



**LC State Drug and Alcohol Abuse Prevention
Program (DAAPP)**

Drug-Free Schools and Communities Act
[EDGAR Part 86]

LEWIS-CLARK STATE COLLEGE ANNUAL POLICY NOTIFICATION/DISTRIBUTION

Revised December 2024

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Annual Policy Notification/Distribution

As a requirement of the Drug Free Schools and Communities Act regulations, LC State will disseminate the below policy/information to all students, staff, and faculty on an annual basis. All employees receive annual notification via mailed notice outlining the policy with a direct link to this report. Students are provided notification during the course registration process when accessing the “Conditions of Registration.” This process includes students verifying they have been presented with the notification as a part of the registration process. The College has a signed Program Participation Agreement (PPA) verifying the existence of an ongoing administration of this DAAPP to the campus community.

Questions concerning this policy and/or alcohol and other drug programs, interventions and policies may be directed to: Doug Steele, Director of the Student Counseling Center – dlsteele@lcsc.edu; 208-792-2211.

Standards of Conduct

As an academic community, LC State is committed to providing an environment in which learning and scholarship can flourish. The unlawful possession or use of illicit drugs, or the abuse of those which may otherwise be legally possessed, seriously affects the College environment, as well as the individual potential of our students and staff. Accordingly, Lewis-Clark State College prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students or employees on campus and at institution-related activities.

LC State [Policy 3.113 Drug-Alcohol](#) , [Policy 3.114 Drug-Free Workplace](#) [LC State Student Code of Conduct](#), and [Residence Life Policies - Housing & Residence Life | Lewis-Clark State](#) provide governance of conduct on campus and provides possible disciplinary sanctions for violations of campus policies. In addition to college sanctions, individuals are subject to applicable city ordinances as well as state and federal laws. The use of, or addiction to, alcohol or other controlled substances is not considered an excuse for violations of the Student Code of Conduct or LC State employment policies and procedures and will not be a mitigating factor in the application of appropriate disciplinary sanctions for such violations.

The College encourages students and staff members to voluntarily obtain assistance for dependency or abuse problems before such behavior results in an arrest and/or disciplinary action which might result in their separation from the institution. Help is available both on campus and within the community for students and staff members who are dependent on, or who abuse, alcohol or other drugs. See **Counseling and Treatment** and **Prevention and Education** sections below for important educational information, resources and phone numbers.

Idaho and Community Laws and Statutes and LC State Policy and Procedures

Alcoholic Beverages

[Idaho State law](#) governing alcoholic beverages states that it is illegal to sell, serve or furnish beer, wine or other alcoholic beverages or intoxicating liquor to a person under 21 years of age. It is illegal for any person under 21 years of age to purchase or attempt to purchase, procure, possess, or consume any alcoholic or intoxicating liquor. Illegal possession or consumption of alcoholic beverages (beer, wine, liquor, or other beverage which is controlled as an alcoholic beverage under Idaho law) is prohibited in college-owned, leased, or operated facilities and on campus grounds. ii. Alcoholic beverages may not be possessed, manufactured, or consumed under any circumstances in areas open to and most commonly used by the general public. Public areas include, but are not limited to, lounges, college union buildings, recreation rooms, conference rooms, athletic/student facilities and other public areas of college owned buildings or grounds. Students aged twenty-one (21) and over may possess alcohol in their residence hall rooms subject to residence hall policies. iii. Sale of alcoholic beverages is prohibited in college-owned, leased, or operated facilities and on campus grounds without approval from the president of the college. iv. Guests and visitors shall observe these regulations while on campus or other college property. Non-compliance may subject a person to sanctions imposed by LC State as well as to the provisions of local and state law. v. For college-sponsored events which are open to the campus community and at which alcohol will be present, the sponsor will work with the vice president for Student Affairs and the appropriate instructional dean to assure adherence to this policy. Per LC State Policy 3.113, the following information will need to be provided to assure adherence: a) names and ages of individuals designated as bartenders or servers to check identification; b) means to inform participants of applicable state and federal laws regarding alcohol consumption; c) non-alcoholic beverages and food consumption; and d) designated driver program. vi. No social event shall include any form of drinking contest in its activities or promotion

Smoking and Vaping Policy

Smoking and Vaping Policy by Executive Order Number 92-2 of the Governor of Idaho, smoking tobacco or similar substances is not allowed inside any college-owned or operated building. To provide building access which is smoke-free, while still accommodating those who elect to smoke, the campus has established designated smoking areas on the outer parking lots of the campus. Smoking or vaping within the campus grounds, around or in buildings, or any place other than a designated smoking area is considered a violation of the Student Code of Conduct. [LC State Main Campus Map](#) provides the designated smoking areas for employees and student use.

Other Drugs

Possession, manufacture, distribution, use or sale of marijuana, drug narcotics or other controlled substances classified as illegal under Idaho law, except those taken under a doctor's prescription, is prohibited on college-owned or controlled property (as that term is herein and

hereafter used, college-owned or controlled property includes student housing owned by or rented through the college), or at any college-sponsored or supervised function. (See [Policy 3.113 Drug-Alcohol](#), [Policy 3.114 Drug-Free Workplace](#); [Residence Life Policies - Housing & Residence Life | Lewis-Clark State](#)).

Student Medical Amnesty Policy – LCSC Policy 5.315

Student welfare is a primary concern at Lewis-Clark State College. All students are responsible for seeking medical assistance for fellow students when lives may be in danger due to alcohol and/or drug intoxication. Alcohol and drug overdose can cause serious and life-threatening medical emergencies. Lewis-Clark State College students may encounter these types of emergencies while at Lewis-Clark State College. Due to fear of the consequences, students are often afraid to seek emergency assistance for fellow students. To encourage students to seek emergency care, Lewis-Clark State College has implemented the Student Medical Amnesty Policy. The Student Medical Amnesty policy applies to currently enrolled Lewis-Clark State College students and does not protect students from federal, state or local laws.

- i. This policy provides amnesty for possession and consumption of alcohol or drugs by a minor, unauthorized possession of alcohol or drugs on campus, or intoxication.
- ii. This policy also may apply in instances when students report sex-based discrimination, sexual harassment, and sexual misconduct involving students. Students who report information about sex-gender based discrimination, sexual harassment, or sexual misconduct involving other students will also follow the same guidelines as the amnesty policy on drug or alcohol possession or consumption in which they might have engaged in connection with the reported incident.
- iii. Amnesty may be granted to a Lewis-Clark State College student by the Vice President for Student Affairs for initiating emergency assistance.
 - i. Following the emergency, students involved will meet with the Vice President for Student Affairs to determine amnesty.
 - ii. Students granted amnesty may be referred for counseling following the meeting with the Vice President for Student Affairs based on the nature and severity of the emergency in which the student was involved.

LC State, Local and Idaho State Sanctions

College Sanctions - Students

LC State enforces Idaho State Law and the Student Code of Conduct as to student alcohol and other drug (AOD) misuse. Students receiving sanctions related to AOD violations may be

referred to a myriad of possible resources, including Screen U for Alcohol, Screen U for Cannabis, Screen U for Prescription Drugs, a group program called CHOICES for Alcohol and/or to Brief Alcohol Screening and Intervention for College Students (BASICS) through the SCC. These programs contain evidence-based approaches which use personalized feedback, assessment and reflection that allows students to explore their own relationship with alcohol/other drug use in comparison to other LCSC students, assists them in possible benefits for addressing their use if they are experiencing consequences related to use and offers ideas to make changes in their own behavior as needed. They also assist with possible referrals for students wanting to discuss their use with a professional counselor.

Student Code of Conduct Disciplinary Sanctions:

Disciplinary sanctions which may be imposed for a violation of the Student Code of Conduct are listed here in order of their severity:

1. Warning;
2. Probation (with terms and length as determined by the person levying the sanction);
3. Withheld suspension (failure to comply with the terms of withheld suspension may result in immediate suspension from the College. Withheld suspension may also be a “delayed” suspension whereby a student is permitted to remain enrolled for the duration of the current term but will not be permitted to enroll in subsequent terms unless certain conditions are met);
4. Suspension (removal from the College for a specific length of time, e.g. semester or academic year) which may include readmission following the suspension period subject to an additional period of probation or withheld suspension. Students who are suspended will have this sanction noted on their official College transcript;
5. Expulsion (indefinite removal from the College) which may include being banned from campus property. Students who are expelled will have this sanction noted on their official College transcript.

*Suspension or expulsion may occur even after a student withdraws if the withdrawal occurred while Student Code of Conduct charges were pending.

The person or Board levying or recommending the sanction may also impose or recommend any combination of the following and may also include them as terms of probation:

1. Community services (to be performed for a specific period of time under the direction of the Vice President for Student Affairs or his/her designee);
2. Fines not exceeding two hundred dollars (\$200);
3. Restitution of damages;
4. Special sanctions deemed appropriate and reasonable by the person or Board levying or recommending the sanctions (e.g. counseling, restrictions on behavior or requiring letters of apology to be written);
5. Administrative fees not exceeding fifty dollars (\$50).

Until fines or restitution have been paid, the College may deny a student the privilege of reregistering, may hold transcripts and/or diplomas, and may refuse release of information based on the student's records.

In situations involving violations of city, state, and/or federal law, violence, or threats, the police may be informed of the occurrence.

Sanctions affecting a student's residence in College-controlled housing may be imposed. These sanctions may include loss of privileges within the living group and temporary or permanent removal from College-controlled housing. Students may be banned from further visitation.

Sanctions already imposed by the civil or criminal process may be taken into account when any College sanction is imposed.

Extensive, organized, serious or repeated violations of this Code are taken into account when determining the appropriate sanction.

As members of the College community, students are also subject to city ordinances and to state and federal law. Arrest and prosecution for alleged violations of criminal law or city ordinances may result from the same incident for which the College imposes disciplinary sanctions.

Employee Sanctions

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by employees on College premises, or while conducting College business off College premises, is absolutely prohibited.

Any employee of LC State convicted of violating Drug-Free Workplace requirements will be subject to disciplinary action that may include, but is not limited to warnings, reprimands, suspension, expulsion, demotion or dismissal. The employee may also be required to satisfactorily participate in drug abuse assistance or rehabilitation program as agreed upon by the employee. Human Resource Services (HRS) and the Employee Assistance Program provider as a condition of continuing employment. Within thirty (30) days of receiving notice that an employee has been convicted of violating this institution's Drug-Free Workplace policy, the appropriate vice president (or president of DRU's) will take appropriate personnel action against such an employee. [Policy 3.113 Drug-Alcohol](#), [Policy 3.114 Drug-Free Workplace](#).

Local Legal Sanctions

Many local law enforcement agencies use Idaho State code when filing charges for drug and alcohol-related offenses. In addition to Idaho code, cities may also utilize local ordinances to enforce these offenses. Below are specific local ordinances related to the proscription and sanctioning of drug and alcohol offenses.

Lewiston City Code Chapter 6 Alcohol Beverages

This chapter supplements the regulations set forth in Title 23 of the Idaho Code. In the event of a conflict between a provision in this chapter and Idaho Code, Idaho Code shall govern. The sections of the code listed below are only in part and pertain to areas related to alcohol purchase and consumption by the public and these and the whole code are located at [Lewiston City Code - Alcohol](#).

6-6: Consumption and open container in public places: No person shall consume any beer, wine, liquor, or any other alcoholic beverage or have in his or her possession any open containers or receptacles containing any beer, wine, liquor, or any alcoholic beverage on any public parks, grounds, streets, alleys, sidewalks, or rights-of-way, or on privately owned parking lots open to the public within the city, or at any other place therein, unless pursuant to a valid license or permit issued pursuant to this chapter or Chapter 26 Article V of this code for parks. (Ord. No. 4710, 2, 12-10-18)

6-8: Outdoor consumption of beer, wine, or liquor at a licensed retail establishment prohibited except within a licensed restaurant patio or bar patio: The outdoor consumption of beer, wine, or liquor purchased at an establishment with a retail beer on-premises license, wine-by-the-drink license, and/or liquor-by-the-drink license shall be prohibited; provided, however, that the on-site, outdoor consumption of beer, wine, or liquor may be permitted within a restaurant patio or bar patio or pursuant to an alcohol beverage catering permit issued by the city, meeting the criteria and conditions as provided hereafter and upon receiving approval from the city. (Ord. No. 4710, 2, 12-10-18)

6-9: Penalty: Unless otherwise provided by law, a person or entity found to be in violation of this chapter shall be guilty of a misdemeanor, subject to a fine not exceeding one thousand dollars (\$1,000) or imprisonment in the Nez Perce County jail for not more than six (6) months, or both. (Ord. No. 4710, 2, 12-10-18)

Coeur D'Alene City Code Chapters 5.08 and 9.25 - The sections of the code listed below are only listed in part. For the full code, please see [Coeur D'Alene City Code](#).

Chapter 5.08 Alcoholic Beverages, Beer

5.08.110: Sale of Beer to Minors: It is unlawful for any person to sell beer within the Municipality to any person under the age of twenty-one (21) years. (Ord. 2081 §1, 1987; Ord. 1437 §1, 1976; prior code §5-9-6)

5.08.150: Sale to Intoxicated Persons Prohibited: It is unlawful for any person to sell beer to any intoxicated person. (prior code §5-9-10)

5.08.160: Beer, Wine or Liquor Prohibitions Within the City; Exceptions:

- A. No person shall consume any beer, wine or other alcoholic beverage or possess an open container of or containing any beer, wine or other alcoholic beverage on any public property, including public streets and alleys, within the City, or at any other place in the City, including any motor vehicle moving or stationary, with the following exceptions:
1. The premises of a private residence;
 2. Premises licensed for the sale of on site consumption of the particular type of alcoholic beverage involved;
 3. A certified forensic laboratory when the alcoholic beverage is possessed for evidentiary purposes and/or for testing and research purposes;
 4. A public law enforcement facility possessing alcoholic beverages for evidentiary purposes or for training purposes;
 5. Within the indoor premises of a private business when served free of charge to customers or patrons of the business in conjunction with a specific event then taking place inside the business premises;
 6. On a public sidewalk and/or other public right-of-way when such sidewalk or right-of-way is contiguous to a permitted outdoor eating facility, but only after issuance of and pursuant to the terms of a permit issued by the City Clerk. Criteria that must be met for a permit to issue shall be set forth by resolution of the City Council;
 7. On a public right-of-way when used on pedal bike(s) and/or non-motorized recreational vehicles in which the passenger areas are separate from the driver areas, but only after issuance of and pursuant to the terms of a permit issued by the City Clerk. Criteria that must be met for a permit to issue shall be set forth by resolution of the City Council;
 8. Within the indoor premises of the Coeur d'Alene Public Library when served free of charge to patrons or event attendees in conjunction with a specific event hosted by the Coeur d'Alene Public Library Foundation, the Friends of the Coeur d'Alene Public Library or other associated library organizations, pursuant to rules and policies adopted by the Coeur d'Alene Library Board of Trustees for such events;
 9. On a public sidewalk or other public right-of-way when such sidewalk or right of-way is being used for a permitted special event; provided, the consumption shall be for sample tasting only and the size of each sample of beer or wine shall not exceed one and one-half (1 & 1/2) ounces, shall be dispensed by a licensed vintner, winery, brewery, distributor, or retailer for the purpose of promoting their products to the public or conducted as a tasting event, and shall take place in a

specific identified tasting area in accordance with State law. Consumers shall remain in the tasting area until they have finished consuming the sample;

10. As otherwise permitted by this Code.

- B.** Furthermore, no person shall possess any container, whether open or not, of or containing any beer, wine or other alcoholic beverage on public property, except at those public locations and under those conditions as set out in subsection A of this section or as otherwise permitted by this Code. (Ord. 3607, 2018: Ord. 3582, 2017: Ord. 3492, 2014: Ord. 3443, 2012)

5.08.170: Beer; Limits on Areas of Sale:

- A.** No persons shall sell beer to be consumed on the premises within three hundred feet (300') of any park, school or church, nor within six hundred feet (600') of any R-1, R-3, R-5, R-8 or R-12 Zone, nursing home or hospital except:

1. This section does not apply to the sale of beer for consumption on the premises when such sales are incidental to the operation of an eating establishment. Applicants for new licenses must sign and submit an affidavit with their

application committing to commence the operation of an eating establishment and to operate the business as a bona fide eating establishment meeting the requirements of this chapter; or

2. Businesses located at least three hundred feet (300') from any park, school or church and at least six hundred feet (600') from any nursing homes or hospital may serve beer to be consumed on the premises within three hundred feet (300') of any R-1, R-3, R-5, R-8 or R-12 zoned property if they have the written consent of a majority of the owners of those residential properties protected by this section that are within six hundred feet (600') of the business; or 3. This section does not apply to the area depicted below:



B. Businesses which now lawfully sell beer within the prohibited area set forth in this section are exempt from the provisions of this section so long as they continue their operation. However, in the event any such business seeks to expand beyond twenty percent (20%) of the business's original floor space, they must comply with all requirements set forth in section 5.08.015 of this chapter, including, but not limited to, this section. Should any such exempt business discontinue its operation for a period of six (6) months, it will no longer be exempt from the restrictions of this chapter. (Ord. 3504, 2015)

9.25 Regulation of the Sale of Over The Counter Pseudoephedrine 9.25.010:

Definitions: The following definitions shall apply in this chapter:

Locally Regulated Pseudoephedrine Products:

A. A drug or product containing as its sole active ingredient pseudoephedrine, or any of its salts, optical isomers, or salts of optical isomers; or

- B. A combination drug or product containing as one of its active ingredients' pseudoephedrine, or any of its salts, optical isomers, or salts of optical isomers.

Over the Counter Distribution: A retail sale of a drug or product but does not include the sale of a drug or product pursuant to the terms of a valid prescription.

Retailer: Any person, corporation, partnership, or other business entity conducting business within the city of Coeur d'Alene, Idaho, who sells or furnishes any over the counter drug product containing pseudoephedrine to any person who is the ultimate user or consumer of the product.

(Ord. 3247 §1, 2006)

9.25.020: Prohibited Acts:

- A. It shall be unlawful within the incorporated limits of the city for any retailer or employee thereof to knowingly sell, transfer, or otherwise furnish in a single transaction more than three (3) packages of any locally regulated pseudoephedrine product prepared for over-the-counter distribution.
- B. The limits established in this section shall not apply to any quantity of pseudoephedrine product dispensed pursuant to a valid prescription. (Ord. 3247 §1, 2006)

9.25.030: Limitation on Accessibility to and Sale of Pseudoephedrine Products: A business establishment that offers for sale locally regulated pseudoephedrine products shall ensure that all packages of the drugs are displayed and offered for sale only:

- A. Behind a checkout counter where the public is not permitted; or
- B. Inside a locked display case; and
- C. All sales shall be conducted with an employee of the retailer and cannot be conducted by a self-service system. (Ord. 3247 §1, 2006)

9.25.040: Penalty: Any person or entity violating the provisions of this chapter is guilty of a misdemeanor as provided in section [1.28.010](#) of this code. (Ord. 3257 §2.18, 2006; Ord. 3247 §1, 2006)

State of Idaho Legal Sanctions for Alcohol Offenses

The abuse or illegal possession of alcohol is proscribed under Idaho Law. A person must be 21 years of age or older in Idaho in order to lawfully purchase, possess, or consume an alcoholic beverage. There are also local laws prohibiting public intoxication or possession of alcohol by a person under 21 years of age. Below are specific State of Idaho criminal statutes proscribing the illegal abuse or possession of alcohol.

IC 49-1426: Pedestrians Under the Influence of Alcohol or Drugs: It is a misdemeanor for pedestrians who are under the influence of alcohol or any drug to a degree which renders them a hazard to walk or be upon a highway, except on a sidewalk.

IC 49-2446: Fraudulent Misrepresentation: Any person that fraudulently misrepresents his age to a dispenser of alcohol faces misdemeanor penalties and possible loss of driving privileges for 90 days.

IC 23-603: Dispensing to a Person Under the Age of Twenty-One Years: Any person that gives or sells alcohol to a minor (under 21 years of age) shall be guilty of a misdemeanor. A second violation shall constitute a felony.

IC 23-604: Minors - Purchase, Consumption or Possession Prohibited: Any person under 21 years of age who shall purchase, attempt to purchase, or otherwise consume or possess any alcohol beverage, including any distilled spirits, beer or wine, shall be guilty of an infraction upon a first violation and shall be guilty of a misdemeanor upon a subsequent conviction.

IC 18-1502: Beer, Wine or Other Alcohol Age Violations: Unless otherwise specified, any person violating age violations pertaining to the possession, use, procurement, or sale of alcohol is guilty of a misdemeanor. If the conduct constitutes an infraction under this code, the maximum fine issued will be \$300. A misdemeanor conviction may result in a maximum sentence of 30 days in jail, a fine of up to \$2,000, or both. Third and subsequent convictions may result in a maximum sentence of 60 days in jail, a fine of up to \$3,000, or both. For violators under the age of 21, driving privileges will be suspended for a period not to exceed one year, and an alcohol evaluation and treatment may also be required.

IC 18-8002: Tests of Driver for Alcohol Concentration, Presence of Drugs or Other Intoxicating Substances: Any person who drives in the State of Idaho shall be deemed to have given his consent to an alcohol test. If the driver refuses to submit to the test: (1) his driver's license will be seized; and (2) if his refusal is not reasonable the driver will lose his driving privileges for 180 days.

IC 18-8004A: Penalties - Persons Under 21 With Less Than 0.08 Alcohol Concentration: Any person under the age of 21 found guilty of driving under the influence with less than a .08 BAC for the first time is guilty of a misdemeanor and may be: (1) fined an amount not to exceed \$1,000; (2) shall have his driving privileges suspended for one year; and (3) shall be required to undergo an alcohol evaluation. A person found guilty of a second offense is guilty of a misdemeanor and may be sentenced to: (1) between 5 and 30 days in jail; (2) be fined an amount between \$500 and \$2,000; (3) have driving privileges suspended for one to two years; (4) may only drive a vehicle equipped with a functioning interlock ignition installed for one year following the license suspension period; and (5) shall be required to undergo an alcohol evaluation. A person found guilty of a third offense is guilty of a misdemeanor and may be sentenced to: (1) between 10 days and 6 months in jail; (2) be fined an amount between \$1,000 and \$2,000; (3) have driving privileges suspended for a mandatory period of one year, or until

the person turns 21, whichever is greater; (4) may only drive a vehicle equipped with a functioning interlock ignition installed for one year following the license suspension period; and
(5) shall be required to undergo an alcohol evaluation

IC 18-8005: Penalties - Driving Under the Influence: Any person found guilty of driving under the influence for the first time is guilty of a misdemeanor and may be sentenced to: (1) up to six months of jail; (2) may be fined up to \$1,000 dollars; (3) may have his driving privileges suspended for 180 days; and (4) at the owner's expense, have a State-approved ignition interlock system installed on all cars driven by the person for one year. Any person found guilty of driving under the influence for a second time within 10 years is guilty of a misdemeanor shall be sentenced to: (1) not less than 10 days in jail, the first 48 of which must be consecutive, up to one year; (2) may be fined to an amount not to exceed \$2,000; (3) shall have his driving privileges suspended for one year; and (4) may only drive a vehicle equipped with a functioning interlock ignition installed for one year following the mandatory license suspension period. Any person found guilty of driving under the influence for a third time within ten years is guilty of a felony and shall be sentenced to: (1) custody of the State Board of Correction for a period not to exceed 10 years; (2) may be fined an amount not to exceed \$5,000; (3) shall have his driving privileges suspended for a minimum of one year, up to four years; and (4) may only drive a vehicle equipped with a functioning interlock ignition installed for one year following the license suspension period.

IC 18-8004C: Penalties - Excessive Alcohol Concentration: Any person found guilty of driving under the influence with a BAC of at least .20 is guilty of a misdemeanor and shall be sentenced to: (1) between 10 days and 1 year in jail; (2) may be fined an amount not to exceed \$2,000; and (3) shall have driving privileges suspended for one year. Any person found guilty of a second offense within five years is guilty of a felony and shall be sentenced to: (1) the custody of the State Board of Correction for a period not to exceed five years; (2) may be fined an amount not to exceed \$5,000; (3) shall have driving privileges suspended between one and five years; and (4) may only drive a vehicle equipped with a functioning interlock ignition installed for one year following the license suspension period.

IC 18-8006: Penalties - Aggravated Driving While Under the Influence of Alcohol, Drugs or Any Other Intoxicating Substances: Any person causing great bodily harm, permanent disability or permanent disfigurement while driving under the influence is guilty of a felony and may be sentenced to: (1) a jail sentence ranging from 30 days to five years; (2) may be fined an amount not to exceed \$5,000 dollars; and (3) shall have his driving privileges suspended for a minimum of one year up to a maximum of five years.

IC 23-505: Transportation of Alcoholic Beverages

(1) Alcohol lawfully purchased may be transported, but no person shall break open, or allow to be broken or opened, any container of alcohol, or use, or allow to be drunk, or used any alcohol therein while the same is being transported. Provided however, that an unsealed

alcoholic beverage container may be transported in an enclosed trunk compartment or behind the last upright seat of a vehicle which has no trunk compartment.

(2) No person in a motor vehicle, while the vehicle is on a public highway or the right-of way of a public highway may drink or possess any open beverage containing alcohol, unless such person is a passenger in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or in the living quarters of a recreational vehicle. Violations of this section is a misdemeanor for the individual in actual physical control of the vehicle, and an infraction for other individuals violating this section.

IC 49-335: Disqualifications and Penalties - Commercial Driver's License: Any person who operates a commercial vehicle and holds a Class A, B, or C license is disqualified from operating a commercial vehicle for not less than one year if: (1) operating a commercial vehicle under the influence of alcohol; and (2) operating a commercial vehicle while one's blood alcohol is 0.04 or more; and (3) any person who operates a commercial vehicle and refuses to submit to a test to determine the driver's alcohol concentration.

State of Idaho Legal Sanctions for Drug Offenses

Violation	Drug Category	Classification	Penalty
Manufacture, deliver or possess with the intent to manufacture or deliver, a controlled substance	Narcotic drug classified in Schedule I or controlled substance classified in Schedule II	Felony	Prison term not exceeding life; fine not exceeding \$25,000
	Any other controlled substance which is a non narcotic drug classified in Schedule I, or a controlled substance classified in Schedule III	Felony	Prison term not exceeding 5 years; fine not exceeding \$15,000
	Schedule IV	Felony	Prison term not exceeding 3 years; fine not exceeding \$10,000
	Schedules V and VI	Misdemeanor	Prison term not exceeding 1 year; fine not exceeding \$5,000
Unlawful possession of a controlled substance	Narcotic drug classified in Schedule I or controlled substance classified in Schedule II	Felony	Prison term not exceeding 7 years; fine not exceeding \$15,000
	LSD	Felony	Prison term not exceeding 3 years; fine not exceeding \$5,000

	Schedule I (except LSD) or Schedules III, IV, V and VI	Misdemeanor	Prison term not exceeding 1 year; fine not exceeding \$1,000
	Marijuana - greater than 3 ounces	Felony	Prison term not exceeding 5 years; fine not exceeding \$10,000
	Marijuana – 3 ounces or less	Misdemeanor	Prison term not exceeding 1 year; fine not exceeding \$1,000
Trafficking in marijuana (manufacturing, delivering, bringing into the State, or possessing 1 pound or more of marijuana or 25 or more plants)		Felony	Mandatory prison term or 1 to 15 years; mandatory fine of \$5,000 to \$50,000, depending on amount possessed; second conviction doubles penalty
Trafficking in cocaine (manufacturing, delivering, bringing into the State, or possessing 28 grams or more)		Felony	Mandatory prison term of 3 years to life; mandatory fine of \$10,000 to \$100,000, depending on the amount possessed; second conviction doubles penalty
Violation	Drug Category	Classification	Penalty
Trafficking in methamphetamine (manufacturing, delivering, bringing into the State, or possessing 28 grams or more)		Felony	Mandatory prison term of 3 years to life; mandatory fine of \$10,000 to \$100,000, depending on the amount possessed; second conviction doubles penalty
Trafficking in heroin (manufacturing, delivering, bringing into the State, or possessing 2 grams or more of marijuana)		Felony	Mandatory prison term of 3 years to life; mandatory fine of \$10,000 to \$100,000, depending on the amount possessed; second conviction doubles penalty

Federal Legal Sanctions

Federal Legal Sanctions for Alcohol Offenses

The unlawful possession, use, or distribution of alcohol and illicit drugs is prohibited by federal law. Strict penalties are enforced for convictions, including mandatory prison terms for many offenses. The following information is an overview of federal penalties for convictions.

18 U.S.C. 1952: Anyone who travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with the intent to: (a) distribute the proceeds of any unlawful activity; or (b) commit any crime of violence to further any unlawful activity; or (c) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment or carrying on, of any unlawful activity, may be subject to the following penalties: individuals found guilty of conduct related to paragraphs (a) or (c) may be fined up to \$10,000, and/or imprisoned for up to five years. Individuals found guilty of conduct related to paragraph (b) may be fined up to \$10,000, and/or imprisoned for up to 20 years. If death results from the conduct, imprisonment may be for any period of years up to life in prison. For the purposes of this paragraph, “unlawful activity” includes any business enterprise involving liquor on which the Federal excise tax has not been paid.

Federal Penalties for Drug Offenses

Federal Drug Laws

The possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are enforced for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

Federal Drug Trafficking Penalties (21 USC 841)

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The following list is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces mandatory life sentence and fines ranging up to \$8 million. The below federal penalties for trafficking of substances is listed at [DEA Federal Trafficking Penalties](#).

FEDERAL TRAFFICKING PENALTIES—

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 mil- lion if an individual, \$50 million if not an individual. Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		100 gm or more pure or 1 kg or more mixture	

PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprison- ment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	First Offense: Not more than 10 years. If death or serious injury, not more that 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individu- al. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individ- ual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individ- ual, \$2 million if other than an individual.		
Flunitrazepam (Schedule IV)	Other than 1 gram or more			
All Schedule V drugs	Any amount	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 individ- ual, \$500,000 if not an individual.		

FEDERAL TRAFFICKING PENALTIES—MARIJUANA—

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

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

Denial of Federal Aid (20 USC 1091)

Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs may have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work study programs, and more. Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program.

Denial of Federal Benefits (21 USC 853a)

Persons convicted on federal charges of drug trafficking face 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.

Drug Trafficking on or Near a College (21 USC 845a)

Persons convicted on federal charges of drug trafficking within 1,000 feet of a college face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

Forfeiture of Personal Property and Real Estate: (21 USC 853(a)(2), 881(a)(7) and 881(a)(4))

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued, and property is seized at the time an individual is arrested on charges that may result in forfeiture.

Federal Drug Possession Penalties (21 USC 844(a))

Persons convicted on Federal charges of possessing any controlled substance face penalties of up to 1 year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than 2 years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000. Possession of drug paraphernalia is punishable by a minimum fine of \$750.

Special sentencing provisions for possession of crack cocaine impose a mandatory prison term of not less than 5 years but not more than 20 years and a minimum fine of \$1,000, or both if:

- A. It is a first conviction, and the amount of crack possessed exceeds 5 grams;
- B. It is a second conviction, and the amount of crack possessed exceeds 3 grams;
- C. It is a third or subsequent crack conviction and the amount exceeds 1 gram.

Civil penalties of up to \$10,000 may also be imposed for possession of small amounts of controlled substances, whether or not criminal prosecution is pursued.

Health Risks of Commonly Abused Substances

Substance	Nicknames/Slang Terms	Short Term Effects	Long Term Effects
Alcohol	Booze, juice, sauce, moonshine, hooch, draft, suds, liquid bread	slurred speech, drowsiness, headaches, impaired judgment, decreased perception and coordination, distorted vision and hearing, vomiting, breathing difficulties, unconsciousness, coma, blackouts,	toxic psychosis, physical dependence, neurological and liver damage, fetal alcohol syndrome, vitamin B1 deficiency, sexual problems, cancer, physical dependence
Amphetamines	uppers, speed, meth, crack, crystal, ice, pep pills	increased heart rate, increased blood pressure, dry mouth, loss of appetite, restlessness, irritability, anxiety	delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis, physical dependence
Barbiturates and Tranquilizers	barbs, bluebirds, blues, yellow jackets, red devils, roofies, Rohypnol, ruffies, tranqs, mickey, flying v's	slurred speech, muscle relaxation, dizziness, decreased motor control	severe withdrawal symptoms, possible convulsions, toxic psychosis, depression, physical dependence
Benzodiazepines	Benzos, downers	Drowsiness, confusion, impaired coordination, decreased reflexes	Profound sedation, respiratory depression, coma, physical dependence

Substance	Nicknames/Slang Terms	Short Term Effects	Long Term Effects
Cocaine	coke, cracks, snow, powder, blow, rock	loss of appetite increased blood pressure and heart rate, contracted blood vessels, nausea, hyperstimulation anxiety, paranoia, increased hostility Increased rate of breathing, muscle spasms and convulsions. dilated pupils disturbed sleep,	depression, weight loss, high blood pressure, seizure, heart attack, stroke, hypertension, hallucinations, psychosis, chronic cough, nasal passage injury, kidney, liver and lung damage
Gamma Hydroxy Butyrate	GHB, liquid B, liquid X, liquid ecstasy, G, georgia homeboy, grievous bodily harm	euphoria, decreased inhibitions, drowsiness, sleep, decreased body temperature, decreased heart rate, decreased blood pressure	memory loss, depression, severe withdrawal symptoms, physical dependence, psychological dependence
Heroin	H, junk, smack, horse, skag	euphoria, flushing of the skin, dry mouth, “heavy” arms and legs, slowed breathing, muscular weakness	constipation, loss of appetite, lethargy, weakening of the immune system, respiratory (breathing) illnesses, muscular weakness, partial paralysis, coma, physical dependence, psychological dependence

Substance	Nicknames/Slang Terms	Short Term Effects	Long Term Effects
Ketamine	K, super K, special K	dream-like states, hallucinations, impaired attention and memory, delirium, impaired motor function, high blood pressure, depression	Urinary tract and bladder problems, abdominal pain, major convulsions, muscle rigidity, increased confusion, increased depression, physical dependence, psychological dependence
LSD	acid, stamps, dots, blotter, A-bombs	dilated pupils, change in body temperature, blood pressure and heart rate, sweating, chills, loss of appetite, decreased sleep, tremors, changes in visual acuity, mood changes	may intensify existing psychosis, panic reactions, can interfere with psychological adjustment and social functioning, insomnia, physical dependence, psychological dependence
MDMA	ecstasy, XTC, adam, X, rolls, pills	impaired judgment, confusion, confusion, blurred vision, teeth clenching, depression, anxiety, paranoia, sleep problems, muscle tension	same as LSD, sleeplessness, nausea, confusion, increased blood pressure, sweating, depression, anxiety, memory loss kidney failure, cardiovascular problems, convulsions, death, physical dependence, psychological dependence

Substance	Nicknames/Slang Terms	Short Term Effects	Long Term Effects
Marijuana/Cannabis	pot, grass, dope, weed, joint, bud, reefer, doobie, roach	sensory distortion, poor coordination of movement slowed reaction time, panic, anxiety	bronchitis, conjunctivas, lethargy, shortened attention span, suppressed immune system, personality changes, cancer, psychological dependence, physical dependence possible for some
Mescaline	peyote cactus	nausea, vomiting, anxiety, delirium, hallucinations, increased heart rate, blood pressure, and body temperature,	lasting physical and mental trauma, intensified existing psychosis, psychological dependence
Morphine/Opiates	M, morf, duramorph, Miss Emma, monkey, roxanol, white stuff	euphoria, increased body temperature, dry mouth, “heavy” feeling in arms and legs	constipation, loss of appetite collapsed veins, heart infections, liver disease, depressed respiration, pneumonia and other pulmonary complications, physical dependence, psychological dependence

PCP	crystal, tea, angel dust, embalming fluid, killer weed, rocket fuel, supergrass, wack, ozone	shallow breathing, flushing, profuse sweating, numbness in arms and legs, decreased muscular coordination, nausea, vomiting, blurred vision, delusions, paranoia, disordered thinking	memory loss, difficulties with speech and thinking, depression, weight loss, psychotic behavior, violent acts, psychosis, physical dependence, psychological dependence
Substance	Nicknames/Slang Terms	Short Term Effects	Long Term Effects
Psilocybin	mushrooms, magic mushrooms, shrooms, caps, psilocybin & psilocybin	nausea, distorted perceptions, nervousness, paranoia,	confusion, memory loss, shortened attention span, flashbacks may intensify existing psychosis,
Steroids	roids, juice	increased lean muscle mass, increased strength, acne, oily skin, excess hair growth, high blood pressure	Cholesterol imbalance, anger management problems, masculinization of women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage, psychological dependence

Counseling and Treatment

Support for students wanting to address substance use concerns, is available through the Student Counseling Center (208) 792-2211. At times, students may be referred by the SCC to other treatment programs for more intensive treatment and recovery services.

The Office of Group Insurance provides confidential, short-term counseling services for benefit eligible employees. There are two ways to access this benefit 24 hours a day, 7 days a week:

Call 877-427-2327. The employee will speak to a counseling professional who will guide them to the appropriate services and referrals they require.

Visit [Guidance Resources](http://www.guidanceresources.com) (www.guidanceresources.com) and enter company ID: SOIEAP.

The following substance abuse counseling agencies are also available within the Lewiston Clarkston Valley:

Riverside Recovery LLC – (208)-746- 4097

Change Point – (208) 750-1000

Quality Behavioral Health (WA residents) - 509-758-3351

These agencies provide a variety of services which may include substance abuse assessment treatment and recovery support including intake/evaluation, outpatient, intensive outpatient services and DUI evaluations and education. Interested individuals are encouraged to contact each agency for additional information regarding specific services and costs.

Prevention and Education

[The Student Counseling Center](#) (SCC) and [Human Resource Services](#) (HRS) are the primary offices addressing alcohol and other drug education efforts on campus and partner with other departments and offices, including the Health and Wellness Committee (HWC) and the Behavior Response Team (BRT) to provide a variety of substance use and abuse educational and prevention related activities and events on campus each semester.

Individual, group and community educational programs and interventions designed to prevent and reduce alcohol and other drug use/abuse as well as to educate and support the entire community are offered through the SCC and its participation in Idaho College Health Coalition (IHC) which meets regularly to address current substance abuse related issues and trends on college campuses and to provide support, education and activities to the campus and LC valley community.

LC State Resources:

<p>Student Counseling Center (208) 792-2211 Student Counseling Center Lewis-Clark State</p>	<p>Warrior Health (208) 792-2251 Student Health Services Lewis-Clark State</p>
<p>Employee Assistance Program (877) 427-2327 Employee Assistance - OFFICE OF GROUP INSURANCE ID: SOIEAP</p>	<p>Andy Hanson, Vice President for Student Affairs (208) 792-2218 Home Lewis-Clark State</p>
<p>Human Resource Services (208) 792-2269 Human Resource Services Lewis-Clark State</p>	<p>Public Safety (208)792- 2226 Public Safety Lewis-Clark State</p>

Additional Community Resources:

<p>Riverside Treatment Center (208) 746- 4097 Home riverside-recovery</p>	<p>Riverplace Counseling and Wellness, PLLC (208) 750-1802 River Place Counseling & Wellness, PLLC</p>
<p>A to Z Counseling Services (208) 476-7483 AtoZCounseling – Providing compassionate support for change</p>	<p>Lewiston Police Dept/Sheriff Office Emergency 911</p>
<p>Lewiston Police Department- Non-Emergency (208) 746-0171 https://www.cityoflewiston.org/292/PoliceDepartment</p>	<p>Nez Perce County Sheriff’s Office – Non-Emergency (208) 746-0171 http://www.co.nezperce.id.us/ElectedOfficials/Sheriff</p>

Distribution and Review

As mandated by the Drug-Free Schools and Campuses Act, the Lewis-Clark State College drug and alcohol prevention program information is distributed to all students, staff and faculty on an annual basis and during every even year, a biennial review of the drug and alcohol abuse prevention program is conducted. The purpose of the review is to determine the effectiveness of the College's drug and alcohol abuse prevention program, implement changes to the program as needed and ensure disciplinary sanctions are consistently enforced. For more information concerning current programs, interventions and policies, contact Doug Steele, Director of Student Counseling Center at dlsteele@lcsc.edu or (208) 792-2211.

In accordance with Americans with Disabilities Act of 1990, no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of the College. Further, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the College or be subjected to discrimination by the College.