

**FEDERAL AND STATE LEGAL SANCTIONS
FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS
AND ALCOHOL**

I. Federal Laws

A. Possession of Illicit Drugs

1. Federal laws prohibit illegal possession of controlled substances (U.S. Department of Justice and Drug Enforcement Administration)
 - a. First offense: prison sentences up to one year and a minimum fine of \$1,000.
 - b. Second offense: prison sentences up to two years and fined a minimum of \$2,500.
 - c. Third offense: prison sentences up to three years and fined a minimum of \$5,000.
 - d. Special sentencing provisions apply for possession of flunitrazepam, including imprisonment of three years as well as the fine schedule referenced above.

B. Trafficking of Illicit Drugs

1. Under federal law, the manufacture, distribution, dispensation or possession with intent to manufacture, distribute or dispense of all Schedule I and II illicit drugs (e.g., cocaine, ecgonine, methamphetamines, heroin, PCP, LSD and all mixtures containing such substances) is a felony.
 - a. First offense: (dependent upon the amount and type of substance) prison sentences of ten years to life (20 years to life if death or serious bodily injury is involved) and fines of up to \$10,000,000 for offenses by individuals (\$50,000,000 for other than individuals).
2. Federal law also prohibits trafficking in marijuana, hashish, hashish oil and mixtures containing such substances.
 - a. First offense: prison sentence up to five years and fines of up to \$250,000 for offenses by individuals (\$1,000,000 for other than individuals). Penalties vary depending upon the quantity of drugs involved.
 - b. Second offense: prison sentence up to ten years and fines of up to \$500,000 for offenses by individuals (\$2,000,000 for other than individuals).
3. The trafficking of medically useful drugs (e.g., prescription and over-the counter drugs) is illegal. Outcomes for trafficking of such drugs is dependent upon which Schedule the substance falls under according to the Controlled Substances Act (CSA).

II. State of California Law

A. Alcohol

1. It is a crime to sell, furnish or give alcoholic beverages to a person under age 21 or to any obviously intoxicated person (California Business & Professions Code 25658 & 25602).
2. It is a crime for a person under the age of 21 to purchase or possess alcoholic beverages (California Business & Professions Code 25658 & 25662).
3. It is a crime to sell alcohol without a valid liquor license or permit (California Business & Professions Code 23301).

4. It is a crime for any person to drink while driving, to have an open container of alcohol in a motor vehicle or to drive under the influence of alcohol (California Vehicle Code 23220, 23222 & 23152).
5. It is a crime to be intoxicated in a public place (California Penal Code 647(f))
6. Intoxication is presumed at blood levels of .08% or higher (California Vehicle Code 23152).

B. Penalties for Drunk Driving Offenses

1. First offense: fines up to \$1,000, imprisonment up to six months, driver's license suspension up to ten months and interlock ignition device required in some counties.
2. Second offense: fines up to \$1,800, imprisonment up to one year, driver's license suspension up to two years and interlock ignition device required.
3. Third offense: fines up to \$1,800, imprisonment up to one year driver's license suspension up to three years and interlock ignition device required.
4. Refusal to submit to a blood alcohol content test: driving privileges are suspended for one year, for two years if there is a prior offense within 10 years and for three years with three or more offenses within 10 years.
5. Drivers under the age of 21 found with any measurable amount of blood alcohol (.01% or more) will have their driver's license suspended for one year and will be required to attend DUI school. If the driver does not have a license, there will be a one-year delay in obtaining one.

C. Illicit Drugs

1. Under California law, first offenses involving the sale or possession for sale of amphetamines, codeine, cocaine, heroin, LSD, mescaline, methadone, methamphetamine, morphine, PCP, peyote, psilocybin and marijuana (among others) are felonies carrying prison terms of up to four years (California Health & Safety Code 11054, 11055 & 11351).
2. Penalties are more severe for offenses involving heroin, cocaine, cocaine base, or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility (California Health & Safety Code 11353.1).
3. It is unlawful to possess any device, contrivance, instrument or paraphernalia used for unlawfully injecting or smoking a controlled substance from Section IV, Letter C, Number 1 (California Health & Safety Code 11364).
4. Personal property may be subject to forfeiture if it contains drugs or was used in a drug manufacture, distribution, dispensation or acquired in violation of this division (California Health & Safety Code 11470).
5. The illegal possession of most of the above-mentioned drugs may be felonies or misdemeanors depending upon amounts involved.
6. The California Legislature declares that the dispensing and furnishing of prescription drugs, controlled substances and dangerous drugs or dangerous devices without a license poses a significant threat to the health, safety and welfare of all persons residing in the state and shall be guilty of a crime (California Health & Safety Code 11352.1).

III. Health Effects

A. Drug Type—Acute Effects/Health Risks (as found on the National Institute on Drug Abuse website: <http://www.drugabuse.gov>)

1. **Alcohol**—affects every organ in the drinker's body, impairs brain function and motor skills and may cause, fetal damage (in pregnant women), heavy use can damage the heart, liver and pancreas, increase risk of certain cancers, stroke and liver disease and weaken the immune system.
2. **Amphetamines/Methamphetamines**—increased heart rate, blood pressure, body temperature and breathing, reduced appetite, irregular heartbeat, anxiety, confusion, mood problems, paranoia, violent behavior, hallucinations, weight loss, insomnia, severe dental problems, intense itching leading to skin sores from scratching, risk of HIV, hepatitis and other infectious diseases from shared needles, addiction.
3. **Cocaine**—increased heart rate, blood pressure, body temperature, reduced appetite, headache, abdominal pain and nausea, restlessness, anxiety, panic attacks, paranoia, violent behavior, psychosis, nasal damage, weight loss, insomnia, heart rhythm problems, infection and death of bowel tissue, heart attack, stroke, seizures, coma, addiction.
4. **Dissociative Drugs (Ketamine, PCP, Salvia divinorum, DXM)**—impaired motor function, anxiety, paranoia, numbness, memory loss, nausea, vomiting, depression, violence, slurred speech, hallucinations, dizziness, distorted visual perceptions, suicidal thoughts, seizures, coma, death.
5. **GHB**—drowsiness, nausea, vomiting, confusion, hallucinations, aggressive behavior, memory loss, unconsciousness, seizures, slowed heart rate and breathing, lower body temperature, coma, death.
6. **Hallucinogens (LSD, mescaline, psilocybin)**—hallucinations, increased body temperature, heart rate and blood pressure, loss of appetite, sweating, sleeplessness, numbness, dizziness, weakness, tremors, ongoing visual disturbances, disorganized thinking, rapid shifts in emotion, flashbacks, hallucinogen Persisting Perception Disorder, paranoia.
7. **Heroin/Opium**—itching, dry mouth, clouded thinking, nausea, vomiting, feelings of heaviness in the body, slowed heart rate and breathing, collapsed veins, abscesses, infection of the lining and valves of the heart, constipation and stomach cramps, liver or kidney disease, pneumonia, fatal overdose.
8. **Inhalants**—confusion, loss of inhibition, headache, nausea, slurred speech, loss of motor coordination, dizziness, drowsiness, lightheadedness, hallucinations/delusions, liver and kidney damage, bone marrow damage, brain damage, convulsions, seizures, coma, sudden death from heart failure or asphyxiation.
9. **Marijuana/Hashish**—slowed reaction time, impaired balance and coordination, increased heart rate and appetite, impaired learning and memory, hallucinations, anxiety, panic attacks, psychosis, cough, frequent respiratory infections, possible mental health decline, addiction.
10. **MDMA**—lowered inhibition, confusion, anxiety, chills, sweating, increased heart rate and blood pressure, teeth clenching, muscle tension, sleep disturbances, depression, nausea, blurred vision, faintness, impaired memory, liver, kidney or heart failure, addiction, death.
11. **Nicotine**—increased blood pressure, breathing and heart rate, increased risk of cancer (both lung and oral), chronic bronchitis, emphysema, heart disease, leukemia, cataracts, pneumonia, adverse pregnancy outcomes, addiction.