

## **Complying with the Drug-Free Schools and Campuses Regulations (DFSCR)**

### **Annual Notice**

The United States Department of Education has issued regulations for the implementation of the provisions of the “Drug-Free Schools and Communities Act Amendments of 1989” (Public Law 101-226). These regulations require SUNY Cobleskill to distribute annually to each student and employee information regarding the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on University property or as part of its on-campus or off-campus activities.

SUNY Cobleskill’s standards of conduct with respect to alcohol and drug abuse are described herein, along with the health risks associated with substance abuse. We have also attempted to outline the various assistance programs available locally where individuals can seek help and treatment.

These guidelines are reviewed by SUNY Cobleskill on an annual basis to determine the effectiveness of the program and consistency of sanction enforcement, in order to identify and implement any necessary changes.

### **Student Conduct Codes**

Students, like all citizens, are held accountable within the behavioral parameters of our society, as defined by local, state, and federal laws and statutes. In addition, students are also held accountable for behavior as defined by the Student Conduct Codes of the College. Students are all persons taking courses at the College, both full-time and part-time, or those individuals who were students at the time of a violation of the Student Conduct Codes, as well as individuals on College or Cobleskill Auxiliary Services premises for any purpose related to registration for enrollment. Persons who are not officially enrolled for a particular term but who have a continuing relationship as a student with the College are considered students.

Students may be charged with behaviors which violate both campus Student Conduct Codes and the laws of the broader society; in such situations, the on-campus disciplinary hearing may be held while off-campus resolutions are still pending. Every effort is made to maintain the integrity and independence of the Student Conduct System. Each student is held accountable for her/his behavior under the conduct system of the College. Students are expected to be familiar with all College regulations and to abide by them at all times in order to maintain a fair, just, and safe College community environment.

These codes apply specifically to behavior on College-owned or -controlled property, on property and in facilities of the Cobleskill Auxiliary Services, and at college authorized functions off-campus. Certain Codes may apply to actions off-campus (in the Village of Cobleskill and/or on authorized field trips, for example) as noted, as the student’s conduct may adversely affect the campus community or undermine the interests and/or mission of the institution.

SUNY Cobleskill recognizes that social media is an essential positive resource that students utilize to establish digital citizenship and is an important tool in building a supportive community. Although SUNY Cobleskill does not restrict student use of social media, any behavior that occurs via social media that violates the Student Conduct Code, regardless of electronic medium, is subject to Campus disciplinary action.

Any violation of the Student Conduct Codes is strictly prohibited and may result in disciplinary action ranging from a warning letter to probation, suspension, or dismissal from the College. The conduct system is educational in nature and every effort is made to develop understanding and compliance with the College standards of conduct.

### **Prohibited Behavior (as it applies to unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities):**

- Any conviction of a violation of the Penal Law of the State of New York or the United States of America classified as a "felony," a "narcotic offense," a "sex offense," or a "weapons offense"

- committed on campus.
- Non-prescribed narcotics and/or illicit/dangerous drugs.
  - a. Possession of, sale, distribution, use or involvement of any kind with non-prescribed narcotics and/or illicit/dangerous drugs.
  - b. In the presence of one or more persons who possess, sell, distribute, use or are involved in any way with non-prescribed narcotics and/or illicit/dangerous drugs.
- Possession of drug-related paraphernalia and/or devices.
- Violation of the Campus Alcohol Policy.
  - o In the presence of one or more persons who violate the Campus Alcohol Policy.
  - o While in the Village of Cobleskill, students who are subject to arrest for violation of local ordinances, state or national laws pertaining to consumption or sale or use of alcohol and who engage in disruptive or damaging or disorderly behaviors are in violation of the Student Conduct Code.

### **Alcohol Policy**

Alcoholic beverages are not permitted on the campus, in buildings (including residence halls, except Alumni Commons), grounds, athletic fields, or facilities of the College or of the Cobleskill Auxiliary Services except by special authorization (approval) by the College President or designee. The possession/control, use or involvement of any kind with alcoholic beverages and alcohol-related paraphernalia (for example: beer taps, funnels, kegs, or empty or full alcohol containers, etc.) is prohibited.

### **Drug and Alcohol Free Campus and Work Environment**

SUNY Cobleskill is committed to development and maintenance of a Drug and Alcohol Free Campus and Work Environment. In accordance with the Federal Drug Free Act of 1988, the State of New York Policy on Alcohol and Controlled Substances in the work place, the State of New York Beverage Control Act, and the College Policy under the Student Conduct Codes which prohibits both drugs and alcoholic beverages, the College will not tolerate the presence of either alcoholic beverages or controlled substances on the campus.

Students are subject to enforcement through the campus judicial system and the provisions of law. Employees are subject to enforcement through applicable disciplinary procedures consistent with laws, rules, regulations, and collective bargaining agreements.

The College will make every effort to maintain a drug and alcohol-free campus and work place. Those who seek assistance with a problem related to one of these conditions should seek assistance from a campus resource, such as the Counseling Service, the Health Service, or consult with the Office of the Vice President for Student Development or the Director of Human Resources. Employees please see section labeled "Employees."

### **Legal Sanctions**

Violators of the AOD (Alcohol and Other Drug) Policy are subject to both SUNY Cobleskill's sanctions and criminal sanctions under federal (Appendix A), state (Appendix B), and local law. Additional information can be obtained through the Drug Enforcement Administration website at <https://www.dea.gov/index.shtml> and from the SUNY Cobleskill University Police Department.

### **Health Risks**

The use of illicit drugs and/or the abuse of alcohol can lead to many health risks and consequences. The risks may vary depending on the substance used, the amount consumed and other individual factors. Alcohol consumption causes behavioral change, impaired judgement and coordination, and increased risk of accidents and injury. Use can cause aggression, impaired memory and impaired learning ability. High alcohol use can lead to a life threatening

alcohol overdose. Signs of a life threatening alcohol overdose include: confusion, vomiting, seizures, irregular breathing, pale or blue skin, low body temperature and passing out. If you see any of these signs, please get the individual emergency medical assistance immediately. Prolonged abuse of alcohol can lead to dependence and addiction. This leads to brain and liver damage. Suddenly quitting alcohol use after prolonged abuse will likely result in withdrawal symptoms such as anxiety, tremors, hallucinations, and convulsions. This can be life threatening and should be monitored by a physician or other professional. Illicit drug abuse can lead to life threatening conditions, up to death, in as little as one use. Seizures, drug overdose, brain damage, liver damage, and other diseases such as addiction and Hepatitis are some of the possible results of illicit drug use. If you, or someone you know, is struggling with addiction please reach out to the resources below.

### **Drug and Alcohol Programs**

*SUNY Cobleskill Beard Wellness Center*

130 Albany Ave  
Cobleskill, NY 12043  
(518)255-5225

Wellness Center staff can assist you with additional assessment and information for referral to a treatment program based on individual needs.

*Schoharie County Chemical Dependency Clinic*

113 Park Pl, Suite 1  
Schoharie, NY 12157  
(518)295-2031

*Schoharie County Council on Alcoholism & Substance Abuse*

349 Mineral Springs Rd.  
Cobleskill, NY 12043  
(518)234-8705

Alcoholics Anonymous

<http://meetings.aahmbny.org/index.php>

Click this link to find AA meetings in your local area.

**\*\*Additional resources can be found under the resource tab of the AlcoholEdu Dashboard\*\***

*Contact your insurance company directly for assistance with your coverage for intensive treatment programs such as Residential Treatment Programs, assistance for this can be found at the Beard Wellness Center.*

### **Disciplinary Sanctions**

SUNY Cobleskill will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law). The potential Disciplinary Sanctions for students include, but are not limited to, the following:

REPRIMAND AND WARNING - an official, written notification of a violation and expected future compliance with the College Student Conduct Codes;

DISCIPLINARY PROBATION - an official, written notification of violation(s) which require improvement in behavior; probationary status means that any future violations will be viewed as more serious and could lead to Residence Relocation, Residence Banning, or College Suspension;

RESIDENCE HALL RELOCATION - the student is relocated to another on-campus assignment at the discretion of the Assistant Vice President for Student Affairs; Residence Hall Relocation automatically carries with it official Banning from the hall from which the student is being removed for disciplinary reasons;

**RESIDENCE HALL DISMISSAL** - means that the student's privilege to live on campus is revoked; Residence Hall Dismissal automatically carries with it additional sanctions of Disciplinary Probation and Residence Hall Banning for a stated period of time to be established by the hearing officer or board;

**RESIDENCE HALL BANNING** - requires that a student be removed from a specified area (or areas) for a stated period; the student is directed not to be present in those areas until further notice; violation may cause further disciplinary action and may subject the student to arrest;

**RESTITUTION** - requires that the student will repay or pay a stated amount or repair or replace either goods or services to the satisfaction of the Vice President for Student Affairs or designee;

**COMMUNITY SERVICE** - an assignment to an office or person to contribute to a community service activity for a stated number of hours or project completion;

**WORK DETAIL** - an assignment to an office or person to perform a specific function for a stated number of hours or project completion;

**COUNSELING INTERVENTION** – requires the student to engage with the Wellness Center or another counseling professional for one session on a topic specified during the discipline hearing (e.g. anger management, alcohol or other substance use/abuse, dealing with authority, and so on);

**COLLEGE SUSPENSION HELD IN ABEYANCE** – defers a College Suspension sanction based on an agreement by the student to adhere to a special, signed “Behavioral Contract.” Violation of this contract will result in immediate suspension;

**COLLEGE SUSPENSION (for stated period of time)** - removes a student from access to classes, activities, residence halls and the other premises of the College; the student is directed to leave the campus and not return until expressly permitted by the Vice President for Student Affairs or the President;

**COLLEGE DISMISSAL (No possibility of return)** - removes a student from access to classes, activities, residence halls and the other premises of the College; the student is directed to leave the campus and not return.

**TRANSCRIPT NOTATION** – places a notation, either permanently or subject to petition for removal after the period of suspension, when students are suspended or dismissed for serious violations including but not limited to sexual assault, hazing, and conduct which lead to the death or serious physical injury of another person. (See policy statement on Transcript Notation of Non-Academic Disciplinary Action.)

## **Employees**

In accordance with the Drug and Alcohol Free Workplace Policy, SUNY Cobleskill is committed to the development and maintenance of a Drug and Alcohol Free work environment and, in accordance with the Federal Drug Free Workplace Act of 1988 and the State Policy on Alcohol and Controlled Substances in the Workplace, will not tolerate the unlawful possession or use of controlled substances while on-the-job or impairment from alcohol in the workplace. Compliance with the provisions of this Policy is a condition of employment.

College employees (including student employees) are subject to the following:

1. The term “controlled substance” means a controlled substance in Schedules 1 through V of Section 202 of the Federal Controlled Substance Act (21 USC 812).

2. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by an employee in all college work locations is prohibited. An employee may possess and use a controlled substance, which is properly prescribed for him or her by a medical practitioner.

3. On-the-job use of or impairment from alcohol by an employee in all college work locations is prohibited.
4. An employee who unlawfully manufactures, distributes, dispenses, possesses or uses controlled substances in the workplace will be subject to disciplinary procedures consistent with applicable laws, rules, regulations, and collective bargaining agreements.
5. An employee who uses alcohol on the job or is impaired from the use of alcohol in the performance of the job will be subject to disciplinary procedures consistent with applicable laws, rules, regulations and collective bargaining agreements.
6. Any college employee convicted of a criminal drug or alcohol statute violation occurring in or on property owned or controlled by the college must provide a signed written notification to his/her supervisor of the conviction with five (5) days after the conviction. As required by the Federal Drug Free Workplace Act of 1988, the college will inform contracting or granting agencies of such convictions with ten (10) days after receiving notification from the employee or otherwise receiving notice of a conviction.
7. The college will make every effort to maintain a drug and alcohol free workplace. This effort will include drug and alcohol awareness education, an employee assistance program and the implementation and strict enforcement of this Policy.
8. Questions about this Policy should be referred to the campus offices responsible for student and personnel matters (Vice President for Student Affairs and Vice President for Operations).

The Employee Assistance Program Coordinator is Marie Gerhardt. Employees can contact her directly at 518.255.5369 or if you would prefer to send email: [gerharmo@cobleskill.edu](mailto:gerharmo@cobleskill.edu)

\* Please note that campus, local, State, and Federal regulations are subject to change. Refer to your Union Contract for specific information as Union Contracts may have additional information which is subject to change.

# **Appendix**

## Appendix A- Federal Laws

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.	Cocaine 5 kilograms or more mixture	First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture	Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Fentanyl 400 grams or more mixture	Second Offense: Not less than 20 yrs. and not more than life. If death or serious bodily 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.
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	
<b>Substance/Quantity</b>		<b>Penalty</b>		
Any Amount Of Other Schedule I & II Substances		First Offense: 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 not an individual.		
Any Drug Product Containing Gamma Hydroxybutyric Acid Flunitrazepam (Schedule IV) 1 Gram		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.		
Any Amount Of Other Schedule III Drugs		First Offense: Not more than 10 yrs. If death or serious bodily 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.		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		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.		
Any Amount Of All Schedule V Drugs		First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

**Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances**

<p>Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<p><b>First Offense:</b> 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.</p> <p><b>Second Offense:</b> 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.</p>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<p><b>First Offense:</b> 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.</p> <p><b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.</p>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<p><b>First Offense:</b> 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.</p>
<p>Hashish More than 10 kilograms</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 other than an individual.</p>
<p>Hashish Oil More than 1 kilogram</p>	
<p>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</p>	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
<p>1 to 49 marijuana plants</p>	
<p>Hashish 10 kilograms or less</p>	
<p>Hashish Oil 1 kilogram or less</p>	

**Appendix B- State Laws**

*NYS Alcoholic Beverage Control (ABC) Law: Article 5 – Special Provisions Relating to Liquor and  
 NYS Vehicle and Traffic (VAT) Law: Article 31 – Alcohol & Drug-related Offenses & Procedures  
 (from New York State Legislature web site:*

<http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS>)

<p align="center"><b><u>NYS ABC</u></b> <b><u>Law</u></b></p> <p align="center"><b>Special Provisions Relating to Liquor</b></p>	<p align="center"><b>Specifics</b></p>	<p align="center"><b>Sentence</b></p>
<p>§ 65-a. Procuring alcoholic beverages for persons under the age of 21 years</p>	<p>Any person who misrepresents the age of a person under the age of 21 years for inducing the sale of any alcoholic beverage, as defined in the <a href="#">alcoholic beverage control law</a>, to such person.</p>	<p>A fine of not more than \$200, or imprisonment up to five days, or both.</p>
<p>§ 65-b. Offense for one under age of 21 years to purchase or attempt to purchase an alcoholic beverage through fraudulent means.</p>	<p>No person under the age of 21 years shall present or offer to any licensee, or to the agent or employee of such licensee, any written evidence of age, which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to purchase any alcoholic beverage.</p>	<p>1<sup>st</sup> violation: a fine of not more than \$100 and/or up to 30 hours of community service. Also may order completion of an alcohol awareness program.</p> <p>2<sup>nd</sup> violation: a fine of \$50 to \$350 and/or up to 60 hours of community service. Also shall order completion of an alcohol awareness program if not previously completed.</p> <p>3<sup>rd</sup> and subsequent violations: a fine of \$50 to \$750 and/or up to 90 hours of community service, shall order evaluation by an appropriate agency to determine whether the person suffers from the disease of alcoholism or alcohol abuse. Payment for such evaluation shall be made by such person. If person elects to participate in recommended treatment, the court shall order that payment of such fine and community service be suspended pending the completion of such treatment.</p> <p>In addition to these penalties, the court may suspend such person's license to drive a motor vehicle and the privilege of an unlicensed person of obtaining such</p>

		license: 1 <sup>st</sup> violation: a three month suspension; 2 <sup>nd</sup> violation: a six month suspension; 3 <sup>rd</sup> or subsequent violation: a one year suspension or until the holder reaches the age of 21, whichever is the greater period.
§ 65-c. Unlawful possession of an alcoholic beverage with the intent to consume by persons under the age of 21 years.	No person under the age of 21 years shall possess any alcoholic beverage with the intent to consume such beverage.	A fine up to \$50 and/or completion of an alcohol awareness program and/or up to 30 hours of community service.

<p><b><u>NYS VAT</u></b> <b><u>Law</u></b> <b>Alcohol &amp; Drug-related Offenses</b></p>	<p><b>Specifics</b></p>	<p><b>Sentence</b></p>	
<p>§ 1192. Operating a motor vehicle while under the influence of alcohol or drugs.</p>	<p>1. Driving while ability impaired: No person shall operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by the consumption of alcohol.</p>	<p>A fine of \$300 to \$500 or imprisonment in a penitentiary or county jail for up to 15 days, or both.</p> <p>If convicted of a violation of §1192 within the preceding 5 years: a fine of \$500 to \$750 or imprisonment up to 30 days, or both.</p> <p>If convicted 2 or more times of a violation of §1192 within the preceding 10 years, misdemeanor: a fine of \$750 to \$1,500 or imprisonment of up to 180 days, or both.</p> <p>See also additional penalties and license sanctions.</p>	
	<p>2. Driving while intoxicated; per se: No person shall operate a motor vehicle while such person has .08 of one per centum or more by weight of alcohol in the person's blood as shown by chemical analysis</p>	<p>Misdemeanor: a fine of \$500 to \$1,000 imprisonment in a penitentiary or county jail for up to one year, or both.</p>	<p>Installation of an ignition interlock device in any motor vehicle owned or operated by such person during the term of probation or conditional discharge, for a period of no less than 12 months.</p>

	of such person's blood, breath, urine or saliva.		
	3. Driving while intoxicated. No person shall operate a motor vehicle while in an intoxicated condition.		Class E Felony: A violation after having been convicted of a violation of subdivision 2, 2-a, 3, 4 or 4-a of §1192 or of vehicular assault in the second or first degree and aggravated vehicular assault or of vehicular manslaughter in the second or first degree and aggravated vehicular homicide within the preceding 10 years: a fine of \$1,000 to \$5,000 or a period of imprisonment as provided in the penal law, or both.
	2-a. (a) Aggravated driving while intoxicated; per se: No person shall operate a motor vehicle while such person has .18 of one per centum or more by weight of alcohol in such person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva.	Misdemeanor: a fine of \$1,000 to \$2,500 or imprisonment in a penitentiary or county jail for up to one year, or both.	Class D Felony: A violation after having been convicted of a violation of subdivision 2, 2-a, 3, 4 or 4-a of §1192 or of vehicular assault in the second or first degree and aggravated vehicular assault or of vehicular manslaughter in the second or first degree and aggravated vehicular homicide twice within the preceding 10 years or three or more times within the preceding 15 years: a fine of \$2,000 to \$10,000 or a period of imprisonment as provided in the penal law, or both.
	2-a. (b) Aggravated driving while intoxicated; with a child: No person shall operate a motor vehicle in violation of this section while a child who is fifteen years of age or less is a passenger in such motor vehicle.	Class E Felony: a fine of \$1,000 to \$5,000 or a period of imprisonment as provided in the penal law, or both.	See also additional penalties and license sanctions.
	4. Driving while ability impaired by drugs: No person shall operate a motor vehicle while the person's ability to operate such a motor vehicle is impaired by the use of a drug as defined in this chapter.	Misdemeanor: a fine of \$500 to \$1,000 imprisonment in a penitentiary or county jail for up to one year, or both.	Class E Felony: A violation after having been convicted of a violation of subdivision 2, 2-a, 3, 4 or 4-a of §1192 or of vehicular assault in the second or first degree and aggravated vehicular assault or of vehicular

	<p>4-a. Driving while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs. No person shall operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by the combined influence of drugs or of alcohol and any drug or drugs.</p>		<p>manslaughter in the second or first degree and aggravated vehicular homicide within the preceding 10 years: a fine of \$1,000 to \$5,000 or a period of imprisonment as provided in the penal law, or both.</p> <p>Class D Felony: A violation after having been convicted of a violation of subdivision 2, 2-a, 3, 4 or 4-a of §1192 or of vehicular assault in the second or first degree and aggravated vehicular assault or of vehicular manslaughter in the second or first degree and aggravated vehicular homicide twice within the preceding 10 years or three or more times within the preceding 15 years: a fine of \$2,000 to \$10,000 or a period of imprisonment as provided in the penal law, or both.</p> <p>See also additional penalties and license sanctions.</p>
<p>§ 1192-a. Operating a motor vehicle after having consumed alcohol; under the age of 21; per se.</p>	<p>No person under the age of 21 shall operate a motor vehicle after having consumed alcohol (if such person has .02 to .07 of one per centum by weight of alcohol in his/her blood, as shown by chemical analysis of his/her blood, breath, urine or saliva).</p>	<p>See license sanctions.</p>	
<p>For a violation of §1192, the court may require the defendant to attend a single session conducted by a victims impact program.</p>			

<p>Additional penalties.</p>	<ol style="list-style-type: none"> <li>1. A violation of subdivision 2 or 3 after having been convicted of a violation of subdivision 2 or 3 of such §1192 within the preceding 5 years: in addition to any other penalties, imprisonment of 5 days or be required to perform 30 days of service for a public or not-for-profit corporation, association, institution or agency, except when sentenced to a term of imprisonment of 5 days or more.</li>   <li>2. A violation of subdivision 2 or 3 after having been convicted of a violation of subdivision 2 or 3 of such §1192 on two or more occasions within the preceding 5 years: in addition to any other penalties, imprisonment of 10 days or be required to perform 60 days of service for a public or not-for-profit corporation, association, institution or agency, except when sentenced to a term of imprisonment of 10 days or more.</li>   <li>3. A court sentencing a person pursuant to (1) or (2) above shall (a) order the installation of an ignition interlock device... during any period of license revocation and (b) order that such person receive an assessment of the degree of their alcohol or substance abuse. Where such assessment indicates the need treatment, the court is authorized to impose treatment as a condition of such sentence.</li> </ol>
<p>License sanctions.</p>	<p><b>Suspensions:</b></p> <ol style="list-style-type: none"> <li>1. Driving while ability impaired: Ninety days, where the holder is convicted of a violation of subdivision one of §1192;</li>   <li>2. Persons under the age of 21; driving after having consumed alcohol: Six months, where the holder has been found to have operated a motor vehicle after having consumed alcohol in violation of § 1192-a of an article where such person was under the age of 21 at the time of commission of such violation.</li> </ol> <p><b>Revocations:</b></p> <p>A license shall be revoked and a registration may be revoked for the following minimum periods:</p> <ol style="list-style-type: none"> <li>1. Driving while ability impaired; prior offense: 6 months, where the holder is convicted of a violation of subdivision one of § 1192 committed within 5 years of a conviction for a violation of any subdivision of §1192.</li>   <li>2. Driving while ability impaired; misdemeanor offense: 6 months, where the holder is convicted of a violation of subdivision one of §1192 committed within 10 years of two previous convictions for a violation of any subdivision of §1192.</li>   <li>3. Driving while intoxicated or while ability impaired by drugs or while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs; aggravated driving while intoxicated: 6 months, where the holder is convicted of a</li> </ol>

violation of subdivision two, three, four or four-a of §1192. One year where the holder is convicted of a violation of subdivision two-a of §1192.

4. Driving while intoxicated or while ability impaired by drugs or while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs; aggravated driving while intoxicated; prior offense: One year, where the holder is convicted of a violation of subdivision two, three, four or four-a of §1192 committed within 10 years of a conviction for a violation of subdivision two, three, four or four-a of §1192. 18 months, where the holder is convicted of a violation of subdivision two-a of §1192 committed within ten years of a conviction for a violation of subdivision two, two-a, three, four or four-a of §1192; or where the holder is convicted of a violation of subdivision two, three, four or four-a of §1192 committed within ten years of a conviction for a violation of subdivision two-a of §1192.
5. Persons under the age of 21: One year, where the holder is convicted of or adjudicated a youthful offender for a violation of any subdivision of §1192, or is convicted of or receives a youthful offender or other juvenile adjudication for an offense consisting of operating a motor vehicle under the influence of intoxicating liquor where the conviction, or youthful offender or other juvenile adjudication was had outside this state, and the person was under the age of 21 at the time of commission of such violation.
6. Persons under the age of 21; prior offense or finding: One year or until the holder reaches the age of 21, whichever is the greater period of time, where the holder has been found to have operated a motor vehicle after having consumed alcohol in violation of §1192-a, or is convicted of, or adjudicated a youthful offender for, a violation of any subdivision of §1192, or is convicted of or receives a youthful offender or juvenile adjudication for an offense consisting of operating a motor vehicle under the influence of intoxicating liquor where the conviction, or youthful offender or other juvenile adjudication was had outside this state, when the person was under the age of 21 at the time of commission of such violation and has previously been found to have operated a motor vehicle after having consumed alcohol in violation of §1192-a, or has previously been convicted of, or adjudicated a youthful offender for, any violation of §1192 not arising out of the same incident, or has previously been convicted of or received a youthful offender or juvenile adjudication for an offense consisting of operating a motor vehicle under the influence of intoxicating liquor when the conviction, or youthful offender or other juvenile adjudication was had outside this state and not arising out of the same.
7. Out-of-state offenses: except as provided in (5) or (6) above, (1) 90 days, where the holder is convicted of an offense consisting of operating a motor vehicle under the influence of intoxicating liquor where the conviction was had outside this state and (2) 6 months, where the holder is convicted of, or receives a youthful offender or other juvenile adjudication, which would have been a misdemeanor or felony if committed by an adult, in connection with, an offense consisting of operating a motor vehicle under the influence of or while impaired by the use of drugs where the conviction or youthful offender or other juvenile adjudication was had outside this state.

Notice of charges to parent or guardian.	Upon the first scheduled appearance of any person under eighteen years of age who resides within the household of his or her parent or guardian upon a charge of a violation of subdivision one, two and/or three of §1192, the local criminal court shall forthwith transmit written notice of such appearance or failure to make such appearance to the parent or guardian of such minor person...
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**Note: This information is not to be considered legal advice or guaranteed to be a comprehensive inventory of all state laws regarding alcohol and other drugs. The University will attempt to notify campuses of new or revised legislative reporting or disclosure requirements. It is the user's responsibility to check [New York State laws](#) and with [relevant SUNY offices](#) to determine whether changes, additions or substitutions have been made.**

*NYS Penal Law: Article 220 - Controlled Substances Offenses; Article 221 - Offenses Involving Marihuana; and Article 178 - Criminal Diversion of Prescription Medications and Prescriptions*  
 (from New York State Legislature web site:  
<http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS>)

<u><a href="#">NYS Penal Law</a></u> Controlled Substances Offenses	Specifics	Sentence
§ 220.03 Criminal possession of a controlled substance (7 <sup>th</sup> degree).	Knowingly and unlawfully possessing a controlled substance (any substance listed in §3306 of the <a href="#">NYS Public Health Law</a> other than marihuana, but including concentrated cannabis as defined in §3302 of <a href="#">NYS Penal Law Article 220</a> ).	<b>Class A misdemeanor:</b> imprisonment up to one year.
§ 220.06 Criminal possession of a controlled substance (5 <sup>th</sup> degree).	Knowingly and unlawfully possessing: 1. a controlled substance with intent to sell it; or 2. one or more preparations, compounds, mixtures or substances containing a narcotic preparation (aggregate weight of ½ oz or more); or 3. phencyclidine (50 mg or more); or 4. one or more preparations, compounds, mixtures or substances containing concentrated cannabis (aggregate weight of ¼ oz ounce or more); or 5. cocaine (500 mg or more); or 6. ketamine (more than 1,000 mg); or 7. ketamine, and has previously been convicted of possession or the attempt to commit possession of ketamine in any amount; or 8. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid (aggregate weight of 28 g or more).	<b>Class D felony:</b> imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2 <sup>nd</sup> time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.

<p>§ 220.09 Criminal possession of a controlled substance (4th degree).</p>	<p>Knowingly and unlawfully possessing:</p> <ol style="list-style-type: none"> <li>1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (an aggregate weight of 1/8 oz or more); or</li> <li>2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (an aggregate weight of ½ oz or more); or</li> <li>3. one or more preparations, compounds, mixtures or substances containing a narcotic preparation (an aggregate weight of 2 oz or more); or</li> <li>4. a stimulant (1 g or more); or</li> <li>5. lysergic acid diethylamide (1 mg or more); or</li> <li>6. a hallucinogen (25 mg or more); or</li> <li>7. a hallucinogenic substance (1 g or more); or</li> <li>8. a dangerous depressant (10 oz or more); or</li> <li>9. a depressant (2 lbs or more); or</li> <li>10. one or more preparations, compounds, mixtures or substances containing concentrated cannabis (an aggregate weight of 1 oz or more); or</li> <li>11. phencyclidine (250 mg or more); or</li> <li>12. methadone 360 mg or more); or</li> <li>13. phencyclidine (50 mg or more) with intent to sell it and has previously been convicted of an offense defined in § 220 or the attempt or conspiracy to commit any such offense); or</li> <li>14. ketamine (4,000 mg or more); or</li> <li>15. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid (aggregate weight of 200 g or more).</li> </ol>	<p><b>Class C felony:</b> imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2<sup>nd</sup> time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2<sup>nd</sup> time offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.</p>
<p>§ 220.16 Criminal possession of a controlled substance (3rd degree).</p>	<p>Knowingly and unlawfully possessing:</p> <ol style="list-style-type: none"> <li>1. a narcotic drug with intent to sell it; or</li> <li>2. a stimulant, hallucinogen, hallucinogenic substance, or lysergic acid diethylamide, with intent to sell it and has previously been convicted of an offense defined in § 220 or the attempt or conspiracy to commit any such offense; or</li> <li>3. a stimulant (1 g or more) with intent to sell it; or</li> <li>4. lysergic acid diethylamide (1 mg or more) with intent to sell it; or</li> <li>5. a hallucinogen (25 mg or more) with intent to sell it; or</li> <li>6. a hallucinogenic substance (1 g or more) with intent to sell it; or</li> <li>7. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts</li> </ol>	<p><b>Class B felony:</b> imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2<sup>nd</sup> time offender: imprisonment for 3 ½ to 12 years (may be sentenced to parole supervision). For a 2<sup>nd</sup> time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.</p>

	<p>of isomers (1/8 oz or more) with intent to sell it; or</p> <ol style="list-style-type: none"> <li>8. a stimulant (5 g or more); or</li> <li>9. lysergic acid diethylamide (5 mg or more); or</li> <li>10. a hallucinogen (125 mg or more): or</li> <li>11. a hallucinogenic substance (5 g or more); or</li> <li>12. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of ½ oz or more); or</li> <li>13. phencyclidine (1250 mg or more).</li> </ol>	
§ 220.18 Criminal possession of a controlled substance (2nd degree).	<p>Knowingly and unlawfully possessing:</p> <ol style="list-style-type: none"> <li>1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of 4 oz or more); or</li> <li>2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (aggregate weight of 2 oz or more); or</li> <li>3. a stimulant (10 g or more); or</li> <li>4. lysergic acid diethylamide (25 mg or more); or</li> <li>5. a hallucinogen (625 mg or more); or</li> <li>6. a hallucinogenic substance (25 g or more); or</li> <li>7. methadone (2850mg or more).</li> </ol>	<p><b>Class A-II felony:</b> imprisonment 3 to 10 years. For a 2<sup>nd</sup> time offender, imprisonment for 6 to 14 years (may be sentenced to lifetime probation). For a 2<sup>nd</sup> time offender previously convicted of a violent felony: imprisonment for 8 to 17 years.</p>
§ 220.21 Criminal possession of a controlled substance (1st degree).	<p>Knowingly and unlawfully possessing:</p> <ol style="list-style-type: none"> <li>1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of 8 oz or more); or</li> <li>2. methadone (5760 mg or more).</li> </ol>	<p><b>Class A-I felony:</b> imprisonment for 8 to 20 years. For a 2<sup>nd</sup> time offender: imprisonment for 12 to 24 years. For a 2<sup>nd</sup> time offender previously convicted of a violent felony, imprisonment for 15 to 30 years.</p>
§ 220.25 Criminal possession of a controlled substance (presumption).	<ol style="list-style-type: none"> <li>1. The presence of a controlled substance in an automobile, other than a public omnibus, is presumptive evidence of knowing possession by each and every person in the automobile at the time the substance was found (see <a href="#">§220.25</a> for exceptions).</li> <li>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 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 (see <a href="#">§220.25</a> for exceptions).</li> </ol>	
§ 220.31 Criminal sale of a controlled substance (5th degree).	<p>Knowingly and unlawfully selling a controlled substance (any substance listed in schedule I, II, III, IV or V of §3306 of the <a href="#">NYS Public Health Law</a> other than marihuana, but including concentrated cannabis as defined in paragraph (a) of subdivision four of §3302 of <a href="#">NYS Penal Law Article 220</a>).</p>	<p><b>Class D felony:</b> imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2<sup>nd</sup> time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2<sup>nd</sup> time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.</p>

<p>§ 220.34 Criminal sale of a controlled substance (4<sup>th</sup> degree).</p>	<p>Knowingly and unlawfully selling:</p> <ol style="list-style-type: none"> <li>1. a narcotic preparation; or</li> <li>2. a dangerous depressant (10 oz or more) or a depressant (2 lbs or more); or</li> <li>3. concentrated cannabis as defined in §3302 of the <a href="#">NYS Public Health Law</a>; or</li> <li>4. phencyclidine (50 mg or more); or</li> <li>5. methadone; or</li> <li>6. phencyclidine (any amount) and previously convicted of an offense defined in this article or the attempt or conspiracy to commit any such offense; or</li> <li>7. ketamine (4,000 mg or more); or</li> <li>8. a controlled substance in violation of section 220.31, when such sale takes place upon school grounds; or the grounds of an educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds; or</li> <li>9. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid (28 g or more), as defined in §3306 of the <a href="#">NYS Public Health Law</a>.</li> </ol>	<p><b>Class C felony:</b> imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2<sup>nd</sup> time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2<sup>nd</sup> time offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.</p>
<p>§ 220.39 Criminal sale of a controlled substance (3<sup>rd</sup> degree).</p>	<p>Knowingly and unlawfully selling:</p> <ol style="list-style-type: none"> <li>1. a narcotic drug; or</li> <li>2. a stimulant, hallucinogen, hallucinogenic substance, or lysergic acid diethylamide (and previously convicted of an offense defined in §220 or the attempt or conspiracy to commit any such offense; or</li> <li>3. a stimulant (1 g or more); or</li> <li>4. lysergic acid diethylamide (1 mg or more); or</li> <li>5. a hallucinogen (25 mg or more); or</li> <li>6. a hallucinogenic substance (1 g or more); or</li> <li>7. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (aggregate weight of 1/8 oz or more); or</li> <li>8. phencyclidine (250 mg or more); or</li> <li>9. a narcotic preparation to a person less than 21 years old.</li> </ol>	<p><b>Class B felony:</b> imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2<sup>nd</sup> time offender: imprisonment for 3 ½ to 12 years (may be sentenced to parole supervision). For a 2<sup>nd</sup> time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.</p>
<p>§ 220.41 Criminal sale of a controlled substance (2<sup>nd</sup> degree).</p>	<p>Knowingly and unlawfully selling:</p> <ol style="list-style-type: none"> <li>1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of ½ oz or more); or</li> <li>2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (aggregate weight of ½ oz or more); or</li> <li>3. a stimulant (5 g or more); or</li> <li>4. lysergic acid diethylamide (5 mg or more); or</li> <li>5. a hallucinogen (125 mg or more); or</li> </ol>	<p><b>Class A-I felony:</b> imprisonment for 8 to 20 years. For a 2<sup>nd</sup> time offender: imprisonment for 12 to 24 years. For a 2<sup>nd</sup> time offender previously convicted of a violent felony, imprisonment for 15 to 30 years.</p>

	6. a hallucinogenic substance (5 g or more); or 7. methadone (360 mg or more).	
§ 220.43 Criminal sale of a controlled substance (1st degree).	Knowingly and unlawfully selling: 1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of 2 oz or more); or 2. methadone (2880 mg or more).	<b>Class A-II felony:</b> imprisonment 3 to 10 years. For a 2 <sup>nd</sup> time: offender, imprisonment for 6 to 14 years (may be sentenced to lifetime probation). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony: imprisonment for 8 to 17 years.
§ 220.44 Criminal sale of a controlled substance in or near school grounds.	Knowingly and unlawfully selling: 1. a controlled substance in violation of any one of subdivisions 1– 6-a of §220.34, when such sale takes place upon school grounds; or 2. a controlled substance in violation of any one of subdivisions 1– 8 of §220.39, when such sale takes place upon school grounds; or 3. a controlled substance in violation of any one of subdivisions 1– 6 of §220.34, when such sale takes place upon the grounds of an 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 1–8 of §220.39, when such sale takes place upon the grounds of an educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds.	<b>Class B felony:</b> imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2 <sup>nd</sup> time offender: imprisonment for 3 ½ to 12 years (may be sentenced to parole supervision). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.
§ 220.45 Criminally possessing a hypodermic instrument.	Knowingly and unlawfully possessing or selling a hypodermic syringe or hypodermic needle.	<b>Class A misdemeanor:</b> imprisonment up to one year.
§ 220.46 Criminal injection of a narcotic drug.	Knowingly and unlawfully possessing a narcotic drug and intentionally injecting, 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.	<b>Class E felony:</b> imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2 <sup>nd</sup> time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.
§ 220.50 Criminally using drug paraphernalia (2 <sup>nd</sup> degree).	Knowingly possessing or selling: 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,	<b>Class A misdemeanor:</b> imprisonment up to one year.

	<p>compounding, or otherwise preparing any narcotic drug or stimulant; or</p> <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol>	
§ 220.55 Criminally using drug paraphernalia (1st degree).	Committing the crime of criminally using drug paraphernalia in the second degree and having previously been convicted of criminally using drug paraphernalia in the 2 <sup>nd</sup> degree.	<b>Class D felony:</b> imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2 <sup>nd</sup> time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.
§ 220.60 Criminal possession of precursors of controlled substances.	<p>Possessing and at the same time intending to unlawfully manufacture:</p> <ol style="list-style-type: none"> <li>1. a controlled substance; or</li> <li>2. carbamide (urea) and propanedioc and malonic acid or its derivatives; or</li> <li>3. ergot or an ergot derivative and diethylamine or dimethyl-formamide or diethylamide; or</li> <li>4. phenylacetone (1-phenyl-2 propanone) and hydroxylamine or ammonia or formamide or benzaldehyde or nitroethane or methylamine; or</li> <li>5. pentazocine and methyliodide; or</li> <li>6. phenylacetone nitrile and dichlorodiethyl methylamine or dichlorodiethyl benzylamine; or</li> <li>7. diphenylacetone nitrile and dimethylaminoisopropyl chloride; or</li> <li>8. piperidine and cyclohexanone and bromobenzene and lithium or magnesium; or</li> <li>9. 2, 5-dimethoxy benzaldehyde and nitroethane and a reducing agent.</li> </ol>	<b>Class E felony:</b> imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2 <sup>nd</sup> time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.
§ 220.65 Criminal sale of a prescription for a	When, being a practitioner, as that term is defined in §3302 of the <a href="#">NYS Public Health Law</a> , knowingly and unlawfully selling a prescription for a controlled substance.	<b>Class C felony:</b> imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2 <sup>nd</sup> time offender: imprisonment for 2 to 8 years (may be sentenced to parole

controlled substance.		supervision). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.
§ 220.70 Criminal possession of methamphetamine manufacturing material (2 <sup>nd</sup> degree).	Possessing 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.	<b>Class A misdemeanor:</b> imprisonment up to one year.
§ 220.71 Criminal possession of methamphetamine manufacturing material (1 <sup>st</sup> degree).	Committing the offense of criminal possession of methamphetamine manufacturing material in the second degree, as defined in § 220.70, and has previously been convicted within the preceding 5 years of criminal possession of methamphetamine manufacturing material in the 2 <sup>nd</sup> degree or a violation of this section.	<b>Class E felony:</b> imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2 <sup>nd</sup> time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.
§ 220.72 Criminal possession of precursors of methamphetamine.	Possessing 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.	<b>Class E felony:</b> imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2 <sup>nd</sup> time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.
§ 220.73 Unlawful manufacture of methamphetamine (3 <sup>rd</sup> degree).	Possessing, with intent to use, or knowing that another intends to use each such product to unlawfully manufacture, prepare or produce methamphetamine two or more items of laboratory equipment and two or more precursors, chemical reagents or solvents in any combination; or one item of laboratory equipment and three or more precursors, chemical reagents or solvents in any combination; or a precursor: (a) mixed together with a chemical reagent or solvent; or (b) with two or more chemical reagents and/or solvents mixed together.	<b>Class D felony:</b> imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2 <sup>nd</sup> time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.
§ 220.74 Unlawful manufacture of methamphetamine (2 <sup>nd</sup> degree).	<ol style="list-style-type: none"> <li>Commits violation of § 220.73 in the presence of another person under the age of 16, provided, however, that the actor is at least 5 years older than such other person under the age of 16; or</li> <li>Commits violation of § 220.73 and has previously been convicted within the preceding 5 years of the offense of criminal possession of precursors of methamphetamine, criminal possession of methamphetamine manufacturing material in the 1<sup>st</sup> degree, unlawful disposal of methamphetamine laboratory material, unlawful manufacture of methamphetamine in the 3<sup>rd</sup> degree, the 2<sup>nd</sup> degree, or the 1<sup>st</sup> degree.</li> </ol>	<b>Class C felony:</b> imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2 <sup>nd</sup> time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.

<p>§ 220.75 Unlawful manufacture of methamphetamine (1st degree).</p>	<p>Commits the crime of unlawful manufacture of methamphetamine in the 2<sup>nd</sup> degree after having previously been convicted within the preceding 5 years of unlawful manufacture of methamphetamine in the 3<sup>rd</sup> degree unlawful manufacture of methamphetamine in the 2<sup>nd</sup> degree or unlawful manufacture of methamphetamine in the 1<sup>st</sup> degree.</p>	<p><b>Class B felony:</b> imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2<sup>nd</sup> time offender: imprisonment for 3 ½ to 12 years (may be sentenced to parole supervision). For a 2<sup>nd</sup> time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.</p>
<p>§ 220.76 Unlawful disposal of methamphetamine laboratory material.</p>	<p>Knowingly disposing of, or possessing 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.</p>	<p><b>Class E felony:</b> imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2<sup>nd</sup> time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2<sup>nd</sup> time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.</p>

<p><b><u>NYS Penal Law</u></b> <b>Offenses Involving Marihuana</b></p>	<p><b>Specifics</b></p>	<p><b>Sentence</b></p>
<p>§ 221.05 Unlawful possession of marihuana.</p>	<p>Knowingly and unlawfully possessing marihuana is a violation.</p>	<p>A fine of up to \$100.</p> <p>A fine of up to \$200 if previously convicted of an offense defined in § 220 or § 221, committed within the 3 years immediately preceding such violation.</p> <p>A fine of up to \$250 or imprisonment up to 15 days or both if previously convicted of two such offenses committed during such period.</p>
<p>§ 221.10 Criminal possession of marihuana (5th degree).</p>	<p>Knowingly and unlawfully possessing marihuana in a public place, as defined in section 240.00 of this chapter, and such marihuana is burning or open to public view; or one or more preparations, compounds, mixtures or substances containing marihuana (aggregate weight of more than 25 g).</p>	<p><b>Class B misdemeanor:</b> imprisonment up to three months.</p>
<p>§ 221.15 Criminal possession of marihuana (4th degree).</p>	<p>Knowingly and unlawfully possessing one or more preparations, compounds, mixtures or substances containing marihuana (aggregate weight of more than 2 oz).</p>	<p><b>Class A misdemeanor:</b> imprisonment up to one year.</p>
<p>§ 221.20 Criminal possession of marihuana (3rd degree).</p>	<p>Knowingly and unlawfully possessing one or more preparations, compounds, mixtures or substances containing marihuana (aggregate weight of more than 8 oz).</p>	<p><b>Class E felony:</b> imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2<sup>nd</sup> time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2<sup>nd</sup> time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.</p>

§ 221.25 Criminal possession of marihuana (2nd degree).	Knowingly and unlawfully possessing one or more preparations, compounds, mixtures or substances containing marihuana (aggregate weight of more than 16 oz).	<b>Class D felony:</b> imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2 <sup>nd</sup> time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.
§ 221.30 Criminal possession of marihuana (1st degree).	Knowingly and unlawfully possessing one or more preparations, compounds, mixtures or substances containing marihuana (aggregate weight of more than 10 lbs).	<b>Class C felony:</b> imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2 <sup>nd</sup> time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.
§ 221.35 Criminal sale of marihuana (5th degree).	Knowingly and unlawfully selling, without consideration, one or more preparations, compounds, mixtures or substances containing marihuana (aggregate weight of 2 g or less); or one cigarette containing marihuana.	<b>Class B misdemeanor:</b> imprisonment up to three months.
§ 221.40 Criminal sale of marihuana (4th degree).	Knowingly and unlawfully selling marihuana, except as provided in §221.35.	<b>Class A misdemeanor:</b> imprisonment up to one year.
§ 221.45 Criminal sale of marihuana (3rd degree).	Knowingly and unlawfully selling one or more preparations, compounds, mixtures or substances containing marihuana (aggregate weight of more than 25 g ).	<b>Class E felony:</b> imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2 <sup>nd</sup> time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.
§ 221.50 Criminal sale of marihuana (2nd degree).	Knowingly and unlawfully selling one or more preparations, compounds, mixtures or substances containing marihuana (aggregate weight of more than 4 oz, or knowingly and unlawfully sells one or more preparations, compounds, mixtures or substances containing marihuana to a person less than 18 years of age.	<b>Class D felony:</b> imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2 <sup>nd</sup> time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.
§ 221.55 Criminal sale of marihuana (1st degree).	Knowingly and unlawfully sells one or more preparations, compounds, mixtures or substances containing (aggregate weight of more than 16 oz).	<b>Class C felony:</b> imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2 <sup>nd</sup> time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.

<b><u>NYS Penal Law</u></b> Criminal Diversion of	<b>Specifics</b>	<b>Sentence</b>
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<b>Prescriptions &amp; Medications</b>		
See <a href="#">§ 178.00</a> for definitions and <a href="#">§ 178.05</a> for limitation of criminal diversion of prescription medications and prescriptions.		
§ 178.10 Criminal diversion of prescription medications and prescriptions (4th degree).	A person is guilty of criminal diversion of prescription medications and prescriptions in the 4 <sup>th</sup> degree when he or she commits a criminal diversion act.	<b>Class A misdemeanor:</b> imprisonment up to one year.
§ 178.15 Criminal diversion of prescription medications and prescriptions (3rd degree).	A person is guilty of criminal diversion of prescription medications and prescriptions in the 3rd degree when he or she: 1. commits a criminal diversion act, and the value of the benefit exchanged is in excess of \$1000; or 2. commits the crime of criminal diversion of prescription medications and prescriptions in the 4th degree, and has previously been convicted of the crime of criminal diversion of prescription medications and prescriptions in the 4 <sup>th</sup> degree.	<b>Class E felony:</b> imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2 <sup>nd</sup> time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.
§ 178.20 Criminal diversion of prescription medications and prescriptions (2nd degree).	A person is guilty of criminal diversion of prescription medications and prescriptions in the second degree when he or she commits a criminal diversion act, and the value of the benefit exchanged is in excess of \$3,000.	<b>Class D felony:</b> imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2 <sup>nd</sup> time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.
§ 178.25 Criminal diversion of prescription medications and prescriptions in the first degree.	A person is guilty of criminal diversion of prescription medications and prescriptions in the first degree when he or she commits a criminal diversion act, and the value of the benefit exchanged is in excess of \$50,000.	<b>Class C felony:</b> imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2 <sup>nd</sup> time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2 <sup>nd</sup> time offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.
<b>Alternative sentence:</b> the court may impose imprisonment of one year or less for a person convicted of a class C, class D or class E felony offense.		

***Note: This information is not to be considered legal advice or guaranteed to be a comprehensive inventory of all state laws regarding alcohol and other drugs. The University will attempt to notify campuses of new or revised legislative reporting or disclosure requirements. It is the user's responsibility to check [New York State laws](#) and with [relevant SUNY offices](#) to determine whether changes, additions or substitutions have been made.***