

NOTICE TO STUDENTS AND EMPLOYEES

It is the policy of the institution to maintain a drug free and alcohol free environment. Students and staff are urged to review and abide by the institution's policy.

This institution distributes information regarding drug abuse prevention and counseling. This information includes adverse effects of alcohol and drugs, drug abuse offenses and penalties, tips for preventing alcohol and drug abuse, and a listing of area drug and alcohol abuse treatment facilities.

Federal law requires all post-secondary institutions to notify students and employees of the following: the unlawful possession, use or distribution of illicit drugs or alcohol on school property or in connection with any school activity is strictly prohibited. This prohibition applies to all students and employees.

Any employee or student who is a drug or alcohol offender will have disciplinary action imposed by the school. These sanctions include:

- Mandated treatment for problem with West Virginia Junior College Employee/Student Assistance Program Coordinator.
- Mandated attendance at local treatment center.
- Mandated completion of drug rehabilitation program.
- Mandated probation period not to exceed one month.
- Discharge from employment or expulsion from school.



Biennial Review

West Virginia Junior College conducted a biennial review of its drug and alcohol prevention program at the end of the 2016/2017 Award Year and determined that the program is sound. There were no drug or alcohol-related violations that occurred on the institution's campus or as part of any of the institution's activities and therefore, there were no sanctions imposed.

NOTICE TO STUDENTS CONCERNING PENALTIES FOR DRUG VIOLATIONS

This notice provides information on the penalties associated with drug-related offenses under section 484(r) of the Higher Education Act. It also provides notice on how to regain eligibility after conviction of a drug related offense.

The institution will provide a timely notice to each student who has lost eligibility for any grant, loan, or work-study assistance as a result of penalties under 484(r)(1) of the HEA and will advise the student of the ways in which to regain eligibility under section 484(r)(2) of the HEA.

(r) SUSPENSION OF ELIGIBILITY FOR DRUG-RELATED OFFENSES-

(1) IN GENERAL- A student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance under this title during the period beginning on the date of such conviction and ending after the interval specified in the following table:

If convicted of an offense involving:

The possession of a controlled substance:

Ineligibility period is:

First offense
1 year

Second offense
2 years

Third offense
Indefinite.

The sale of a controlled substance:

Ineligibility period is:

First offense
2 years

Second offense
Indefinite.

(2) REHABILITATION- A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the ineligibility period determined under such paragraph if--

(A) the student satisfactorily completes a drug rehabilitation program that-

- (i) complies with such criteria as the Secretary shall prescribe in regulations for purposes of this paragraph; and
- (ii) includes two unannounced drug tests; or

(B) the conviction is reversed, set aside, or otherwise rendered nugatory.

EFFECTS OF ALCOHOL

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

ALCOHOL AND OTHER DRUGS (Am I using them or are they using me?)

DO YOU DRINK OR TAKE DRUGS TO MAKE YOURSELF FEEL BETTER IF YOU'RE HAVING A HARD TIME AT WORK OR AT HOME?

HAS YOUR DRINKING/DRUG USE INCREASED IN THE LAST TWO YEARS, YEAR, SIX MONTHS?

ARE YOU ANNOYED OR DEFENSIVE IF ANYONE MENTIONS YOUR ALCOHOL/DRUG USE?

HAVE YOU EVER TRIED TO LIMIT YOUR DRINKING/DRUG USE BY USING ONLY AT A CERTAIN TIME OF DAY OR ON CERTAIN DAYS OF THE WEEK?

DO YOU START DRINKING OR USING DRUGS SOONER, AND STOP USING LATER, THAN MOST OF YOUR FRIENDS?

HAVE YOU HAD A MORNING DRINK OR HIT IN THE PAST YEAR?

HAS YOUR DRINKING/DRUG USE EVER CAUSED YOU PROBLEMS AT HOME OR AT WORK?

DO YOU EVER FEEL GUILTY OR REGRETFUL ABOUT HOW YOU'VE BEHAVED WHEN YOU'RE USING?

HAVE YOU EVER HAD A MEMORY LAPSE AFTER DRINKING OR USING?

If you answered "yes" to two or more questions, there is a good chance that you may be heading for a dangerous alcohol or other drug problem-if you don't already have one. Only you know the truth about your own chemical use.

Booze Briefs

93% of college students have used alcohol in their lifetime.

20 - 30% of college students have drinking problems.

41% of college students consume five or more drinks in a row—a practice that will intoxicate almost all.

The typical student will probably spend more money for alcoholic beverages than for textbooks.

A poll reported in the *Wall Street Journal* disclosed that 2 out of 3 undergraduates admitted to driving while intoxicated.

College students who are in high academic standing drink less in almost all situations than do their peers who are in low academic standing.

From Lewis Eigen. *Alcohol Practices, Policies and Potentials of American Colleges and Universities, A White Paper*. Rockville, MD: U.S. Department of Health & Human Services, 1991.

COMMONLY USED/ABUSED DRUGS AND THEIR RISKS

Classification	Drug	Common or Brand Name	Dependence Potential		Acute Effects	Health Risks and Effects of Long-Term Use*	Overdose Effects
			Physical	Psychological			
Alcohol	Ethanol ----- -----	Beer Wine Distilled Liquor	High High High	High High High	<ul style="list-style-type: none"> Lowered Inhibitions, Impaired Judgment, Vision Loss of Motor Skills, Coordination Slurred Speech 	<ul style="list-style-type: none"> Hypertension Liver Damage Cardiovascular Disease Toxic Psychosis Neurologic Damage Addiction with Severe Withdrawal 	<ul style="list-style-type: none"> Coma Possible Death
Narcotics	<ul style="list-style-type: none"> ➤Opium Morphine Codeine ➤Heroin Meperidine Other 	<ul style="list-style-type: none"> ✧Paregoric, Dover's Powder ✧Morphine ✧Tylenol w/Codeine, Robitussin Heroin ✧Demerol, Pethadol ✧Dilaudid, Lentine, Percodan 	High High High High High High	High High High High High High	<ul style="list-style-type: none"> Euphoria, Drowsiness Respiratory Depression Constricted Pupils Nausea, Vomiting Analgesia (Pain Relief) 	<ul style="list-style-type: none"> Loss of Appetite Constipation Risk of Aids, Hepatitis From I.V. Drug Use 	<ul style="list-style-type: none"> Shallow Perspiration Clammy Skin Convulsions, Coma Possible Death May be Toxic if Mixed with Alcohol
Depressants	<ul style="list-style-type: none"> Chloral Hydrate Barbiturates Glutethimide Methaqualone Tranquilizers Other 	<ul style="list-style-type: none"> ✧Noctec, Somnos ✧Nembutal, Phonobarbitol, Seconal, Tuinol ✧Doriden ✧Optimil, Parest, Quaalude, Sopor ✧Equanil, Valium, Tranxene, Serax, Xanax ✧Dalmane, Dormate, Placidyl, Valmid 	Moderate High High High Moderate	Moderate High High High High	<ul style="list-style-type: none"> Slurred Speech Disorientation Drunken Behavior without the odor of Alcohol Relaxation, Depression 	<ul style="list-style-type: none"> Addiction with withdrawal Toxic Pshchosis 	<ul style="list-style-type: none"> Shallow Respiration Cold, Clammy Skin Weak, Rapid Pulse Coma Possible Death May be toxic if mixed with alcohol
Stimulants	<ul style="list-style-type: none"> ➤Cocaine ➤Amphetamine Phenmetrazine Methylphenidate Other 	<ul style="list-style-type: none"> Cocaine Hydrochloride ✧Benzedrine, Biphetamine, Desoxyn, Dexedrine ✧Preludin ✧Ritallin ✧Cylert, Didrex, Pre-sate, Sanorex, Voranil 	Possible Possible Possible Possible Possible	High High High High High	<ul style="list-style-type: none"> Feeling of well-being Excitation, Euphoria Increased alertness Increased blood pressure, pulse Insomnia, appetite loss 	<ul style="list-style-type: none"> Delusions, Hallucinations (Toxic Psychosis) Possible organ/tissue damage 	<ul style="list-style-type: none"> Agitation Temperature increase Hallucinations Convulsions Heart Attack; Stroke
Hallucino-genics	<ul style="list-style-type: none"> ➤LSD ➤Mescaline ➤Psilocybin ➤MDA ➤PCP 	<ul style="list-style-type: none"> Acid, Lysergic Acid Peyote, Peyote buttons, Mescalito Magic Mushrooms, 'Shrooms --- Angel Dust, Crystal, Cernylan (Veterinary) 	Low Low Low Unknown Unknown	Unknown Unknown Unknown Unknown Unknown	<ul style="list-style-type: none"> Dilated Pupils Increased Blood Pressure, Pulse Delusions/Hallucinations Distorted Perception of time, space and reality 	<ul style="list-style-type: none"> Hallucinogens, Especially LSD, may intensify existing psychosis Possible violent behavior 	<ul style="list-style-type: none"> Intense "Bad Trips" Psychosis Possible sudden death
Inhalants	<ul style="list-style-type: none"> Airplane glue Lighter fluid Aerosals Spray paints Paint thinner Gasoline "Poppers" 	<ul style="list-style-type: none"> Active ingredient: Toluene Active ingredient: Napthalene Active ingred.: Chloroflourocarbon Active ingred.: Petroleum distillates Active ingred.: Petroleum distillates Active ingred.: Petroleum distillates Active ingred.: Amyl/Butylnitrite 	Unknown Unknown Unknown Unknown Unknown Unknown	Unknown Unknown Unknown Unknown Unknown Unknown	<ul style="list-style-type: none"> Slurred Speech Drunken Behavior Impaired Judgment Poor Coordination 	<ul style="list-style-type: none"> Hallucinations Possible damage to bone marrow, lungs, kidneys, liver, heart, brain, eyes 	<ul style="list-style-type: none"> Unconsciousness Coma Possible toxic reaction Possible sudden death
Cannabis	<ul style="list-style-type: none"> ➤Marijuana ➤Hashish ➤Hash Oil 	<ul style="list-style-type: none"> Grass; Pot; Weed; Dope Hash 	Low Low Low	Moderate Moderate Moderate	<ul style="list-style-type: none"> Tachycardia: Reddened eyes Euphoria; profound humor Altered time/space perception Short-term memory loss Increased appetite 	<ul style="list-style-type: none"> Cardiovascular damage as with smoking tobacco Paranoia 	<ul style="list-style-type: none"> Insomnia; hyperactivity Panic attacks; paranoia Possible toxic reaction if treated w/ other chemicals
Tobacco	Nicotine	Cigarettes Cigars	Moderate Moderate	High High	<ul style="list-style-type: none"> Relaxation Stimulation 	<ul style="list-style-type: none"> Cardiovascular disease, Respiratory illness 	<ul style="list-style-type: none"> Possible death at very high dosage level

• ALCOHOL AND OTHER DRUG USE DURING PREGNANCY INCREASES RISK OF PHYSICAL HARM TO FETUS

✧ PSYCHOACTIVE DRUG EFFECTS REFER TO USE AT A GREATER THAN PRESCRIBED THERAPEUTIC DOSAGE LEVEL

➤ ADDITIONAL RISK OF HARM FROM TOXIC IMPURITIES IN "STREET" DRUGS

Tips for Preventing Substance Abuse

The use of tobacco, alcohol, and other drugs is one of the biggest problems facing people today.

There are no guarantees that someone you love will not choose to use drugs, but you can influence that decision by:

- not using drugs yourself
- providing guidance and clear rules about not using drugs
- spending time with your loved one sharing the good and the bad times

Much of what people, especially children learn about drugs comes from other people or their parents. Take a few minutes to answer the following questions about your feelings and behaviors about tobacco, alcohol, and other drugs.

1. Do you usually offer alcoholic drinks to friends and family when they come to your home?
2. Do you frequently take medicine for minor aches and pains or if you are feeling sad or nervous?
3. Do you take sleeping pills to fall asleep?
4. Do you use alcohol or any other drug in a way that you would not want your child to?
5. Do you smoke cigarettes?
6. Are you proud about how much you can drink?
7. Do you make jokes about getting drunk or using drugs?
8. Do you go to parties that involve a lot of drinking?
9. Do you drink and drive or ride with drivers who have been drinking?
10. Has your child ever seen you drunk?
11. Do you let minors drink alcohol in your home?

Use the following tips to help guide thoughts and behaviors about drugs:

1. **Talk honestly.** Don't wait to have "the drug talk" with someone, especially your child. Make discussions about tobacco, alcohol, and other drugs part of your daily conversation. Know the facts about how drugs can harm. Clear up any wrong information, such as "everybody drinks" or "marijuana won't hurt you." Be clear about family rules for use of tobacco, alcohol, and other drugs.
2. **Really listen.** Encourage questions and concerns about tobacco, alcohol, and other drugs. Do not do all the talking or give long lectures.
3. **Help develop self-confidence.** Look for all the good things in your child or someone you care about-- and then tell them how proud you are. If you need to correct, criticize the action, not the person. Praise efforts as well as successes.
4. **Help develop strong values.** Talk about your family values. Teach how to make decisions based on these standards of right and wrong. Explain that these are the standards for *your* family, no matter what other families might decide.
5. **Be a good example.** Look at your answers to questions above. Your own habits and thoughts about tobacco, alcohol, and other drugs make an impression. Your actions speak louder than words.
6. **Help deal with peer pressure and acceptance.** Discuss the importance of being an individual and the meaning of real friendships. Help to understand that he does not have to do something wrong just to feel accepted. Remind him that a real friend won't care if he does not use tobacco, alcohol, and other drugs.
7. **Make family rules that help say "no."** Talk about your expectation that he will say "no" to drugs. Spell out what will happen if he breaks these rules. (For example, "My parents said I can't use the car if I drink.") Be prepared to follow through, if necessary.
8. **Encourage healthy, creative activities.** Look for ways to get involved in athletics, hobbies, school clubs, and other activities that reduce boredom and excess free time. Encourage positive friendships and interests. Look for activities that you can do together.

9. **Team up with other parents.** Work with other parents to build a drug-free environment for children. When parents join together against drug use, they are much more effective than when they act alone. One way is to form a parent group with the parents of your child's friends. The best way to stop a child from using drugs is to stop his friends from using them too.
10. **Know what to do if someone you love has a drug problem.** Realize that no one is immune to drugs. Learn the signs of drug use. Take seriously any concerns you hear from friends, teachers, or other kids about possible drug use. Trust your instincts. If you truly feel that something is wrong, it probably is. If there's a problem, seek professional help.

Information provided by the American Academy of Pediatrics.

Help Available to WVJC Students

Drug and Alcohol Treatment Facilities Available

West Virginia Junior College offers a completely confidential Employee and Student Assistance Referral Program. The following community resources are available:

Alcoholics Anonymous

291-7918

Valley Health Care - Morgantown

(304) 293-4840 (Office)

800-232-0020 (Crisis Hotline)

Ruby Memorial Hospital

(304) 598-4000

Narcotics Anonymous (Charleston)

(304) 344-4442

Chestnut Ridge Hospital

(304) 293-4000

Fairmont General Hospital

(304) 367-7239

Olympic Center- Kingwood

(304) 329-2400

Rape and Domestic Violence Information Center

(304) 292-5100

United Summit Center-Clarksburg

1-800-786-6480

This list of treatment facilities and services is not intended to be exhaustive; it is merely a helpful list of some contacts in the area that are convenient to West Virginia Junior College campus. WVJC cannot accept liability for any services, treatment, or counseling provided by these agencies or their employees. The individual and his or her family should conduct reviews of these facilities before accepting their services.

Federal Trafficking Penalties

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 - 4999 gms mixture	<p>First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$2 million if an individual, \$5 million if not an individual</p> <p>Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$4 million if an individual, \$10 million if not an individual</p>	5 kgs or more mixture	<p>First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$4 million if an individual, \$10 million if not an individual.</p> <p>Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$20 million if not an individual.</p> <p>2 or More Prior Offenses: Life imprisonment</p>
Cocaine Base (Schedule II)	5-49 gms mixture		50 gms or more mixture	
Fentanyl (Schedule II)	40 - 399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10 - 99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100 - 999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1 - 9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5 - 49 gms pure or 50 - 499 gms mixture		50 gms or more pure or 500 gms or more mixture	
PCP (Schedule II)	10 - 99 gms pure or 100 - 999 gms mixture		100 gm or more pure or 1 kg or more mixture	
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gm or more	Second Offense: Not more than 30 yrs. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual		
Other Schedule III drugs	Any amount	First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		
Flunitrazepam (Schedule IV)	30 to 999 mgs	Second Offense: Not more 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual		
All other Schedule IV drugs	Any amount	First Offense: Not more than 3 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		
Flunitrazepam (Schedule IV)	Less than 30 mgs	Second Offense: Not more than 6 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.		
All Schedule V drugs	Any amount	<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 2 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	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> • Not less than 10 years, not more than life • If death or serious injury, not less than 20 years, not more than life • Fine not more than \$4 million if an individual, \$10 million if other than an individual 	<ul style="list-style-type: none"> • Not less than 20 years, not more than life • If death or serious injury, mandatory life • Fine not more than \$8 million if an individual, \$20 million if other than an individual
Marijuana	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> • Not less than 5 years, not more than 40 years • If death or serous injury, not less than 20 years, not more than life • Fine not more than \$2 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> • Not less than 10 years, not more than life • If death or serious injury, mandatory life • Fine not more than \$4 million if an individual, \$10 million if other than an individual
Marijuana	more than 10 kgs hashish; 50 to 99 kg mixture more than 1 kg of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> • Not more than 20 years • If death or serious injury, not less than 20 years, not more than life • Fine \$1 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> • Not more than 30 years • If death or seroius injury, mandatory life • Fine \$2 million if an individual, \$10 million if other than individual
Marijuana	1 to 49 plants; less than 50 kg mixture	<ul style="list-style-type: none"> • Not more than 5 years • Fine not more than \$250,000, \$1 million other than individual 	<ul style="list-style-type: none"> • Not more than 10 years • Fine \$500,000 if an individual, \$2 million if other than individual
Hashish	10 kg or less		
Hashish Oil	1 kg or less		

As reported by the U.S. Drug Enforcement Administration at: <http://www.usdoj.gov/dea/agency/penalties.htm>

Federal, State, and Local Sanctions and Penalties for Illicit Drug and Alcohol Use

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

21 U.S.C. 844(a)

1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both, if:

- (a) 1st conviction and the amount of crack possessed exceeds 5 grams.
- (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams.
- (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853(a)(2) and 881(a)(7)

Forfeiture of personal and real property used to possess or facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment (see special sentencing provisions re: crack.)

21 U.S.C. 881(a)(4)

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844a

Civil fine of up to \$10,000 (pending adoption of final regulations.)

21 U.S.C. 853a

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922(g)

Ineligible to receive or purchase a firearm.

Miscellaneous

Revocation of certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

Note: These are only Federal penalties and sanctions. Additional State penalties and sanctions may apply. Refer to West Virginia Code maintained in the school's main office.

STATE OF WEST VIRGINIA CODE

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

§60-1-1. Purpose of chapter; declaration of legislative findings, policy and intent.

The purpose of this chapter is to give effect to the mandate of the people expressed in the repeal of the state prohibition amendment; and it is hereby found by the Legislature and declared to be the public policy of this state to regulate and control the manufacture, sale, distribution, transportation, storage and consumption of alcoholic liquors and at the same time to assure the greatest degree of personal freedom consistent with the health, safety, welfare, peace and good morals of the people of this state. To these ends the police power of this state is pledged to the sound control and the temperate use of alcoholic liquors. In order to further promote and foster the hereinabove policy of the Legislature, the provisions of this chapter and of the rules and regulations promulgated pursuant thereto shall be construed so as to accomplish and effectuate these stated purposes.

§60-1-2. Applicability of chapter.

A person shall not sell, possess for sale, transport, or distribute alcoholic liquors in this state except in accordance with the provisions of this chapter.

§60-6-9. Intoxication or drinking in public places; illegal possession of alcoholic liquor; arrests by sheriffs or their deputies for violation in their presence; penalties.

(a) A person shall not:

(1) Appear in a public place in an intoxicated condition;

(2) Drink alcoholic liquor in a public place;

(3) Drink alcoholic liquor in a motor vehicle on any highway, street, alley or in a public garage;

(4) Tender a drink of alcoholic liquor to another person in a public place;

(5) Possess alcoholic liquor in the amount in excess of ten gallons, in containers not bearing stamps or seals of the commissioner, without having first obtained written authority from the said commissioner therefore; or

(6) Possess any alcoholic liquor which was manufactured or acquired in violation of the provisions of this chapter.

(b) Any law-enforcement officer may arrest without a warrant and take the following actions against a person who, in his or her presence, violates subdivision (1) of subsection (a) of this section: (1) If there is some nonintoxicated person who will accept responsibility for the intoxicated person, the officer may issue the intoxicated person a citation specifying a date for appearance before a judicial officer and release him or her to the custody of the individual accepting responsibility: *Provided*, That the issuance of a citation shall be used whenever feasible; (2) if it does not impose an undue burden on the officer, he or she may, after issuance of such a citation, transport the individual to the individual's present residence or arrange for such transportation; (3) if the individual is incapacitated or the alternatives provided in subdivisions (1) and (2) of this subsection are not possible, the officer shall transport or arrange for transportation to the appropriate judicial officer as defined by section seventeen, article eleven, chapter twenty-seven of this code; or (4) if the individual is incapacitated and, in the law-enforcement officer's judgment, is in need of acute medical attention, that officer shall arrange for transportation by ambulance or otherwise to a hospital emergency room. The officer shall accompany the individual until he or she is discharged from the emergency room or admitted to the hospital. If the individual is released from the emergency room, the officer may proceed as described in subdivisions (1), (2) and (3) of this subsection. If the individual is admitted to the hospital, the officer shall issue a citation to the individual specifying a date for appearance before a judicial officer.

(c) Upon presentment before the proper judicial officer, the law-enforcement officer shall serve as the chief complaining witness. The judicial officer must make a finding that there is probative evidence that the individual may be guilty of the charge of public intoxication. If such evidence is not presented, the charge shall be dismissed and the individual released. If sufficient evidence is presented, the judicial officer shall issue a warrant and establish bail or issue a summons to the individual. Once a warrant or summons has been issued, the following actions may be taken: (1) If the individual is no longer incapacitated, he or she may be released; (2) if the individual is still incapacitated but a nonintoxicated person is available to accept

responsibility for him or her, he or she may be released to the responsible person; or (3) if the individual is still incapacitated and no responsible person is available, the judicial officer shall proceed under the provisions of article five or six-a, chapter twenty-seven of this code.

(d) Any law-enforcement officer is hereby authorized and empowered to arrest and hold in custody, without a warrant, until complaint may be made before a judicial officer and a warrant or summons issued, any person who in the presence of the law-enforcement officer violates any one or more of subdivisions (1) through (6), subsection (a) of this section: *Provided*, That the law-enforcement officer may use reasonable force to prevent harm to himself or herself, the individual arrested or others in carrying out the provisions of this section.

(e) Any person who violates subdivision (1), subsection (a) of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced by a judicial officer in accordance with the following options: (1) Upon first offense, a fine of not less than five dollars nor more than one hundred dollars. If the individual, prior to conviction, agrees to voluntarily attend an alcohol education program of not more than six hours duration at the nearest community mental health -- mental retardation center, the judicial officer may delay sentencing until the program is completed and upon completion may dismiss the charges; (2) upon conviction for a second offense, a fine of not less than five dollars nor more than one hundred dollars and not more than sixty days in the county or regional jail or completion of not less than five hours of alcoholism counseling at the nearest community mental health -- mental retardation center; (3) upon third and subsequent convictions, a fine of not less than five dollars nor more than one hundred dollars and not less than five nor more than sixty days in county or regional jail or a fine of not less than five dollars nor more than one hundred dollars and completion of not less than five hours of alcoholism counseling at the nearest community mental health -- mental retardation center: *Provided*, That three convictions for public intoxication within the preceding six months shall be considered evidence of alcoholism: *Provided, however*, That for the educational counseling programs described in this subsection the community mental health -- mental retardation center may charge each participant its usual and customary fee and shall certify in writing to the referring judicial officer the completion or failure to complete the prescribed program for each individual.

(f) A person charged with a violation of subdivision (1), subsection (a) of this section who is an alcoholic shall be found not guilty by reason of addiction and proper disposition made pursuant to articles five and six-a, chapter twenty-seven of this code.

(g) Any person who violates subdivision (2), subsection (a) of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five nor more than one hundred dollars; and upon a second or subsequent conviction thereof, shall be fined not less than five nor more than one hundred dollars, or confined in the county or regional jail not more than sixty days, or both.

(h) Any person who violates subdivision (3), subsection (a) of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five nor more than one hundred dollars, or confined in the county or regional jail not more than sixty days, or both.

(i) Any person who violates subdivision (4) or (5), subsection (a) of this section shall be guilty of a misdemeanor and, upon his or her first conviction, shall be fined not less than one hundred dollars nor more than five hundred dollars; and upon conviction of second or subsequent offense, he or she shall be guilty of a felony and shall be confined in the penitentiary of this state for a period of not less than one year nor more than three years.

§60-8-20a. Unlawful acts by persons.

(a) Any person under the age of twenty-one years who purchases, consumes, sells, possesses or serves wine or other alcoholic liquor is guilty of a misdemeanor, and, upon conviction thereof, shall be fined in an amount not to exceed five hundred dollars or shall be incarcerated in the county jail for a period not to exceed seventy-two hours, or both fined and imprisoned, or, in lieu of such fine and incarceration, may, for the first offense, be placed on probation for a period not to exceed one year.

Nothing in this article, nor any rule or regulation of the commissioner, shall prevent or be deemed to prohibit any person who is at least eighteen years of age from serving in the lawful employment of any licensee, which may include the sale or delivery of wine as defined in this article. Further, nothing in this article, nor any rule or regulation of the commissioner, shall prevent or be deemed to prohibit any person who is less than eighteen but at least sixteen years of age from being employed by a licensee whose principal business is the sale of food or consumer goods or the providing of recreational activities, including, but not limited to, nationally franchised fast food outlets, family-oriented restaurants, bowling alleys, drug stores, discount stores, grocery stores and convenience stores: *Provided*, That such person shall not sell or deliver wine or alcoholic liquor.

Nothing in this subsection shall prohibit a person who is at least eighteen years of age from purchasing or possessing wine or alcoholic liquor when he or she is acting upon the request of or under the direction and control of any member of a state, federal or local law-enforcement agency or the West Virginia alcohol beverage administration while the agency is conducting an investigation or other activity relating to the enforcement of the alcohol beverage control statutes and the rules and regulations of the commissioner.

(b) Any person under the age of twenty-one years who, for the purpose of purchasing wine or other alcoholic liquors from a licensee, misrepresents his or her age, or who for such purpose presents or offers any written evidence of age which is false, fraudulent or not actually his or her own, or who illegally attempts to purchase wine or other alcoholic liquors, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined in an amount not to exceed fifty dollars or shall be imprisoned in the county jail for a period not to exceed seventy-two hours, or both such fine and imprisonment, or, in lieu of such fine and imprisonment, may, for the first offense, be placed on probation for a period not exceeding one year.

(c) Any person who shall knowingly buy for, give to or furnish wine or other alcoholic liquors from any source to anyone under the age of twenty-one to whom they are not related by blood or marriage, is guilty of a misdemeanor and shall, upon conviction thereof, be fined in an amount not to exceed one hundred dollars or shall be imprisoned in the county jail for a period not to exceed ten days, or both such fine and imprisonment.

CHAPTER 60.A UNIFORMED CONTROLLED SUBSTANCE ACT

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-401. Prohibited acts A; penalties.

(a) Except as authorized by this act, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

Any person who violates this subsection with respect to:

(i) A controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a felony, and, upon conviction, may be imprisoned in the penitentiary for not less than one year nor more than fifteen years, or fined not more than twenty-five thousand dollars, or both;

(ii) Any other controlled substance classified in Schedule I, II or III, is guilty of a felony, and, upon conviction, may be imprisoned in the penitentiary for not less than one year nor more than five years, or fined not more than fifteen thousand dollars, or both;

(iii) A substance classified in Schedule IV, is guilty of a felony, and, upon conviction, may be imprisoned in the penitentiary for not less than one year nor more than three years, or fined not more than ten thousand dollars, or both;

(iv) A substance classified in Schedule V, is guilty of a misdemeanor, and, upon conviction, may be confined in the county jail for not less than six months nor more than one year, or fined not more than five thousand dollars, or both.

(b) Except as authorized by this act, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.

Any person who violates this subsection with respect to:

(i) A counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a felony, and, upon conviction, may be imprisoned in the penitentiary for not less than one year nor more than fifteen years, or fined not more than twenty-five thousand dollars, or both;

(ii) Any other counterfeit substance classified in Schedule I, II, or III, is guilty of a felony, and, upon conviction, may be imprisoned in the penitentiary for not less than one year nor more than five years, or fined not more than fifteen thousand dollars, or both;

(iii) A counterfeit substance classified in Schedule IV, is guilty of a felony, and, upon conviction, may be imprisoned in the penitentiary for not less than one year nor more than three years, or fined not more than ten thousand dollars, or both;

(iv) A counterfeit substance classified in Schedule V, is guilty of a misdemeanor, and, upon conviction, may be confined in the county jail for not less than six months nor more than one year, or fined not more than five thousand dollars, or both.

(c) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this act. Any person who violates this subsection is guilty of a misdemeanor, and disposition may be made under section 407, subject to the limitations specified in said section 407, or upon conviction, such person may be confined in the county jail

not less than ninety days nor more than six months, or fined not more than one thousand dollars, or both: *Provided*, That notwithstanding any other provision of this act to the contrary, any first offense for possession of less than 15 grams of marihuana shall be disposed of under said section 407.

(d) It is unlawful for any person knowingly or intentionally:

(1) To create, distribute or deliver, or possess with intent to distribute or deliver, an imitation controlled substance; or

(2) To create, possess or sell or otherwise transfer any equipment with the intent that such equipment shall be used to apply a trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, upon a counterfeit substance, an imitation controlled substance, or the container or label of a counterfeit substance or an imitation controlled substance.

(3) Any person who violates this subsection is guilty of a misdemeanor, and, upon conviction, may be imprisoned in the county jail for not less than six months nor more than one year, or fined not more than five thousand dollars, or both. Any person being eighteen years old or more, who violates subdivision (1) of this subsection, and, in so doing distributes or delivers an imitation controlled substance to a minor child who is at least three years younger than such person, is guilty of a felony, and, upon conviction, may be imprisoned in the penitentiary for not less than one year nor more than three years, or fined not more than ten thousand dollars, or both.

(4) The provisions of subdivision (1) of this subsection shall not apply to a practitioner who administers or dispenses a placebo.

§60A-4-406. Distribution to persons under the age of eighteen by persons over the age of twenty-one; distribution by persons eighteen or over in or on, or within one thousand feet of, school or college; increasing mandatory period of incarceration prior to parole eligibility.

(a) Notwithstanding any other provision of law to the contrary, a person is ineligible for parole for a period of three years if he or she is sentenced to the custody of the commissioner of corrections for service of a sentence of incarceration and is convicted of a felony violation under the provisions of subdivision (i), subsection (a), section four hundred one of this article for distribution of a controlled substance and:

(1) Is twenty-one years of age or older at the time of the distribution upon which the conviction is based, and the person to whom the controlled substance was distributed was under the age of eighteen years at the time of the distribution; or

(2) Is eighteen years of age or older and the distribution upon which the conviction is based occurred in or on, or within one thousand feet of, the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university in this state.

CITY OF MORGANTOWN CODIFIED ORDINANCES
PART 5 – GENERAL OFFENSES
ARTICLE 521 – LIQUOR CONTROL
ARTICLE 529 – OFFENSES RELATING TO PERSONS

521.05 UNLAWFUL PURCHASE OF ALCOHOLIC LIQUORS FROM STATE AGENCY

No person shall:

- (a) Being under the age of twenty-one years, for the purpose of purchasing alcoholic liquors from a State liquor store or an agency, misrepresent his or her age, or for such purpose present or offer any written evidence of age which is false, fraudulent or not actually his or her own, or illegally attempt to purchase alcoholic liquors from a State liquor store or an agency.
- (b) Knowingly buy for, give to or furnish to anyone under the age of twenty-one years to whom they are not related by blood or marriage, any alcoholic liquors from whatever source. (WVaC 60-3-22a)

521.03 PROHIBITED ACTS GENERALLY

No person shall:

- (a) Manufacture or sell in this City, without a license, any alcoholic liquor except as permitted by West Virginia Code Chapter 60;
- (b) Aid or abet in the manufacture or sale of alcoholic liquor without a license, except as permitted by West Virginia Code Chapter 60;
- (c) Sell without a license any alcoholic liquor other than provided by West Virginia Code Article 60-6;
- (d) Adulterate any alcoholic liquor by the addition of any drug, methyl alcohol, crude, unrectified or impure form of ethyl alcohol, or any other foreign or deleterious substance or liquid;
- (e) Refill, with alcoholic liquor, any bottle or other container in which alcoholic liquor has been sold at retail in this State;
- (f) Advertise any alcoholic liquor in this State except in accordance with the rules and regulations of the West Virginia Alcohol Beverage Control Commissioner;
- (g) Distribute, deal in, process or use crowns, stamps or seals required under the authority of West Virginia Code Chapter 60, except in accordance with the rules and regulations prescribed by the West Virginia Alcohol Beverage Control Commissioner.
- (h) Manufacture, sell, give or offer to make a sale or gift of, transport or otherwise possess any alcoholic liquor or nonintoxicating beer except as permitted by West Virginia Code Chapters 11 and 60.
- (i) Whoever violates subsection (a) to (g) hereof is guilty of a misdemeanor for a first offense.

521.04 UNLAWFUL SALE OR POSSESSION BY ALCOHOLIC LIQUOR LICENSE.

No person licensed under West Virginia Code Chapter 60 shall:

- (a) Sell alcoholic liquors of a kind other than that which is permissible under West Virginia Code Chapter 60;
- (b) Sell beer to which wine, spirits or alcohol has been added;
- (c) Sell wine to which other alcoholic spirits have been added, otherwise than as required in the manufacture thereof under regulations of the West Virginia Alcohol Beverage Control Commissioner; (WVaC 60-6-8)
- (d) (1) Sell alcoholic liquors or nonintoxicating beer to a person who is:
 - A. Less than twenty-one years of age;
 - B. An habitual drunkard;
 - C. Intoxicated;
 - D. Addicted to the use of any controlled substance as defined by West Virginia Code Chapter 60A;
 - E. Mentally incompetent.

- (2) It shall be a defense to a violation of subsection (d)(1)A. hereof if the seller shows that the purchaser:
- A. Produced written evidence which showed his or her age to be at least the required age for purchase and which bore a physical description of the person named on the writing which reasonably described the purchaser; or
 - B. Produced evidence of other facts that reasonably indicated at the time of sale that the purchaser was at least the required age. (WVaC 60-3-22)
- (e) Keep on the premises covered by his license any alcoholic liquor other than that which is authorized by West Virginia Code Chapter 60. (WVaC 60-6-8)

521.06 INTOXICATION OR DRINKING IN PUBLIC PLACES; ILLEGAL POSSESSION

No person shall:

- (a) Appear in a public place in an intoxicated condition;
- (b) Drink alcoholic liquor or nonintoxicating beer or have an open container of alcoholic liquor or nonintoxicating beer in or on any public sidewalk, walkway, entranceway, street, lane or other public place; Drink alcoholic liquor or nonintoxicating beer in a motor vehicle on any highway, street, alley or in a public garage. No person shall possess an open container of nonintoxicating beer or alcoholic liquor in a motor vehicle except in a place which can be reached only by leaving the vehicle;Tender a drink of alcoholic liquor to another person in a public place;Possess alcoholic liquor in the amount in excess of ten gallons, in containers not bearing stamps or seals of the West Virginia Alcohol Beverage Control Commissioner, without having first obtained written authority from the Commissioner therefor;Possess any alcoholic liquor which was manufactured or acquired in violation of the provisions of West Virginia Code Chapter 60.Possess or consume alcoholic liquor, wine or nonintoxicating beer if such person is under the age of twenty-one years as of the date of the possession or consumption.

Whoever violates subsection (e) or (f) hereof is guilty of a misdemeanor for a first offense.
(WVaC 60-6-9)

521.99 PENALTY.

(EDITOR'S NOTE: See Section [501.99](#) for general Code penalty if no specific penalty is provided.)Whoever violates Section [521.05](#)(a), [521.08](#)(b), [521.12](#)(b) or [521.13](#)(b) shall be fined not more than fifty dollars (\$50.00), or imprisoned for not more than seventy-two hours, or both, or, in lieu of such fine and imprisonment, may, for the first offense, be placed on probation for not more than one year.

- (b) Whoever violates Section [521.05](#)(b), [521.08](#)(c), [521.12](#)(c) or [521.13](#)(d) shall be fined not more than one hundred dollars (\$100.00), or imprisoned for not more than ten days, or both.

(WVaC 11-16-19, 60-3-22a, 60-8-20a, 60-3A-24)

- (c) Whoever violates Section [521.06](#)(a) shall be sentenced in accordance with the following options:
 - (1) Upon first offense, a fine of not more than one hundred dollars (\$100.00). If the individual, prior to conviction, agrees to voluntarily attend the alcohol education program, the judge may delay sentencing until the program is completed and upon completion may dismiss the charges;
 - (2) Upon conviction for a second offense, a fine of not more than one hundred dollars (\$100.00) and not more than thirty days in jail or completion of not less than five hours of alcoholism counseling at the nearest community mental health-mental retardation center;Upon third and subsequent convictions, a fine of not more than one hundred dollars (\$100.00) and not less than five nor more than thirty days in jail or a fine of not more than one hundred dollars (\$100.00) and completion of not less than five hours of alcoholism counseling at the nearest community mental health-mental retardation center: provided that three convictions for public intoxication within the preceding six months shall be considered evidence of alcoholism: provided, however that for the educational counseling programs described in this subsection the community mental health-mental retardation center may charge each participant its usual and customary fee and shall certify in writing to the referring judicial officer the completion or

failure to complete the prescribed program for each individual. A person charged with a violation of Section [521.06\(a\)](#) who is an alcoholic shall be found not guilty by reason of addiction and proper disposition made pursuant to West Virginia Code Articles 27-5 and 27-6A. Whoever violates Section [521.06\(b\)](#) shall be fined not more than one hundred dollars (\$100.00); upon a second or subsequent violation shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than 30 days or both.

- (e) Whoever violates Section [521.06\(c\)](#) shall be fined not more than one hundred dollars (\$100.00), or confined in jail not more than thirty days, or both. (WVaC 60-6-9)
- (f) Whoever violates Section [521.06\(d\)](#) or (e) is guilty of a misdemeanor for a first offense and shall be fined not more than five hundred dollars (\$500.00). (WVaC 60-6-9)
- (g) Whoever violates Section [521.08\(a\)](#), [521.12\(a\)](#) or [521.13\(a\)](#) shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than seventy-two hours, or both, or in lieu thereof, may, for the first offense, be placed on probation for a period not to exceed one year. (WVaC 11-16-19, 60-8-20a, 60-3A-24)
- (h) Whoever violates Section [521.09](#) shall be fined not less than five hundred dollars (\$500.00) or more than one thousand dollars (\$1,000), or imprisoned not more than thirty days, or both. (WVaC 60-7-12)
- (i) Whoever violates Section [521.10\(a\)](#) or (b) shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both, and in addition may, for the first offense be placed on probation for a period not to exceed one year.
- (j) Whoever violates Section [521.10\(c\)](#) shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than ten days, or both. (WVaC 60-7-12a)
- (k) Whoever violates Section [521.13\(c\)](#) shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than ten days, or both. (WVaC 60-3A-24)
- (l)

529.03 CONTROLLED SUBSTANCES

- (a) Except as authorized by West Virginia Code Chapter 60A, no person shall manufacture, deliver or possess with intent to manufacture or deliver, a controlled substance classified in Schedule V under West Virginia Code 60A-2-211 or 60A-2-212.
- (b) Except as authorized by West Virginia Code Chapter 60A, no person shall create, deliver or possess with intent to deliver a counterfeit substance classified in Schedule V under West Virginia Code 60A-2-211 or 60A-2-212. No person shall knowingly or intentionally possess a controlled substance as defined in West Virginia Code 60A-1-101 unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by West Virginia Code Chapter 60A. WVaC 60A-4-401 No person shall knowingly or intentionally Create, distribute or deliver, or possess with intent to distribute or deliver, an imitation controlled substance; or
Create, possess or sell or otherwise transfer any equipment with the intent that such equipment shall be used to apply a trademark, trade name or other identifying mark, imprint, number or device, or any likeness thereof, upon a counterfeit substance, an imitation controlled substance or the container or label of a counterfeit substance or an imitation controlled substance. The provisions of subsection (d)(1) hereof shall not apply to a practitioner who administers or dispenses a placebo. (WVaC 60A-4-401)

529.99 PENALTY

(EDITOR'S NOTE: See Section [501.99](#) for general Code penalty if no specific penalty is provided.)

Whoever violates Section [529.01\(a\)](#) or [529.02\(a\)](#) shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than thirty days, or both.

Whoever violates Sections [529.01\(b\)](#), [529.02\(b\)](#) or [529.04](#) shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both.

501.99 PENALTY

- (a) Whoever violates any provision of this Part Five - General Offenses Code for which no other penalty is provided shall be fined not more than five hundred dollars (\$500.00). Each day such violation continues shall constitute a separate offense. Ord. 00-08. Passed 3-21-00.)

- (b) Whoever violates Section [501.01](#) shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than thirty days, or both. WVAc 61-5-14
- (c) (1) Except as provided by the provisions of subsection (c)(2) of this section, any person who violates the provisions of Section [501.03](#) shall be fined for a first offense not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty days, or both; and for a second and each subsequent offense fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than thirty days, or both.
(2) Any person who violates the provisions of Section [501.03](#) with the intent to cause injury to the person of another, to cause destruction of the property of another or to divert the attention of law enforcement or fire personnel to help effectuate the commission of another crime shall be guilty of a felony and shall be prosecuted under appropriate state law.
- (d) Whoever violates Section [501.04](#) shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than thirty days, or both. (WVAc 61-6-17)
- (e) Whoever violates Section [501.05](#)(a) shall be fined not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000). (WVAc 61-1-9)