furnishing to, administering to, inducing or causing use of these substances by a juvenile at least two years younger than the offender; causing juveniles to commit a drug abuse offense when the offender knows the juvenile's age or is reckless in that regard; administering these substances to any person by force, threat or deception; administering or furnishing these substances by any means with the intent to cause serious harm or if serious harm results, or to cause the other person to become drug dependent; selling or trafficking controlled substances; or illegally assembling or possessing chemicals with the intent to manufacture a controlled substance. Additionally, Ohio law prohibits a person from knowingly providing money or other items of value to another person who then uses such monies to obtain a controlled substance for the purpose of selling, manufacturing, or cultivating the controlled substance.

Further, the law prohibits the use of one's premises or vehicle in commission of a felony drug abuse offense and prohibits the knowing use, possession with purpose to use, advertisement, and/or sale of drug paraphernalia.

Under Ohio law, a drug-related conviction may lead to imprisonment, fine, or both. Penalties vary based on the level of offense, number of prior offenses, and other circumstances. Some convictions mandate additional penalties, including suspension of driver's or commercial driver's license for a period ranging from six months to five years.

For intoxicating alcohols, Ohio law provides that a person under 21 years of age who orders, pays for, attempts to purchase, possesses, consumes, or furnishes false information in order to effect a purchase commits a misdemeanor. A person using a false or altered identification card to purchase beer or intoxicating liquors commits a misdemeanor and is potentially subject to imprisonment, fine, or both. A person manufacturing, selling, or distributing false or altered identification cards commits a felony.

For more information regarding these state penalties, see the chart attached as **Appendix C – Ohio Drug Offense Quick Reference Guide**.

### **C. LOCAL LAW**

Local laws of the City of University Heights, Ohio incorporate all state and federal criminal penalties as cited above. In addition, local law provides for specific sanctions for alcohol and other drug use, including prohibitions against: driving under the influence of drugs or alcohol, underage possession and consumption, open containers of alcohol in public places, using false representations while purchasing drugs or alcohol, and permitting consumption

by underage persons. Penalties for violation of these local laws can include fines, imprisonment, or both.

Violation of all of these federal, state, and local laws also are in violation of John Carroll University's policies and in addition could result in civil liability.

The information as provided above is a general summary of the major applicable laws. While it is believed to be accurate at the time of this notice's issuance, these laws are frequently updated, amended, and reinterpreted so that the application of these laws generally require analysis of all facts and circumstances. If there are any questions about a potential legal penalty or sanction, please be advised to seek immediate legal advice and counsel.

**Updated December 2022**



## FEDERAL TRAFFICKING PENALTIES—

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES		
Cocaine (Schedule II)	500–4999 grams mixture	<p><b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p><b>Second Offense:</b> 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.</p>	5 kgs or more mixture	<p><b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p><b>Second Offense:</b> 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.</p> <p><b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>		
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		1 kg or more mixture			
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			
<b>PENALTIES</b>						
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount		<p><b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p><b>Second Offense:</b> 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.</p>			
Flunitrazepam (Schedule IV)	1 gram					
Other Schedule III drugs	Any amount	<p><b>First Offense:</b> 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.</p> <p><b>Second Offense:</b> 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.</p>				
All other Schedule IV drugs	Any amount	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>				
Flunitrazepam (Schedule IV)	Other than 1 gram or more					
All Schedule V drugs	Any amount	<p><b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>				

## 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 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 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 less 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 less 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) marijuana plants;  1 to 49 marijuana plants;	Not less than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not less than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than an 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.



CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

## DRUG OFFENSE QUICK REFERENCE GUIDE

In Collaboration with the Staff of the Ohio Supreme Court Law Library • January 2018

DRUG TRAFFICKING - O.R.C. §2925.03							
DRUG	AMOUNT	LEVEL: S or J		DIVISION: S or J		GUIDANCE: S or J	
Schedule I or II*	< bulk	F-4	F-3	C(1)(a)	C(1)(b)	Div. C	Div. C
	≥ bulk → <5 x bulk	F-3	F-2	C(1)(c)	C(1)(e)	In Favor <sup>†</sup>	Mand.
	≥ 5 → <50 x bulk	F-2	F-1	C(1)(d)	C(1)(d)	Mand.	Mand.
	≥50 → <100 x bulk	F-1	F-1	C(1)(e)	C(1)(e)	Mand.	Mand.
	≥ 100 x bulk	F-1	F-1	C(1)(f)	C(1)(f)	MDO	MDO
Schedule III, IV, V*	< bulk	F-5	F-4	C(2)(a)	C(2)(b)	Div. B	Div. C
	≥ bulk → <5 x bulk	F-4	F-3	C(2)(c)	C(2)(c)	Div. B	In Favor
	≥ 5 → < 50 x bulk	F-3	F-2	C(2)(d)	C(2)(d)	In Favor	In Favor
	≥ 50 x bulk	F-2	F-1	C(2)(e)	C(2)(e)	Mand.	Mand.
Marijuana	Gift ≤ 20 g	MM <sup>^</sup>	M-3	C(3)(h)	C(3)(h)	None	None
	< 200 g	F-5	F-4	C(3)(a)	C(3)(b)	Div. B	Div. B
	≥ 200 g → < 1 kg	F-4	F-3	C(3)(c)	C(3)(c)	Div. B	Div. C
	≥ 1 kg → < 5 kg	F-3	F-2	C(3)(d)	C(3)(d)	Div. C	In Favor
	≥ 5 kg → < 20 kg	F-3	F-2	C(3)(e)	C(3)(e)	In Favor	In Favor
	≥ 20 kg → < 40 kg	F-2	F-1	C(3)(f)	C(3)(f)	Mand. 5, 6, 7, 8 yrs	Mand. F-1 max.
	≥ 40 kg	F-2	F-1	C(3)(g)	C(3)(g)	Mand. F-2 max	Mand. F-1 max.
Cocaine: Powder or Crack	< 5g	F-5	F-4	C(4)(a)	C(4)(b)	Div. B	Div. C
	≥ 5 g → < 10 g	F-4	F-3	C(4)(c)	C(4)(c)	Div. B	In Favor
	≥ 10 g → < 20 g	F-3	F-2	C(4)(d)	C(4)(d)	In Favor <sup>†</sup>	Mand.
	≥ 20 g → < 27 g	F-2	F-1	C(4)(e)	C(4)(e)	Mand.	Mand.
	≥ 27 g → < 100 g	F-1	F-1	C(4)(f)	C(4)(f)	Mand.	Mand.
LSD: Solid	≥ 100 g	F-1	F-1	C(4)(g)	C(4)(g)	MDO	MDO
	< 10 UD	F-5	F-4	C(5)(a)	C(5)(b)	Div. B	Div. C
	≥ 10 UD → < 50 UD	F-4	F-3	C(5)(c)	C(5)(c)	Div. B	In Favor
	≥ 50 UD → < 250 UD	F-3	F-2	C(5)(d)	C(5)(d)	In Favor <sup>†</sup>	Mand.
	≥ 250 UD → < 1000 UD	F-2	F-1	C(5)(e)	C(5)(e)	Mand.	Mand.
LSD: Liquid	≥ 1000 UD → < 5000 UD	F-1	F-1	C(5)(f)	C(5)(f)	Mand.	Mand.
	≥ 5000 UD	F-1	F-1	C(5)(g)	C(5)(g)	MDO	MDO
	< 1 g	F-5	F-4	C(5)(a)	C(5)(b)	Div. B	Div. C
	≥ 1 g → < 5 g	F-4	F-3	C(5)(c)	C(5)(c)	Div. B	In Favor
	≥ 5 g → < 25 g	F-3	F-2	C(5)(d)	C(5)(d)	In Favor <sup>†</sup>	Mand.
	≥ 25 g → < 100 g	F-2	F-1	C(5)(e)	C(5)(e)	Mand.	Mand.
	≥ 100 g → < 500 g	F-1	F-1	C(5)(f)	C(5)(f)	Mand.	Mand.
	≥ 500 g	F-1	F-1	C(5)(g)	C(5)(g)	MDO	MDO

\* The schedule of controlled substances is in [§5719.41].

^ Minor misdemeanor (MM) on first offense, M-3 on a subsequent offense.

S or J = The offense occurred in the vicinity of a school or juvenile.

MDO (Major Drug Offender) = Mandatory maximum term from F-1 range, [§2929.14(A)(1)].

Mand., or Mandatory = Judge must impose a prison term from range available for that offense level.

In Favor = A rebuttable presumption in favor of imposing a prison term.

Div. B = Sentencing is guided by [§2929.13(B)], the rules for F-4s and F-5s.

Div. C = Sentencing is guided by [§2929.13(C)].

In Favor<sup>†</sup> = Presumption in favor, but mandatory if 2 or more prior felony drug-abuse offenses.

Note: As used in this section, "drug" includes any substance that is represented to be a drug.

### ADDITIONAL FOOTNOTES FOR DRUG MANUFACTURING AND DISTRIBUTION

† F-5 if the offender previously has been convicted of a drug-abuse offense.

In Favor<sup>∞</sup> = Presumption in favor, but mandatory 2- or 5-year minimum if 2 or more priors.

◆ Minimum prison term of 3 years for first offense, 5 years for second offense.

♣ If violation involves the sale or possession of such and court finds MDO, then mandatory max from range.

∞ Minimum prison term of 4 years for first offense, 5 years for second offense. Includes "public premises."

DRUG TRAFFICKING - CONT.; O.R.C. §2925.03							
DRUG	AMOUNT	LEVEL: S or J		DIVISION: S or J		GUIDANCE: S or J	
<b>Heroin</b>	< 1 g; < 10 UD	F-5	F-4	C(6)(a)	C(6)(b)	Div. B	Div. C
	≥ 1 g → < 5 g; ≥ 10 UD → < 50 UD	F-4	F-3	C(6)(c)	C(6)(c)	Div. B	In Favor
	≥ 5 g → < 10 g; ≥ 50 UD → < 100 UD	F-3	F-2	C(6)(d)	C(6)(d)	In Favor	In Favor
	≥ 10 g → < 50 g; ≥ 100 UD → < 500 UD	F-2	F-1	C(6)(e)	C(6)(e)	Mand.	Mand.
	≥ 50 g → < 100 g; ≥ 500 UD → < 1000 UD	F-1	F-1	C(6)(f)	C(6)(f)	Mand.	Mand.
	≥ 250 g; ≥ 2500 UD	F-1	F-1	C(6)(g)	C(6)(g)	MDO	MDO
<b>Hashish: Solid</b>	< 10 g	F-5	F-4	C(7)(a)	C(7)(b)	Div. B	Div. B
	≥ 10 g → < 50 g	F-4	F-3	C(7)(c)	C(7)(c)	Div. B	Div. C
	≥ 50 g → < 250 g	F-3	F-2	C(7)(d)	C(7)(d)	Div. C	In Favor
	≥ 250 g → < 1 kg	F-3	F-2	C(7)(e)	C(7)(e)	In Favor	In Favor
	≥ 1 kg - < 2 kg	F-2	F-1	C(7)(f)	C(7)(f)	Mand 5, 6, 7, or 8	Mand. F-1 max.
	≥ 2 kg	F-2	F-1	C(7)(g)	C(7)(g)	Mand. F-2 max.	Mand. F-1 max.
<b>Hashish: Liquid</b>	< 2 g	F-5	F-4	C(7)(a)	C(7)(b)	Div. B	Div. B
	≥ 2 g → < 10 g	F-4	F-3	C(7)(c)	C(7)(c)	Div. B	Div. C
	≥ 10 g → < 50 g	F-3	F-2	C(7)(d)	C(7)(d)	Div. C	In Favor
	≥ 50 g → < 200 g	F-3	F-2	C(7)(e)	C(7)(e)	In Favor	In Favor
	≥ 200 g - < 400 g	F-2	F-1	C(7)(f)	C(7)(f)	Mand 5, 6, 7, or 8	Mand. F-1 max.
	≥ 400 g	F-2	F-1	C(7)(g)	C(7)(g)	Mand. F-2 max.	Mand. F-1 max.
<b>Controlled Substance Analog</b>	< 10g	F-5	F-4	C(8)(a)	C(8)(b)	Div. C	Div. C
	≥ 10 g → < 20 g	F-4	F-3	C(8)(c)	C(8)(c)	Div. B	In Favor
	≥ 20 g → < 30 g	F-3	F-2	C(8)(d)	C(8)(d)	In Favor	In Favor
	≥ 30 g → < 40 g	F-2	F-1	C(8)(e)	C(8)(e)	Mand.	Mand.
	≥ 40 g → < 50 g	F-1	F-1	C(8)(f)	C(8)(f)	Mand.	Mand.
	≥ 50 g	F-1	F-1	C(8)(g)	C(8)(g)	MDO	MDO

DRUG POSSESSION - O.R.C. §2925.11				
DRUG	AMOUNT	LEVEL	DIVISION	GUIDANCE
<b>Schedule I or II*</b>	< bulk	F-5	C(1)(a)	Div. B
	≥ bulk → < 5 x bulk	F-3	C(1)(b)	In Favor
	≥ 5 → < 50 x bulk	F-2	C(1)(c)	Mandatory
	≥ 50 → < 100 x bulk	F-1	C(1)(d)	Mandatory
	≥ 100 x bulk	F-1	C(1)(e)	MDO
<b>Schedule III, IV, V*</b>	< bulk	M-1†	C(2)(a)	None
	≥ bulk → < 5 x bulk	F-4	C(2)(b)	Div. C
	≥ 5 → < 50 x bulk	F-3	C(2)(c)	In Favor
	≥ 50 x bulk	F-2	C(2)(d)	Mandatory
<b>Marijuana</b>	< 100 g	MM	C(3)(a)	None
	≥ 100 g → < 200 g	M-4	C(3)(b)	None
	≥ 200 g → < 1 kg	F-5	C(3)(c)	Div. B
	≥ 1 kg → < 5 kg	F-3	C(3)(d)	Div. C
	≥ 5 kg → < 20 kg	F-3	C(3)(e)	In Favor
	≥ 20 kg → < 40 kg	F-2	C(3)(f)	Mand. 5, 6, 7, or 8 years
	≥ 40 kg	F-2	C(3)(g)	Mandatory F-2 max.
<b>Cocaine: Powder</b>	< 5g	F-5	C(4)(a)	Div. B
	≥ 5 g → < 10 g	F-4	C(4)(b)	Div. B
	≥ 10 g → < 20 g	F-3	C(4)(c)	In Favor°
	≥ 20 g → < 27 g	F-2	C(4)(d)	Mandatory
	≥ 27 g → < 100 g	F-1	C(4)(e)	Mandatory
	≥ 100 g	F-1	C(4)(f)	MDO
<b>LSD: Solid</b>	< 10 UD	F-5	C(5)(a)	Div. B
	≥ 10 UD → < 50 UD	F-4	C(5)(b)	Div. C
	≥ 50 UD → < 250 UD	F-3	C(5)(c)	In Favor
	≥ 250 UD → < 1000 UD	F-2	C(5)(d)	Mandatory
	≥ 1000 UD → < 5000 UD	F-1	C(5)(e)	Mandatory
	≥ 5000 UD	F-1	C(5)(f)	MDO
<b>LSD: Liquid</b>	< 1 g	F-5	C(5)(a)	Div. B
	≥ 1 g → < 5 g	F-4	C(5)(b)	Div. C
	≥ 5 g → < 25 g	F-3	C(5)(c)	In Favor
	≥ 25 g → < 100 g	F-2	C(5)(d)	Mandatory
	≥ 100 g → < 500 g	F-1	C(5)(e)	Mandatory
	≥ 500 g	F-1	C(5)(f)	MDO

DRUG POSSESSION - CONT.; O.R.C. §2925.11				
DRUG	AMOUNT	LEVEL	DIVISION	GUIDANCE
<b>Heroin</b>	<1 g; < 10 UD	F-5	C(6)(a)	Div. B
	≥ 1 g → < 5 g; ≥ 10 UD → < 50 UD	F-4	C(6)(b)	Div. C
	≥ 5 g → < 10 g; ≥ 50 UD → < 100 UD	F-3	C(6)(c)	In Favor
	≥ 10 g → < 50 g; ≥ 100 UD → < 500 UD	F-2	C(6)(d)	Mandatory
	≥ 50 g → < 100 g; ≥ 500 UD → < 1000 UD	F-1	C(6)(e)	Mandatory
	≥ 100 g; ≥ 1000 UD	F-1	C(6)(f)	MDO
<b>Hashish: Solid</b>	< 5 g	MM	C(7)(a)	None
	≥ 5 g → < 10 g	M-4	C(7)(b)	None
	≥ 10 g → < 50 g	F-5	C(7)(c)	Div. B
	≥ 50 g → < 250 g	F-3	C(7)(d)	Div. C
	≥ 250 g → < 1 kg	F-3	C(7)(e)	In Favor
	≥ 1 kg - < 2 kg	F-2	C(7)(f)	Mand. 5, 6, 7, or 8
	≥ 2 kg	F-2	C(7)(g)	Mandatory F-2 max.
<b>Hashish: Liquid</b>	< 1 g	MM	C(7)(a)	None
	≥ 1 g → < 2 g	M-4	C(7)(b)	None
	≥ 2 g → < 10 g	F-5	C(7)(c)	Div. B
	≥ 10 g → < 50 g	F-3	C(7)(d)	Div. C
	≥ 50 g → < 200 g	F-3	C(7)(e)	In Favor
	≥ 200 g - < 400 g	F-2	C(7)(f)	Mand. 5, 6, 7, or 8
	≥ 400 g	F-2	C(7)(g)	Mandatory F-2 max.
<b>Controlled Substance Analog</b>	< 10g	F-5	C(8)(a)	Div. B
	≥ 10 g → < 20 g	F-4	C(8)(b)	In Favor
	≥ 20 g → < 30 g	F-3	C(8)(c)	In Favor
	≥ 30 g → < 40 g	F-2	C(8)(d)	Mandatory
	≥ 40 g → < 50 g	F-1	C(8)(e)	Mandatory
	≥ 50 g	F-1	C(8)(f)	MDO

ASSEMBLY OR POSSESSION OF CHEMICALS - §2925.041				
TO MAKE:	AMOUNT	LEVEL: S or J	DIVISION: S or J	GUIDANCE: S or J
Schedule I or II*	Any	F-3 F-2	(C) (C)	Div. C Div. C
Methamphetamine	Any	F-3 F-2	(C)(1) (C)(2)	In Favor** Mand. 3♦

DRUG MANUFACTURING AND CULTIVATION - O.R.C. §2925.04						
DRUG	AMOUNT	LEVEL: S or J		DIVISION: S or J		GUIDANCE: S or J
<b>Schedule I or II*</b>	Any	F-2	F-1	C(2)/E	C(2)/E	Mand. MDO♣
<b>Methamphetamine</b>	Any	F-2 ♦		C(3)/E		Mand. 3♣ MDO♣
			F-1∞		C(3)/E	Mand. 4∞ MDO♣
<b>Schedule III, IV, or V*</b>	Any	F-3	F-2	C(4)	C(4)	In Favor
<b>Marijuana</b>	< 100 g	MM	M-4	C(5)(a)	C(5)(a)	None None
	≥ 100g → < 200g	M-4	M-3	C(5)(b)	C(5)(b)	None None
	≥ 200 g → < 1 kg	F-5	F-4	C(5)(c)	C(5)(c)	Div. B Div. B
	≥ 1 kg → < 5 kg	F-3	F-2	C(5)(d)	C(5)(d)	Div. C Div. C
	≥ 5 kg → < 20 kg	F-3	F-2	C(5)(e)	C(5)(e)	In Favor In Favor
	≥ 20 kg	F-2	F-1	C(5)(f)	C(5)(f)	Mand. 8 years Mand. F-1 max