

# **Drugs, Alcohol and You!**

## ***A Summary of Information and Resources about Drugs and Alcohol***

A publication of the  
Office of the Vice-President for Student Affairs  
Western Michigan University  
Kalamazoo, MI 49008  
**(269) 387-2150**

A requirement of the Drug Free Schools and  
Communities Act Amendments of 1989

# PRINCIPLES OF COMMUNITY

**Educationally Purposeful**—a place where faculty and students share academic goals and work together to strengthen teaching and learning on campus.

**Open**—a place where free speech is protected and civility powerfully affirmed.

**Just**—a place honoring the individual and pursuing diversity.

**Disciplined**—a place where individuals accept their obligations to the group.

**Caring**—a place where the well-being of each member is supported.

**Celebrative**—a place where the heritage of the institution is preserved and where rituals affirming tradition and change are shared.

# Table of Contents

Introductory Comments-- Dr. Theresa A. Powell, Vice President For Student Affairs .....	ii
Western Michigan University Drug and Alcohol Student/Employee Policy .....	1
Drug Free Schools and Communities Act Amendments of 1989 .....	7
Health Risks Associated With the Use of Illicit Drugs and Alcohol .....	8
Where To Go For Help .....	11
Definitions .....	13
Effects of Intoxication .....	14
Alcoholism Risk Factors/Fetal Alcohol Syndrome .....	14
Applicable Federal, State, Local Laws and Sanctions .....	15
Federal Law .....	16
Michigan Law .....	21
Michigan Law Fact Sheet .....	25
Local Laws and Sanctions	
Kalamazoo Campus .....	33
St. Joseph/Benton Harbor Campus .....	35
Grand Rapids Campus .....	36
Lansing Campus .....	38
Traverse City Campus .....	47
Battle Creek Campus .....	51
Muskegon Campus .....	62
For More Information .....	66
Glossary .....	67

# Introductory Comments--

Dear Western Michigan University Student:

The *Drug Free Schools and Communities Act Amendments of 1989* require that institutions of higher education provide each student and employee: (1) written information regarding applicable federal, state, and local laws regarding alcohol possession and use; (2) campus policies and standards of conduct regarding alcohol and drug use and the related sanctions; (3) a description of health risks associated with the use of alcohol and drugs; and (4) a description of treatment and counseling programs available on campus.

The published report entitled: **Alcohol, Drugs and You: A Summary of Information and Resources about Drugs and Alcohol** is provided to you by *Western Michigan University* as part of our efforts to assist you and to comply with the requirements of the law.

We have approximately 26,000 students and 3,500 employees at Western Michigan University. Like any community of nearly 30,000, alcohol and drugs use exists. In fact, Western Michigan University, like other colleges and universities nationwide has their share of community members who abuse these substances. Individuals who abuse substances may suffer from a number of medical related and other short and long-term medical, behavioral, and social problems. Such problems may range from comas to hangovers, violent behavior to academic problems. In several well-publicized national studies, 20 to 25% of college students have reported these types of consequences as a result of alcohol or other drug abuse. All of us probably know a friend or family member who has experienced difficulty as a result of the use or abuse of alcohol or other drugs.

The *Division of Student Affairs* is committed to providing an environment that will help reduce the incidence of such problems among students. This effort has taken many forms: education, the provision of counseling and the establishment of community wide expectations and norms.

I strongly encourage you to read **Alcohol, Drugs and You: A Summary of Information and Resources about Drugs and Alcohol** in its entirety. You may also review this report at <http://www.vpsa.wmich.edu/DrugFree.html>. It contains information that may be helpful to you about learning more about the issue of alcohol and other drug abuse, as well as important information regarding expected standards of behavior for members of our community. If you have questions about the information or campus policies and standards, please feel free to contact the *Office of Alcohol and Other Drug Prevention Programs* (387- 2260) at any time.

On behalf of the *Division of Student Affairs*, I wish you continued success in all your endeavors during this year.

Sincerely,

Theresa A. Powell, Ph.D  
Vice President for Student Affairs

# Western Michigan University Drug and Alcohol Student/Employee Policy

## Violation of Law and University Discipline

1. University disciplinary proceedings may be instituted against a student charged with violation of a law, which is also a violation of the Student Code. Proceedings under the Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the sole discretion of the Director of Student Judicial Affairs or his/her designee. Disciplinary proceedings will be carried out independent of any off-campus proceedings.
2. If a student is charged **only with an off-campus violation of federal, state, or local laws, but not with any other violation of this code**, disciplinary action may be taken and sanctions imposed. In such cases, no sanction may be imposed unless the student has been found guilty in a court of law, has declined to contest such charges, although not actually admitting guilt (e.g., “no contest” or *no lo contendere*) or where a conviction results from plea bargaining which is accepted by the court of competent jurisdiction.
3. When federal, state or local authorities charge a student with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a judicial body under the Student Code, however, the University may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the University community.

The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate.

## Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code. Sanctions may be used independently or in combination depending on the particular circumstance of the violation. More than one of the sanctions may be imposed for any single violation. Chronic and/or multiple violations shall increase the severity of sanctions applied. Sanctions are listed in order of severity from least severe to most severe.

Sanction determination shall be based on the severity of the current offense, and/or previous offenses (if any), and /or the current disciplinary status of the student found responsible, and/or the threat to the health or safety of any person, and/or any other reasonable factor.

Sanctions shall be determined as a discrete and separate part of the hearing process and only after a finding of responsibility has been reached.

Where there is reason to believe that a student has intentionally selected a person or persons to victimize or selected property to damage, or violated other provisions of the Student Code because of the personal characteristics or status of a person or group of persons or personal characteristics or status of the owner(s) or occupant(s) of any property, sanctions may be increased. These characteristics include, but are not limited to: race, creed, disability, color, religion, national origin, sex, age, marital status, sexual orientation, public assistance status, inclusion in any group or class protected by state or federal law or University policy. Intent shall be determined by consideration of all relevant circumstances.

Any student who fails to complete any sanctions imposed upon her/him within the time limits imposed by the judicial system is not eligible to register for classes, receive financial aid, receive a diploma, or obtain any transcripts (official or unofficial) until he/she complies with the terms of the original sanctions and any additional sanctions imposed due to the failure to complete the original sanctions in a timely manner.

- a. **Warning:** Verbal or written notice that specific inappropriate conduct is unacceptable.
- b. **Reprimand:** An official written censure containing three components. A reprimand for inappropriate behavior, notice that the conduct associated with the violation must stop immediately and permanently, and notice that additional violations shall result in more severe sanctions.
- c. **Behavior Contract:** A written contract between the student and the University wherein the student agrees to correct inappropriate behaviors.
- d. **Discretionary Sanctions:** Service to the University, service to the community, attendance at educational seminars, classes, or workshops, written assignments, or other activities deemed appropriate by the judicial body. The student is required to submit written proof of participation in and/or completion of the sanction to the judicial body. (Some seminars, classes, and workshops may require a registration fee.)
- e. **Restitution:** Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- f. **Loss of Privileges:** Denial of specified privileges for a designated period of time. Examples of privileges that can be denied include: campus registration of an automobile, parking in a specific area or during specific time periods, access to a building or portion of a building, access to a program, on-campus living, holding of an office in a Registered Student Organization, participation in extracurricular activities, access to a particular living group and any other privilege that the judicial body deems appropriate to deny.
- g. **Probation:** Probation requires that a student's conduct be reviewed and scrutinized for a designated period of time. If during this period the student is found to be in violation of any institutional policy or rule, additional, and more severe sanctions shall be applied.



## Possession or Use of Alcoholic Beverages

Alcohol is not permitted on University premises except where written permission has been granted by the appropriate Vice President and registered with the Department of Public Safety.

- a. **Social Events:** All social on University premises sponsored by registered student organizations or University affiliated groups, must comply with University alcohol regulations.
- b. **Residence Halls:** Determination of specific policies regarding alcoholic beverages within University residence halls, including the use of public areas, will be decided by the department head(s) governing that facility, subject to the approval of the appropriate Vice President. The current policy includes the following: residents, guests or invitees under 21 years of age may not possess or consume alcoholic beverages in any room or area, including their own rooms; open containers of alcohol are not permitted outside student rooms. Large drinking parties are not allowed anywhere in the residence halls; if a room is shared by those over and under 21 years old, it must be clear that the alcohol is being consumed only by those 21 years old or older; guests and visitors may not consume or possess alcohol in the room of a host (resident) under the age of 21. "Common sources of alcohol" including kegs, trash cans, "party balls," and/or other large containers holding alcohol are prohibited; residents and guests violating the policy will be asked to dispose of the alcohol in the presence of a staff member; intoxication is never an acceptable excuse for misconduct or for infringement upon the rights of others.

## Smoking

Western Michigan University is dedicated to providing a healthy, comfortable, and productive environment for students, faculty, staff, guests and visitors in accordance with the **Michigan Clean Indoor Air Act** and the University's own directives and policies.

1. A person shall not smoke in any enclosed, indoor facilities in or on University properties, except in a designated smoking area. A designated smoking area must have adequate ventilation or access to fresh air to minimize the effect to smoke in both smoking areas. "Smoking" or "smoke" means the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.
2. This policy does not apply to a private, enclosed room or office occupied exclusively by a smoker where ventilation is adequate and smoke does not escape into common hallways or other offices.
3. Every University building shall be designated as a nonsmoking (smoke-free) facility unless a smoking area has been designated by the building coordinator and approved by the Vice President for Business and Finance or his/her designee. Smoking areas to be designated may not include rest-rooms, hallways, passageways for the public, lobby areas or entrances/exits to buildings.
4. No smoking is permitted in University vehicles.
5. In order to separate smokers from nonsmokers in designated smoking areas:

- a. Nonsmokers must be located closest to the fresh air or ventilation.
  - b. Special consideration shall be given to individuals with a hypersensitivity to tobacco smoke.
6. In residence halls, nonsmoking students will not be required to live with a smoking student.
  7. Signs shall be posted on every entrance to every University facility stating: **“SMOKING IS PROHIBITED EXCEPT IN DESIGNATED SMOKING AREAS.”**
  8. Seating shall be arranged to provide, as nearly as practical, a smoke-free area.
  9. Signs shall be posted in every University vehicle stating: **“SMOKING IS PROHIBITED IN THIS VEHICLE.”**
  10. Building coordinators shall be responsible for building designations as smoke-free or designated smoking areas, which designations are subject to final approval by the Vice President for Business and Finance or his/her designee.
  11. Complaints of violation of this policy shall be received, investigated, and acted upon by the Department of Public Safety, Division of Environmental Health and Safety, who shall enforce this policy. All final decisions regarding interpretation and enforcement of this policy shall be made by the Vice President of Business and Finance or his/her designee.
  12. A person violating this policy is subject to those consequences as provided by law, as well as applicable University disciplinary procedures.

*Policy effectuated in January 1987 pursuant to state law; amended December 1991; August 1994.*

## **Alcohol and Other Drug Policies for Western Michigan University Employees**

A university employee is subject to corrective action and/or penalties ranging from informal directives, through formal written notices of warning or reprimand, being sent home without pay, up to and including dismissal for the first or single violation of the Rules of Conduct.

These consequences may result from the following:

- ∂ Consuming alcoholic beverages while on duty, except at approved university functions, or the possession or consumption of illegal drugs while on duty.
- ∂ Attempting to carry out properly assigned duties while ability and judgment are materially impaired due to the willful use or consumption of alcohol or similarly debilitating substances.
- ∂ Reporting for work or working in an unfit condition or working in an unfit condition, which includes, but is not limited to being **“under the influence”** of alcohol or drugs (i.e., Blood Alcohol Content .01 or greater, slowed reflex, failed Sobriety test).

**Employees are encourage to become familiar with the Rules of Conduct.**



**Any student found to have committed the following misconduct is subject to disciplinary sanctions.**

### **Alcohol Use or Possession**

Use, possession or distribution of alcoholic beverages except as expressly permitted by the law and University regulations.

### **Drug Possession or Use**

Use, possession, exchange, manufacture, or distribution of narcotics or other controlled substances except as expressly permitted by law.

### **Identification Misuse**

The use of another person's identity, password, identification number, University identification card or any other identification card; or assisting another to misuse any identity, password, identification number, University identification card or any other identification card.

### **Violation of the Law**

Violation of federal, state, local law on University premises or at University sponsored or supervised activities.

### **Violation of University Policies**

Violation of any published University policies, rules or regulations; and/or any attempt to commit prohibited activities defined herein; and/or enticing or inciting others to commit prohibited activities defined herein, and/or conspiring to perform any prohibited activities defined here; and/or any other conduct which adversely affects the student's suitability as a member of the University.

### **Public Intoxication**

Public intoxication on University premises or at University sponsored or supervised functions.

# **Drug Free Schools and Communities Act Amendments of 1989**

In response to President Bush's national drug control strategy, Congress passed legislation to require schools, colleges, and universities to implement and enforce drug prevention programs and policies as a condition of eligibility to receive federal financial assistance. On December 12, 1989, President Bush signed the Drug-Free Schools and Communities Act Amendments of 1989 (Amendments) Public Law 101-226. Section 22 of the Amendments amends provisions for the Drug-Free Schools and Communities Act of 1986 and the Higher Education Act of 1965 to require that, as a condition of receiving funds or any other form of financial assistance under any federal program after October 1, 1990, a university or college must submit certification that it has adopted and implemented a drug prevention program.

As set forth in the above referenced statute, Western Michigan University is required to provide at a minimum, an annual distribution, in writing, to each employee and student including the following information.

- ← Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by employees and students on its property or as part of its activities;
- ← A description of applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- ← A description of health risks associated with the use of illicit drugs and the abuse of alcohol;
- ← A description of available drug or alcohol counseling, treatment, or rehabilitation or reentry programs;
- ← A clear statement of the disciplinary sanctions that Western Michigan University will impose on employees and students and a description of termination of employment or referral for prosecution for the unlawful possession, use, or distribution of illicit drugs and alcohol. Disciplinary sanctions may also include completing an appropriate rehabilitation program; and
- ← A biennial review by Western Michigan University of its program to determine the effectiveness, implement changes to strengthen effectiveness, and ensure that disciplinary sanctions are consistent

**EACH EMPLOYEE & STUDENT  
IS RESPONSIBLE FOR READING  
THE MATERIAL HERE-IN  
AND FOR UNDERSTANDING  
THE CONSEQUENCES  
OF NON-COMPLIANCE.**

## Health Risks Associated With The Use of Illicit Drugs and Alcohol

### Health Risks Associated with the Use of Illicit Drugs and Alcohol

Drugs	Physical Dependence	Psychological Dependence	Possible Effects	Effects of Overdose	Withdrawal Syndrome
<b>Narcotics</b>					
<b>Heroin</b>	High	High	<ul style="list-style-type: none"> <li>• Euphoria</li> <li>• Drowsiness</li> <li>• Respiratory depression</li> </ul>	<ul style="list-style-type: none"> <li>• Slow and shallow breathing</li> <li>• Clammy skin</li> <li>• Convulsions</li> </ul>	<ul style="list-style-type: none"> <li>• Yawning</li> <li>• Loss of appetite</li> <li>• Irritability</li> </ul>
<b>Morphine</b>	High	High			
<b>Codeine</b>	Moderate	Moderate			
<b>Hydrocodone</b>	High	High			<ul style="list-style-type: none"> <li>• Tremors</li> </ul>
<b>Hydromorphone</b>	High	High			<ul style="list-style-type: none"> <li>• Panic</li> <li>• Cramps</li> </ul>
<b>Oxycodone</b>	High	High			<ul style="list-style-type: none"> <li>• Nausea</li> </ul>
<b>Methadone and LAAM</b>	High	High	<ul style="list-style-type: none"> <li>• Constricted pupils</li> </ul>	<ul style="list-style-type: none"> <li>• Coma</li> </ul>	
<b>Fentanyl and Analogs</b>	High	High	<ul style="list-style-type: none"> <li>• Nausea</li> </ul>	<ul style="list-style-type: none"> <li>• Possible death</li> </ul>	<ul style="list-style-type: none"> <li>• Runny nose</li> <li>• Chills and sweating</li> <li>• Watery eyes</li> </ul>
<b>Other Narcotics</b>	High-Low	High-Low			
<b>Depressants</b>					
<b>Chloral Hydrate</b>	Moderate	Moderate	<ul style="list-style-type: none"> <li>• Slurred speech</li> </ul>	<ul style="list-style-type: none"> <li>• Shallow respiration</li> </ul>	<ul style="list-style-type: none"> <li>• Anxiety</li> </ul>
<b>Barbiturates</b>	High-Moderate	High-Moderate	<ul style="list-style-type: none"> <li>• Disorientation</li> </ul>	<ul style="list-style-type: none"> <li>• Clammy skin</li> </ul>	<ul style="list-style-type: none"> <li>• Insomnia</li> </ul>
<b>Benzodiazepines</b>	Low	Low	<ul style="list-style-type: none"> <li>• Drunken behavior without odor of alcohol</li> </ul>	<ul style="list-style-type: none"> <li>• Dilated pupils</li> <li>• Weak and rapid pulse</li> </ul>	<ul style="list-style-type: none"> <li>• Tremors</li> <li>• Delirium</li> </ul>
<b>Glutethimide</b>	High	Moderate		<ul style="list-style-type: none"> <li>• Coma</li> </ul>	<ul style="list-style-type: none"> <li>• Convulsions</li> </ul>
<b>Other Depressants</b>	Moderate	Moderate		<ul style="list-style-type: none"> <li>• Possible death</li> </ul>	<ul style="list-style-type: none"> <li>• Possible Death</li> </ul>

**Health Risks Associated with the Use of Illicit Drugs and Alcohol**

<b>Drugs</b>	<b>Physical Dependence</b>	<b>Psychological Dependence</b>	<b>Possible Effects</b>	<b>Effects of Overdose</b>	<b>Withdrawal Syndrome</b>
<b>Stimulants</b>					
<b>Cocaine</b>	Possible	High	<ul style="list-style-type: none"> <li>Increased alertness</li> </ul>	<ul style="list-style-type: none"> <li>Agitation</li> </ul>	<ul style="list-style-type: none"> <li>Apathy</li> </ul>
<b>Amphetamine/ Methamphetamine “Meth,” “Crystal”</b>	Possible	High	<ul style="list-style-type: none"> <li>Euphoria</li> <li>Increased pulse rate and blood pressure</li> <li>Excitation</li> </ul>	<ul style="list-style-type: none"> <li>Increased body temperature</li> <li>Hallucinations</li> <li>Convulsions</li> </ul>	<ul style="list-style-type: none"> <li>Long periods of sleep</li> <li>Irritability</li> <li>Depression</li> </ul>
<b>Methylphenidate</b>	Possible	High	<ul style="list-style-type: none"> <li>Insomnia</li> </ul>	<ul style="list-style-type: none"> <li>Possible death</li> </ul>	<ul style="list-style-type: none"> <li>Disorientation</li> </ul>
<b>Other Stimulants</b>	Possible	High	<ul style="list-style-type: none"> <li>Loss of appetite</li> </ul>		
<b>Cannabis</b>					
<b>Marijuana</b>	Moderate	Moderate	<ul style="list-style-type: none"> <li>Euphoria</li> <li>Relaxed inhibitions</li> </ul>	<ul style="list-style-type: none"> <li>Fatigue</li> <li>Paranoia</li> </ul>	<ul style="list-style-type: none"> <li>Occasional reports of insomnia</li> </ul>
<b>Tetrahydrocannabinol</b>	Moderate	Moderate	<ul style="list-style-type: none"> <li>Increased appetite</li> </ul>	<ul style="list-style-type: none"> <li>Possible Psychosis</li> </ul>	<ul style="list-style-type: none"> <li>Hyperactivity</li> </ul>
<b>Hashish and Hashish Oil</b>	Moderate	Moderate	<ul style="list-style-type: none"> <li>Disorientation</li> </ul>	<ul style="list-style-type: none"> <li>Decreased appetite</li> </ul>	
<b>Hallucinogens</b>					
<b>LSD</b>	None	Moderate	<ul style="list-style-type: none"> <li>Illusions and hallucinations</li> </ul>	<ul style="list-style-type: none"> <li>Longer</li> </ul>	<ul style="list-style-type: none"> <li>Unknown</li> </ul>
<b>Mescaline and Peyote</b>	None	Moderate	<ul style="list-style-type: none"> <li>Altered perception of time and distance</li> </ul>	<ul style="list-style-type: none"> <li>More intense “trip” episodes</li> </ul>	
<b>Amphetamine Variants</b>	Unknown	Moderate		<ul style="list-style-type: none"> <li>Psychosis</li> </ul>	

**Health Risks Associated with the Use of Illicit Drugs and Alcohol**

<b>Drugs</b>	<b>Physical Dependence</b>	<b>Psychological Dependence</b>	<b>Possible Effects</b>	<b>Effects of Overdose</b>	<b>Withdrawal Syndrome</b>
<b>Phencyclidine and Analogs</b>	Unknown	High		• Possible death	
<b>Other Hallucinogens</b>	None	Unknown			
<b>Anabolic Steroids</b>					
<b>Testosterone (Cypionate, Enanthate)</b>	Unknown	Unknown	<ul style="list-style-type: none"> <li>• Virilization</li> <li>• Acne</li> </ul>	• Unknown	• Possible depression
<b>Nandrolone (Decanoate, Phenpropionate)</b>	Unknown	Unknown	<ul style="list-style-type: none"> <li>• Testicular atrophy</li> <li>• Gynecomastia</li> <li>• Aggressive behavior</li> </ul>		
<b>Oxymetholone</b>	Unknown	Unknown	<ul style="list-style-type: none"> <li>• Edema</li> </ul>		

# Where to go for Help . . .

## On Campus

### *Students:*

Alcohol and Other Drugs Prevention Program  
387-2260

Counseling Center and Testing Center  
387-1850

Sindecuse Health Center  
387-3290

University Substance Abuse Clinic  
387-8230

University Substance Abuse Services  
387-3257

### *Faculty/Staff:*

Alcohol and Other Drugs Prevention Program  
387-2260

Employee Assistance Program  
387-3264

Sindecuse Health Center  
387-3290

University Substance Abuse Clinic  
387-8230

**Users should discuss costs associated with appointments (if any) and coverage by insurance providers prior to the first appointment. Users may contact Employee Benefits at (616) 387-3635.**

## Off-Campus

New-Way Counseling Center  
1128 South Westnedge  
Kalamazoo, MI  
616) 552-9134

Alcoholics Anonymous  
Kalamazoo  
(616) 349-4410

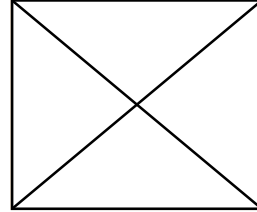
New Directions Counseling Services  
5380 Holiday Terrace  
Kalamazoo, MI  
616) 372-0961

Gateway Services  
1920 Shaffer  
Kalamazoo, MI  
800) 338-5444

**Users should check with these programs regarding coverage by their current insurance provider.**

# Definitions

1. The term “drug-free workplace” means a site for the performance of work done in connection with the employee’s assigned university responsibilities.
2. The term “employees” means all paid personnel of the university.
3. The term “student” means all individuals enrolled at Western Michigan University each semester with a minimum of one credit hour.
4. The term “controlled substance” refers to a controlled substance as defined in Schedule I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812).
5. The term “conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violation of the federal or state criminal drug statutes.
6. The term “criminal drug statute” defines any activity involving the manufacture, distribution, use, or possession of any controlled substance.
7. The term “university facilities” means any building or structure or any improved or unimproved land, or any part of any such building, structure, or land which is owned, used, or occupied by Western Michigan University.



**Note: Any alcohol consumption by persons under the age of 21 is illegal in Michigan and is not condoned by Western Michigan University.**

## **Effects of Intoxication**

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 partner 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 lower 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.

## **Alcoholism Risk Factors/Fetal Alcohol Syndrome**

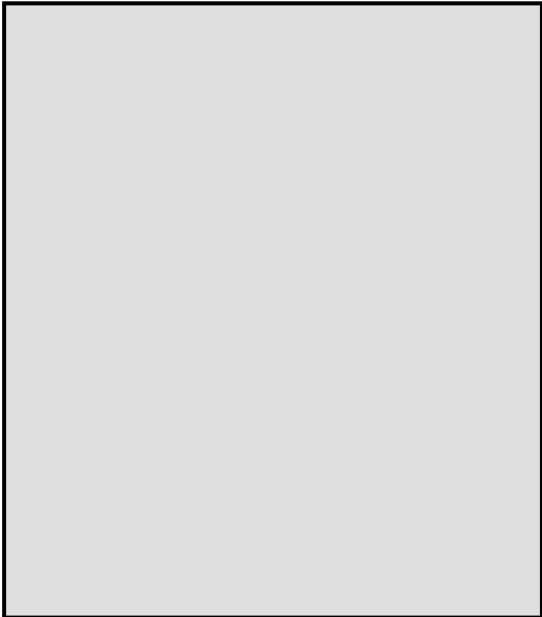
Mothers who drink alcohol during pregnancy may give birth to infants with Fetal Alcohol Syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

# **Applicable Federal, State, and Local Laws and Sanctions**

The following is a description of the applicable legal sanctions under federal, state and local laws for the unlawful possession, use or distribution of illicit drugs, including alcohol, as of June 1996.

## **Federal Law**

Federal law prohibits the trafficking and illegal possession of controlled substances as outlined in 21 United States Code, Sections 811 and 844. Depending on the amount, first offense maximum penalties for trafficking marijuana range from five years imprisonment and a fine of \$250,000 to imprisonment for life and a fine of \$4 million. Again, depending on the amount, first offense maximum penalties for trafficking class I and class II controlled substances (methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl and fentanyl analogue) range from years to life imprisonment, and maximum fines range from \$2 to \$4 million. First offense penalties and sanctions for the illegal possession of a controlled substance range from up to one year in prison or a fine of at least \$1,000 but not more than \$250,000, or both.



# Federal Law

## Federal Penalties and Sanctions for Illegal Trafficking and 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 provision 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 to 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.

**21 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.*

## Federal Trafficking Penalties

### Federal Penalties and Sanctions for Illegal Trafficking and Possession of a Controlled Substance

Federal Trafficking Penalties

(As of January 1, 1996)

Controlled Substances Act Schedule*	1st Offense	2nd Offense	Quantity	Drug	Quantity	1st Offense	2nd Offense	
<b>1 and II</b>			10-99 gm pure or 100-999 gm mixture	<b>Methamphetamine</b>	100 gm or more pure of 1kg or more			
			100-999 gm mixture	<b>Heroin</b>	1 kg or more mixture			
				500-4,999 gm mixture	<b>Cocaine</b>	5 kg or more mixture	<ul style="list-style-type: none"> <li>• Not less than 10 years. Not more than life</li> <li>• If death or serious injury, not less than life</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 20 years. Not more than life</li> <li>• If death or serious injury, not less than life</li> </ul>
				5-49 gm mixture	<b>Cocaine Base</b>	50 gm or more mixture		
							<ul style="list-style-type: none"> <li>• Fine of not more than \$2 million individual, \$5 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Fine of not more than \$4 million individual, \$10 million other than individual</li> </ul>
			1-9 gm mixture	<b>LSD</b>	10 gm or more mixture			

**Federal Penalties and Sanctions for Illegal Trafficking and Possession of a Controlled Substance**  
 Federal Trafficking Penalties (As of January 1, 1996)

Controlled Substances Act Schedule*	1st Offense	2nd Offense	Quantity	Drug	Quantity	1st Offense	2nd Offense
1 and II			40-399 gm mixture	Fentanyl	400 gm or more mixture		
			10-99 gm mixture	Fentanyl Analogue	100 gm or more mixture		

\*The Controlled Substances Act (1970) places all substances regulated under federal law into one of five schedules based on the substance's medical use, potential for abuse, and safety or dependence liability.

## Federal Penalties and Sanctions for Illegal Trafficking and Possession of a Controlled Substance

Federal Trafficking Penalties (As of January 1, 1996)

Controlled Substances Act Schedule	Drug	Quantity	1st Offense	2nd Offense
<b>I and II</b>	Others (law does not include marijuana, hashish, or hash oil)	Any	<ul style="list-style-type: none"> <li>• Not less than 20 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine \$1 million individual, \$5 million not individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 30 years</li> <li>• If death or serious injury, life</li> <li>• Fine \$2 million individual, \$10 million not individual</li> </ul>
<b>III</b>	All (included in Schedule III are anabolic steroids, codeine and hydrocodone with aspirin or Tylenol® and some barbiturates)	Any	<ul style="list-style-type: none"> <li>• Not more than 5 years</li> <li>• Fine not more than \$250,000 individual, \$1 million not individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years</li> <li>• Fine not more than \$500,000 individual, \$2 million not individual</li> </ul>
<b>IV</b>	All (included in Schedule IV are Darvon®, Talwin®, Equan®, Valium®, and Xanax®)	Any	<ul style="list-style-type: none"> <li>• Not more than 3 years</li> <li>• Fine not more than \$250,000 individual, \$1 million not individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 6 years</li> <li>• Fine not more than \$500,000 individual, \$2 million not individual</li> </ul>
<b>V</b>	All (over-the-counter cough medicines with codeine are classified in Schedule V)	Any	<ul style="list-style-type: none"> <li>• Not more than 1 year</li> <li>• Fine not more than \$100,000 individual, \$250,000 not individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 2 years</li> <li>• Fine not more than \$200,000 individual, \$500,000 not individual</li> </ul>

**Federal Penalties and Sanctions for Illegal Trafficking and Possession of a Controlled Substance**  
 Federal Trafficking Penalties - Marijuana (includes hashish and hashish oil)

(As of January 1, 1996)

Description	Quantity	1st Offense	2nd Offense
<b>Marijuana</b>	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$4 million individual, \$10 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 20 years, not more than life</li> <li>• If death or serious injury, not more than life</li> <li>• Fine not more than \$8 million individual, \$20 million other than individual</li> </ul>
<b>Marijuana</b>	100 kg to 999 kg mixture; or 100-999 plants	<ul style="list-style-type: none"> <li>• Not less than 5 years, not more than 40 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$2 million individual, \$5 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years, not more than life</li> <li>• If death or serious injury, not more than life</li> <li>• Fine not more than \$4 million individual, \$10 million other than individual</li> </ul>
<b>Marijuana</b>	50-99 kg mixture ----- 50 to 99 plants	<ul style="list-style-type: none"> <li>• Not more than 20 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine \$1 million individual, \$5 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 30 years</li> <li>• If death or serious injury, not more than life</li> <li>• Fine \$2 million individual, \$10 million other than individual</li> </ul>
<b>Hashish</b>	Less than 50 kg mixture  10 kg or more	<ul style="list-style-type: none"> <li>• Not less than 5 years</li> <li>• Fine not more than \$250,000, \$1 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years</li> <li>• Fine \$500,000 individual, \$2 million other than individual</li> </ul>
<b>Hashish Oil</b>	1 kg or more		

# Michigan Law

## Legal Information

Alcoholic beverages are controlled by certain legal restrictions. These restrict the age of those who may purchase and consume them, when and how they may be sold, and drinking and driving.

- It is illegal to operate a motor vehicle, watercraft, snowmobile, aircraft, or locomotive while under the influence of alcohol.
- It is illegal to consume alcoholic liquor on a public highway at any age. (M.C.L. § 436.33a)
- It is illegal to possess or transport any alcoholic liquor in an open container within the passenger compartment of a motor vehicle at any age. (M.C.L. § 436.34a)
- Places where alcohol is sold must be licensed. Hours of sales are limited. State and local regulations affect the location of sales outlets.
- The advertising, packaging, and other marketing of alcohol beverages are also regulated by government agencies.
- Alcoholic beverages may be purchased or consumed only by those who are 21 years of age or older. It is illegal for a minor to be in possession of alcohol.
- It is illegal for drivers under age 21 to operate a motor vehicle if they have any bodily alcohol content. This 1994 law sets a level of .02 BAC (blood alcohol concentration) for minors, or essentially one drink. Consequences include license suspension. (M.C.L. § 257.625 [6])
- It is illegal to provide alcohol to minors or to allow minors to use alcohol or other drugs in your home. Adults are legally responsible for anything that might happen to a minor who has been served alcohol or other drugs in their home. (M.C.L. § 436.33)
- In addition to criminal penalties, those who allow a minor to consume alcohol, or in whose home a minor consumes alcohol, may be liable in a civil suit for injuries, damages or deaths suffered by others as a result.

Because the host of the party would be committing an illegal act serving alcohol to a minor, they may not be covered by homeowner's liability insurance in the event of a lawsuit.

- Parents can be sued for the malicious or destructive actions of their children no matter where they are. (M.C.L. § 600.2913)
- It is illegal to use fraudulent identification by a person under 21 years of age to purchase alcoholic liquor. (M.C.L. § 436.336[3])

- It is illegal to possess alcoholic liquor in a motor vehicle by a person under 21 years of age. (M.C.L. § 436.33a)

Be alert to changes in laws. If you have questions, contact your local law enforcement agency or prosecutor's office.

## **Pertaining to Drug and Alcohol Abuse**

The unlawful manufacturing, delivery or dispensation of a controlled substance, or possession of a controlled substance with intent to manufacture or deliver the controlled substance is a felony. The penalties for violating the law vary depending on the amount and nature of the drug. Penalties range from life imprisonment for large amounts of certain drugs to not more than two years or a fine of more than \$2,000 (or both) for others. The penalty for possession of large amounts of controlled substances also varies according to the amount and nature of the drug. Possession of large amounts of certain drugs may be punishable by life imprisonment. Possession of very small amounts of marijuana (less than 25 grams) is a misdemeanor punishable by up to one year in jail ( or a fine of not more than \$1,000, or both). Delivery of drugs to a minor can be punished by additional fines and imprisonment. Second and subsequent offenses are also punished by harsher fines. (M.C.L. § 333.7401, *et seq.*)

Property used to transport controlled substances may be confiscated and forfeited to the state. (M.C.L. § 333.7522)

A person driving under the influence of alcohol or controlled substances is guilty of a misdemeanor punishable by service to the community for a period of not more than 45 days, imprisonment for not more than 90 days, or a fine of not less than \$100, in addition to suspension of his or her driver's license. Subsequent offenses carry additional fines and lengthy terms of imprisonment, as well as forfeiture of the right to drive. Also, causing a death or long-term incapacitating injury is a felony. (M.C.L. § 257.625)

A person who is convicted of intoxication in a public place and acting in a manner that endangers the safety of another person or property is guilty of a misdemeanor. (M.C.L. § 750.167)

Any person under the influence of alcohol or drugs who carries, possesses, uses or discharges any firearm is guilty of a misdemeanor. Upon conviction the weapon is also forfeited to the state. (M.C.L. § 750.237 and (M.C.L. § 750.239)

## Penalties

The following penalties for the violation of Michigan Law are maximum penalties and may not be exactly what someone is penalized. The decision is always at the discretion of the Judge.

### **Purchase, Consumption or Possession Involving a Minor**

(anyone under the age of 21). *If you are under the age 18 your parents will be notified.*

First Offense: Fine of \$100 plus court costs, community service and substance abuse screening/assessment at your expense.

Second Offense: Fine of \$200 plus court costs, possibly all or any of the above, license suspension and participation in a Substance Abuse Treatment and Rehabilitation Program.

Third Offense: Fine of \$500 plus cost costs, and possibly all or any of the above.

### Drinking and Driving

First Offense: Up to 45 hours of community service, and/or up to 90 days in jail, and/or a fine from \$100 - \$500.

Second Offense: 10 - 90 days of community service (mandatory), and 48 days to 1 year in jail or a fine from \$200 - \$1,000 (within 7 years).

Third Offense: Felony not less than 1 year or more than 5 years \$500 - \$5,000 (with 10 years).

### **Providing Alcohol for a Person Under 21 Years of Age.**

First Offense: \$1,000 fine and up to 60 days in jail.

Second Offense: \$2,500 fine and up to 90 days in jail.

It could be considered a felony if the minor dies as a result of drinking or in a drinking related accident. A felony penalty is a \$5,000 fine and 10 years in prison.

## **Using a False I.D. or Providing One to a Person Under 21 Years of Age**

- First Offense: 90 days mandatory suspension of driver's license, assessment at your expense, \$100 fine plus court costs, and 90 days in jail.
- Second Offense: 90-180 days mandatory suspension of driver's license and possibly all or any of the above.
- Third Offense: 180 days to a year mandatory suspension of driver's license, and possibly all or any of the above.

## **Breathalyzer Requirement**

If a law enforcement officer requests a breathalyzer at any time, an individual is required to test. Should you choose to deny this test, you are subject to the following penalties.

If you are driving: Automatic license suspension and 6 points on your driver's license if your blood level is .08 or higher.

If you are a minor: Automatic civil infraction with typical penalties of \$100 plus court costs. *(You are likely to be arrested and subject to same penalties. If you test positive by any measure you will be given a Minor in Possession (MIP)).*

# Michigan Law Fact Sheet

## Michigan Law Fact Sheet - Michigan Controlled Substances Chart Act No. 368 of the Public Acts of 1978

(As amended 9-89)

	<b>Delivery, Possession With Intent To Deliver, And Manufacture</b> (Sect. 333.7401)	<b>Possession</b> (Sect. 333.7403)	<b>Use</b> (Sect. 333.7404)	<b>Examples of Chemical Names, Brand Names, and/or Street Names</b>
<b>SCHEDULE 1 &amp; 2 Narcotics &amp; Cocaine (Any Mixture)</b>				
<b>650 Grams and Over</b>	Felony Mandatory life <sup>2,3</sup>	Felony Mandatory life <sup>2,3,4</sup>	N/A	
<b>225 Grams and Over, Less Than 225 Grams</b>	felony Mandatory 20 to 30 years <sup>1,2,3</sup>	Felony Mandatory 20 to 30 years <sup>1,2,3</sup>	N/A	<b>Narcotics:</b> Heroin Morphine Opium
<b>50 Grams and Over, Less Than 225 Grams</b>	Felony Mandatory 10 to 20 years <sup>1,2,3</sup>	Felony Mandatory 20 to 20 years <sup>1,2,3</sup>	N/A	Oxycodone (Percocet), (Percodan) Hydromorphone (Dilaudid)
<b>25 Grams and Over, Less Than 50 Grams</b>	Felony Mandatory 1 to 20 years, and may be fined up to \$25,000 or life probation <sup>1,2,3</sup>	Felony Mandatory 1 to 4 years, may be fined up to \$25,000 or life probation <sup>1,2,3</sup>	Misdemeanor Up to 1 year/\$2,000 or both	Pethidine (Demerol), (Merperidine) Methadone (Dolophine) Crack
<b>Less Than 25 Grams (Any Amount)</b>	Felony Mandatory 1 to 20 years; up to \$25,000 or life probation <sup>1,2,3</sup>	Felony Up to 4 years, or fined up to \$25,000 or both	Misdemeanor Up to 1 year/\$2,000 or both	

<sup>1</sup> The court may depart from the minimum term of imprisonment with substantial and compelling reasons.

<sup>2</sup> A term of imprisonment imposed pursuant to these sections shall run consecutively with any term of imprisonment imposed for the commission of another felony.

<sup>3</sup> Not eligible for probation, suspension of sentence, or parole during the mandatory term (except as provided for life probation), and shall not receive a reduction in mandatory term of imprisonment by disciplinary credits or any type of sentence credit reduction.

<sup>4</sup> Michigan supreme Court decision, 6-12-92—People vs. Bullock & Hanson; defendant shall be eligible for parole after serving 10 years of sentence.

**Michigan Law Fact Sheet - Michigan Controlled Substances Chart  
Act No. 368 of the Public Acts of 1978**

	<b>Delivery, Possession With Intent To Deliver, And Manufacture</b> (Sect. 333.7401)	<b>Possession</b> (Sect. 333.7403)	<b>Use</b> (Sect. 333.7404)	<b>Examples of Chemical Names, Brand Names, and/or Street Names</b>
<b>OTHER SCHEDULE 1, 2, 3 Except Marijuana and unless otherwise prescribed in other sections</b>	Felony Up to 7 years, or fined up to \$5,000, or both	Felony Up to 2 years, or fined up to \$2,000, or both	Misdemeanor Up to 1 year/\$1,000 or both	<b>Depressants:</b> Amobarbital Secobarbital Pentobarbital (Nembutal), Phencyclidine (PCP) Pentazocine (Talwin) <b>Stimulants:</b> Amphetamine (Biphphetamine, Obetrol, "speed"), Methamphetamine (Desoxyn, "crank, crystal, speed, ice") Phenmetrazine (Preludin), Methylphenidate (Ritalin), Phendimetrazine (Preludin)

**Michigan Law Fact Sheet - Michigan Controlled Substances Chart  
Act No. 368 of the Public Acts of 1978**

	<b>Delivery, Possession With Intent To Deliver, And Manufacture</b> (Sect. 333.7401)	<b>Possession</b> (Sect. 333.7403)	<b>Use</b> (Sect. 333.7404)	<b>Examples of Chemical Names, Brand Names, and/or Street Names</b>
<b>OTHER SCHEDULE 1, 2, 3 Except Marijuana and unless otherwise prescribed in other sections</b>	Felony Up to 7 years, or fined up to \$5,000, or both	Felony Up to 2 years, or fined up to \$2,000, or both	Misdemeanor Up to 1 year/\$1,000 or both	Methamphetamine (Ritalin), Phendimetrazine (Prelu-2) <b>Narcotics:</b> Codeine (11 to 90 mg. per dosage unit/mixed with aspirin or acetaminophen) <b>Steroids:</b> (see other section)
	<b>Delivery, Possession With Intent To Deliver, And Manufacture</b> [Sect. 333.7401(2)(D)] Effective March 30, 1995	<b>Possession</b> [Sect. 333.7403 (2)(D)]	<b>Use</b> (Sect. 333.7404)	<b>Examples of Chemical Names, Brand Names, and/or Street Names</b>
<b>Marijuana (Schedule 1)</b>		Misdemeanor Up to 1 year and/or up to \$2,000 fine	Misdemeanor Up to 90 days/\$100 or both	Hash, Hashish, Hash Oil, Sinsemilla, Marijuana
<b>45 Kilograms Or More Or 200 Plants Or More</b>	Felony Up to 15 years and/or up to \$10 million fine			<b>Notes</b> One Kilogram equals 2.2 pounds 5 Kilograms equals 11 pounds 45 Kilograms equals 99 pounds

**Michigan Law Fact Sheet - Michigan Controlled Substances Chart  
Act No. 368 of the Public Acts of 1978**

	<b>Delivery, Possession With Intent To Deliver, And Manufacture</b> [Sect. 333.7401(2)(D)] Effective March 30, 1995	<b>Possession</b> [Sect. 333.7403 (2)(D)]	<b>Use</b> (Sect. 333.7404)	<b>Examples of Chemical Names, Brand Names, and/or Street Names</b>
<b>Marijuana (Schedule 1)</b>  <b>5 Kilograms Or More, But Less Than 45 Kilograms, Or 20 Plants Or More, But Less Than 200 Plants</b>  <b>Less Than 5 Kilograms, Or Less Than 20 Plants</b>	Felony Up to 7 years and/or up to \$500,000 fine  Felony Up to 4 years and/or up to \$20,000 fine			
<b>Marijuana Without Remuneration</b> [Sect. 333.7410(7)]	Misdemeanor Up to 1 year and/or fined up to \$1,000	N/A	N/A	

**Michigan Law Fact Sheet - Michigan Controlled Substances Chart  
Act No. 368 of the Public Acts of 1978**

	<b>Delivery, Possession With Intent To Deliver, And Manufacture</b> (Sect. 333.7401)	<b>Possession</b> (Sect. 333.7403)	<b>Use</b> (Sect. 333.7404)	<b>Examples of Chemical Names, Brand Names, and/or Street Names</b>
<b>Schedule 4</b>	Felony Up to 4 years, or a fine up to \$2,000 or both	Felony Up to 2 years or fined up to \$2,000, or both	Misdemeanor Up to 1 year/\$1,000 or both	<b>Depressants:</b> Diazepam (Valium) Dextropropoxyphene, (Darvon) Temazepam (Restoril) Alprazolam (Xanax) Triazolam (Halcion) Lorazepam (Ativan)  <b>Stimulants:</b> Phentermine (Adipex-P, Fastin, "speed")
<b>LSD, Peyote, Mescaline, DMT, Psilocybin, Psilocyn (Schedule 1)</b>	Felony Up to 7 years, or a fine up to \$5,000, or both	Misdemeanor Up to 1 year, or fined up to \$1,000 or both	Misdemeanor Up to 6 months/\$500 or both	
<b>Schedule 5</b>	Felony Up to 2 years, or a fine up to \$2,000 or both	Misdemeanor Up to 1 year, or fined up to \$1,000, or both	Misdemeanor Up to 6 months/\$500 or both	<b>Narcotics:</b> Codeine in cough syrups (10 mgs. or less per dosage unit i.e. Robitussin AC & DAC, Ambenyl, etc.)

**Michigan Law Fact Sheet - Michigan controlled Substances Chart  
Act No. 368 of the Public Acts of 1978**

<p><b>Persons 18 Years Or Older Who Distribute To A Person Under 18 Who is At Least 3 years Junior To The Distributor. (Section 333.7410)</b></p>	
<p><b>Schedule 1 &amp; 2 Narcotics and Cocaine (less than 50 gm)</b></p>	<p>Felony Mandatory 1 to 40 years, and may be fined up to \$25,000</p>
<p><b>Other Schedule 1, 2, 3, 4, &amp; 5</b></p>	<p>Felony Not more than twice the imprisonment, fine, or both, imposed for that specific drug</p>

**Michigan Law Fact Sheet - Michigan Controlled Substances Chart  
Act No. 368 of the Public Acts of 1978**

<b>Persons 18 Years Or Older Who Deliver To A Minor Who Is A Student On Or Within 1,000 Feet Of School Property.</b> [Section 333.7410) Amended 1994, extended to 1,000 feet (from 500 feet)]				
	<b>Delivery (less than 50 grams)</b>	<b>Possession With Intent To Deliver (less than 50 grams)</b>	<b>Possession (less than 25 grams)</b>	
<b>Schedule 1 &amp; 2 Narcotics and Cocaine</b>	Mandatory 2 to 60 years, and may be fined up to \$75,000	Mandatory 2 to 40 years, and may be fined up to \$75,000 <sup>1</sup>	Felony up to 8 years, and/or fined up to \$50,000	
<b>Other Schedule 1, 2, 3, 4, &amp; 5</b>	sentences not enhanced (remains standard)		nor more than twice the imprisonment, fine, or both	
	<b>Delivery, Possession With Intent To Deliver, And Manufacture (Sect. 333.7401)</b>	<b>Possession (Sect. 333.7403)</b>	<b>Use (Sect. 333.7404)</b>	<b>Examples of Chemical Names, Brand Names, and/or Street Names</b>
<b>Anabolic Steroids Enhanced Penalties (MCL 333.17766 effective April, 1991)</b>	<b>1st time:</b> felony up to 7 years, and/or \$5,000	<b>1st time:</b> misdemeanor up to 90 days and/or \$100 <b>2nd time:</b> felony up to 4 years and/or \$2,000	Misdemeanor Up to 90 days and/or \$100	<b>Note:</b> Anabolic steroids are also classified as Schedule 3 Controlled Substances

<sup>1</sup> The court may depart from the minimum term of imprisonment with substantial and compelling reasons.

**Offer To Sell Or Sale Of Drug Paraphernalia:**

(Section 333.7451-7461)

Written notice from prosecuting attorney or attorney general of intent to enforce this law is required; failure to comply may initiate the arrest: Misdemeanor up to 90 days and/or up to \$5,000.

**Persons 18 Years Or Older Selling Or Offering To Sell Drug Paraphernalia To Persons Less Than 18 Years:**

Misdemeanor not more than 1 year imprisonment and/or fined up to \$7,500.

**Conviction Of Second Or Subsequent Drug Violations (Section 333.7413)**

**Conspiracy To Commit (MCL 750.151)**

**Ephedrine (MCL 333.17766) Effective date June, 1994**

Possession of more than 10 grams of ephedrine alone or in a mixture:  
Felony up to 2 years and/or up to \$2,000.

[This section exempts: licensed (general sales tax act) retailers; persons licensed to manufacture, deliver, or possess drugs; persons transporting ephedrine to the aforementioned; and, possession of ephedrine pursuant to a prescription.]

**Michigan Controlled Substances Chart**

Source: Michigan State Police, East Lansing Lab/Phyllis J. Good, 1996.

**These are the laws in the State of Michigan.  
Local jurisdictions may have more restrictive ordinances.**

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**MICHIGAN RESOURCE CENTER**

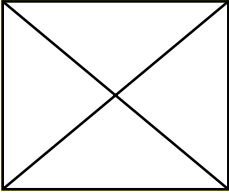
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The Michigan Resource Center is operated by the Traffic Safety Association of Michigan under a contract from the Michigan Department of Community Health, Center for Substance Abuse Services, including Substances Abuse Prevention and Treatment Block Grant funds. Additional funding and materials are provided by the Michigan Office of Highway Safety Planning.

# Local Laws and Sanctions

## Kalamazoo Campus



The following is a description of the applicable legal sanctions under local laws for the unlawful possession, use or distribution of illicit drugs, including alcohol for the Kalamazoo Campus.

- 1. Operating Under the Influence of Liquor (OUIL) 1st Offense:**  
Misdemeanor 90 days in jail and/or \$500 fine plus court costs, loss of license for up to 2 years/no restricted license for 30 days.
- 2. Operating Under the Influence of Liquor (OUIL) 2nd Offense:**  
Misdemeanor 1 year in jail and/or \$1,000 fine plus court costs, loss of license for up to 2 years/no restricted license for 60 days/destruction of vehicular plate.
- 3. Operating Under the Influence of Liquor (OUIL) 3rd Offense:**  
Felony 5 years in prison and/or \$5,000 fine plus court costs, loss of license/destruction of vehicular plate/possible vehicular forfeiture or immobilization.
- 4. Driving on a Suspended License (DWLS) 1st Offense:**  
Misdemeanor 93 days in jail and/or \$500 fine/vehicular immobilization up to 180 days.
- 5. Driving on a Suspended License (DWLS) 2nd Offense:**  
Misdemeanor 93 days in jail and/or \$500 fine/court shall order immobilization of vehicle for 24 days/destruction of vehicular plate.
- 6. Driving on a Suspended License (DWLS) 3rd Offense:**  
Misdemeanor 93 days in jail and/or \$500 fine/court shall order immobilization of vehicle for not less than 6 months and up to 3 years/destruction of vehicular plate.
- 7. Operating Under the Influence of Liquor (OUIL) with an Occupant Under 16 Years Old:**  
Misdemeanor \$200-\$1,000 fine/5 days to 1 year in jail/community service/cost of prosecution/possible vehicular forfeiture or immobilization of vehicle.
- 8. Operating Under the Influence of Liquor (OUIL) Under 21 Years Old:**  
Misdemeanor 90 days in jail and/or \$500 fine/90 days restricted license/community service.

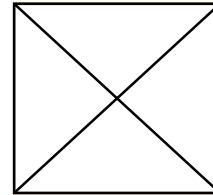
9. **Minor in the Possession of Alcohol (MIP) 1st Offense:**  
Misdemeanor \$100 fine and community service.
10. **Minor in the Possession of Alcohol (MIP) 2nd Offense:**  
Misdemeanor \$200 fine and community service.
11. **Excessive Noise (car stereo, loud party, etc.):**  
Misdemeanor 90 days in jail and/or \$500 fine.
12. **Open Intoxicants in Public:**  
Misdemeanor 90 days in jail and/or \$500 fine.
13. **Fighting:**  
Misdemeanor 90 days in jail and/or \$500 fine.
14. **Assault and Battery:**  
Misdemeanor 93 days in jail and/or \$500 fine.
15. **Use of Marijuana:**  
Misdemeanor 90 days in jail and/or \$100 fine.
16. **Possession of an Illegal Narcotic in a Park or within 1,000 feet of Park:**  
Felony 2 years in jail.
17. **Assault on a Police Officer:**  
Felony 2 years in prison.
18. **Delivery or Manufacturing of Any Illegal Drug:**  
Felony ranging from 2 years in prison to life without the chance of parole.
19. **Fleeing and Eluding the Police in The 1st Degree:**  
Felony 15 years in prison.
20. **Forgery:**  
Felony 14 years in prison.
21. **Malicious Destruction of Property:**  
Felony/Misdemeanor depending on the value of the property damaged.
22. **Larceny of Property:**  
Felony/Misdemeanor depending on the value of the property stolen.

# **Local Laws and Sanctions for St. Joseph/Benton Harbor Campus**

## **Disorderly Intoxication (Sec. 19-61)**

It shall be unlawful for any person to be intoxicated in a public place and be either endangering directly the safety of another person or of property or act in a manner that causes a public disturbance. (Code 1968, § 30.01 (2))

**State Law Reference**--Such person is defined as a disorderly person, MCL 750.167(1Xe), MSA 28.364(1)(e).



## **Consumption Of Alcoholic Liquor In Public (Sec. 19-62)**

It shall be unlawful for any person to consume alcoholic liquor, or offer alcoholic liquor to another person, on any street, sidewalk, or in any alley, public building, public park, public beach, school grounds, church property or in any automobile while parked or being driven on any street in the city. Possession of an open container of alcoholic liquor shall be prima facie evidence of a violation of this section. (Code 1968, § 30.01(25))

## **Excessive Noise; Music During Certain Hours (Sec. 19-63)**

It shall be unlawful for any person to make any unnecessary loud or unusual noise which annoys, injures or endangers the comfort, repose, health or safety of the public nor shall any before 1:00 a..m.

## **Controlled Substances (Sec. 19-85)**

It shall be unlawful for any person to use, possess, sell, offer to sell or be under the influence of any controlled substances unless such person is licensed by the state or is under the care of a licensed physician or dentist. The term “controlled substances” shall mean all controlled substances whose use is regulated or prohibited by the laws of the State and shall include all controlled substances as defined in Article 7 of Act 368 of the Public Acts of 1978 [M.C.L. 333.7101 et seq., MSA 14.15 (7101) et seq.], as amended. (Code 1968, § 30.01(27))

# Local Laws and Sanctions for Grand Rapids Campus

## Substance Offenses (Sec. 9.134)

No person shall:

- (1) Be in a state of intoxication in a public place endangering directly the safety of another person or of property.
- (2) Be in a state of intoxication in any public place in a manner that causes a public disturbance.
- (3) Intentionally smell or inhale the fumes of any substance releasing toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction or dulled senses; or to possess, buy or use any such substance for the propose of violating, aiding or abetting another to violate this Section.
- (4) Be under the influence in any public place of any drug, any other exhilarating or stupefying substance, or any combination of substances mentioned herein.

(Ord. No. 76-14, 3-2-76; Ord. No. 78-6, 1-17-78)

## Vice Offenses (Sec. 9.138)

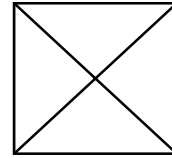
No person shall:

- (1) Keep or maintain a gaming room, gaming tables or any policy or pool tickets used for illegal gambling, or knowingly suffer or allow a gaming room, gaming tables or any policy or pool tickets used for illegal gambling to be kept, maintained, played or sold on any premises occupied or controlled by him or her.
- (2) Knowingly attend, loiter about, frequent or remain in or upon any building, house, vacant lot, street, curb-lawn, parkway, alley, yard, apartment, store, automobile, boat, boathouse, airplane, or other place of any description whatsoever where any illegal controlled substance or any drug paraphernalia is sold, dispensed, furnished, given away, or stored.

As used in this subsection, “controlled substance” shall be defined as provided for in the Controlled Substance Act of the State of Michigan, MCL 333.7101 et seq., (MSA 14.15 (7101) et seq.), as amended.

As used in this subsection, “drug paraphernalia” shall be defined as provided for in 1988 Public Act 139, MCL 333.7451 et seq. (MSA 14.15 (7451) et seq.).

# Alcoholic Liquor



## Consumption in Public Places (Sec. 9.241)

- (1) It shall hereafter be unlawful for any person to consume alcoholic liquor in any public place in this City or in any place to which the public is admitted, except those places which are properly licensed, therefore, by the Liquor Control Commission. Then, only the particular kind or style of alcoholic liquor which is licensed for sale on said premises, and the owner or operator of any such place shall [in such event] deemed to be a violator.
- (2) Possession within the Civic Auditorium. No person upon the premises of the Civic Auditorium in the City of Grand Rapids shall have any alcoholic liquor upon his or her person or within his or her possession except as shall have been obtained from an establishment licensed to sell alcoholic liquor on the premises of the Civic Auditorium.

## Uncapped Liquor in Passenger Compartment (Sec. 9.243)

No person shall transport or possess any alcoholic liquor in a container which is open, uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon any street or roadway or any other place open to the general public, including any area designated for the parking of motor vehicles, provided, that in vehicles not having a trunk or compartment separate from the passenger compartment any container which is open, uncapped or upon which the seal is broken may be permitted in a passenger compartment if such container is encased or enclosed so as to not be readily assessable to the occupants of such vehicle. This section shall not apply to any chartered passenger vehicle licensed by the Michigan Public Service Commission.

## Penalty (Sec. 9.712)

Whoever violates Section 9.709(c) or Section 9.710 shall be subject to the following minimum criminal penalties which shall be assess in addition to any other lawful sentence that the sentencing Court may impose.

- (a) For a first violation, a fine of not less than \$175 nor more than \$500.
- (b) For a second violation, a fine of not less than \$300 nor more than \$500 and imprisonment for not less than ten (10) days, nor more than ninety (90) days.
- (c). For a third or subsequent violation, a fine of not less than \$400 nor more than \$500 and imprisonment for not less than thirty (30) days nor more than ninety (90) days.

(Ord. No. 93-39, § 1, 9-7-93)

# Local Laws and Sanctions for Lansing Campus

## General Code Penalty; Injunctive Relief; Complicity (202.99)

- (a) *Designation of Violations as Misdemeanors or Civil Infractions.* Unless a violation of these Codified Ordinances or any other Ordinances of the City is specifically designated as a Municipal civil infraction, the violation shall be deemed to be a misdemeanor.
- (b) *Penalty for Misdemeanors.* The penalty for a misdemeanor violation shall be a fine not exceeding \$500, plus costs of prosecution, or imprisonment not exceeding 90 days or both, unless a specific penalty is otherwise provided for the violation by these Codified Ordinances or any other Ordinances.
- (c) *Penalty for Civil Infractions.* The sanction for a violation which is a Municipal civil infraction shall be a civil fine in an amount provided for in these Codified Ordinances, plus any costs, damages, expenses and other sanction, as authorized under Chapter 87 of Act 236 of the Public Acts of 1961, as amended, and other applicable laws.
- (1) Unless otherwise specifically provided for a particular Municipal civil infraction violations by these Codified Ordinances or any other Ordinances, the civil fine for a violation shall be not less than \$150.00, plus costs and other sanctions for each infraction.
- (2) Increased civil fines may be imposed for repeated violations of any requirement or provisions of these Codified Ordinances or any other Ordinance. As used in this Section, “repeat offense” means a second or any subsequent Municipal civil infraction violation of the same requirement or provision committed by a person within any twelve-month period (unless some other period is specifically provided by these Codified Ordinances or any other Ordinance) and for which the person admits responsibility or is determined to be responsible. Unless other specifically provided in these Codified Ordinances or any other Ordinance for a particular Municipal civil infraction violation, the increased fine for a repeat offense shall be as follows;
- A. The fine for any offense which is a first repeat offense shall be not less than \$250.00 plus costs.
- B. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$500.00 plus costs.
- (d) *Violation Defined.* As used in this Section, “violation” includes any act which is prohibited or made or declared to be unlawful or an offense by these Codified Ordinances or any other Ordinance, and any omission or failure to act where this act is required by these Codified Ordinances or any other Ordinances.

- (e) *Continuing Violation.* Each day during or on which a violation of these Codified Ordinances or any other Ordinances occurs or continues shall constitute a separate offense and shall be subject to penalties or sanctions as a separate offense.
- (f) *Injunction.* In addition to any remedies available at law, the city may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of these Codified Ordinances or any other Ordinance.
- (g) *Surcharges; Equitable Remedies.* The imposition of any penalty provided for in this section shall be in addition to any surcharge levied for a violation of or noncompliance with a provision of these Codified Ordinances, or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either, or of State Law, and shall be in addition to any equitable remedy provided by a provision of these Codified Ordinances, or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either, or of State Law or provided by State Law including the enforced removal of prohibited conditions.
- (h) *Complicity.* Every person who commits or procures, counsels, aids or abets the commission of any act declared in these Codified Ordinances to be an offense, whether individually or in connection with another person, or as principal, agent or accessory, shall be guilty of or responsible for such offense. Every person who falsely fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of these Codified Ordinances shall likewise be guilty of or responsible for such offense.

(Ord. No. 929, 2-19-96)

### **Liability; Presumption (624.03)**

- (A) Any person who, while under the influence of an alcoholic beverage or any controlled substance, or the combined influence of an alcoholic beverage and any controlled substance, operates a motor vehicle, which operation results in an emergency response, shall be responsible and/or liable for the expenses of the emergency response.
- (B) For purposes of this **Policy Book** it shall be presumed that a person was operating a motor vehicle under the influence of an alcoholic beverage if chemical analysis of the driver's blood urine or breath indicates that the amount of alcohol in the driver's blood was in excess of 0.07 percent.

(Ord. No. 789, 3-13-89)

### **Findings With Respect To Drug Use (630.02)**

The city determines that whenever the repeated use, sale, furnishing, giving or possession of controlled substances or drug paraphernalia occurs on any property, increased criminal activity occurs in the neighborhood surrounding the property, increased pedestrian and/or vehicular traffic occurs in the neighborhood surrounding the property, and the peace and quiet of residents living in the neighborhood surrounding the property are disturbed, thereby creating a public nuisance.

(Ord. No. 837, 7-15-91)

### **Use Of Controlled Substances or Drug Paraphernalia; Public Nuisance; Notice and Hearing (630.03)**

- (a) Whenever the use, sale, furnishing, giving or possession of controlled substances or drug paraphernalia occurs on any property, the City Council may declare, by resolution, that the property, after notice to the owner, a public hearing, and a recommendation from the appropriate committee, is a public nuisance.
- (b) Notice of the public hearing shall be made to the owner and shall consist of personal service or the mailing of a certified letter to the taxpayer of record, as indicated in the Building Safety Office. In the case of a rental unit, or the City Assessor's Office in the case of an owner-occupied dwelling, and the receipt by the city of a return receipt card indicating the owner's having received such notice. Such notice to the owner shall occur at least seven calendar days prior to the date of the public hearing.

(Ord. No. 837, 7-15-91)

### **Persuasive Presumption of Public Nuisance (630.05)**

- (a) The property has been raided by the police and controlled substances and/or drug paraphernalia have been found by the police; and
- (b) A letter, informing the owner that controlled substances and/or drug paraphernalia has been found by the police at the property, and of the potential consequences if a similar activity occurs at the property, has been:
  - (1) Personally served on the owner; or
  - (2) Sent by certified mail to the taxpayer of record, as indicated in the Building Safety Office in the case of a rental dwelling, and a return receipt card has been received by the city; or
  - (3) Sent by certified mail to the taxpayer of record, as indicated in the City Assessor's Office in the case of an owner-occupied dwelling, and a return receipt card has been received by the city; and

- (c) The same property is raided by the police again within six months from the date of the first raid and controlled substances and/or drug paraphernalia is found in the raid by the police.

(Ord. No. 837, 7-15-91)

### **Receiving Or Admitting Persons To Drug Houses (630.11)**

No person shall receive or admit, or offer to receive or admit, any person into any place, structure, house, building or vehicle for the purpose of buying, selling, giving away or using any controlled substance defined under State Law or knowingly permit any person to remain in any such place for any such purpose. (Ord. No. 837, 7-15-91)

### **Loitering in Places Where Controlled Substances or Drug Paraphernalia are Sold, Used, etc. (630.12)**

- (a) No person shall knowingly loiter about any building, house, vacant lot, street, curb-lawn, alley, yard, apartment store, automobile, boat, boathouse, airplane or other place where controlled substances or drug paraphernalia is illegally sold, used, dispensed, furnished, given away or stored.
- (b) “**Controlled Substance**” shall be defined as it is in the *Controlled Substances Act of the State of Michigan*, M.C.L.A. et seq., as amended.
- (c) “**Drug Paraphernalia**” means any item as defined in Section 622.01.

(Ord. No. 837, 7-15-91)

### **Frequenting Places Where Controlled Substances Are Maintained, Stored, etc. (630.13)**

No person shall knowingly attend, frequent, operate or be an occupant of any place, including a structure, house, building, premises, or vehicle, where any maintaining or storing, buying, selling, giving away, trading or using any controlled substance as defined and prohibited by Federal, State or Local Law occurs. (Ord. No. 837, 7-15-91)

## **Drugs**

### **Drug Paraphernalia (622.01)**

- (a) *Drug Paraphernalia Defined.*

- (1) As used in this section, “drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or

otherwise introducing into the human body a controlled substance in violation of State or Local law. It includes, but is not limited to:

- A. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;
- B. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;
- C. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;
- D. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;
- E. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;
- F. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
- G. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;
- H. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
  - I. Air-driven pipes;
    - 1. Bongs;
    - 2. Carburetion tubes and devices;
    - 3. Carburetor pipes;
    - 4. Chamber pipes;
    - 5. Chillums;
    - 6. Electric pipes;
    - 7. Ice pipes or chillers;
    - 8. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;
    - 9. Miniature cocaine spoons and cocaine vials;
    - 10. Roach clips, meaning objects used to hold burning materials, such as marijuana cigarettes, that have become too small or too short to be held in the hand;
    - 11. Smoking and carburetion masks; and
    - 12. Water pipes;
  - J. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;

- K. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or otherwise cleaning or refining, marijuana; and
  - L. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
- (2) In determining whether an object is “drug paraphernalia,” a court or other authority shall consider, in addition to all other logically relevant factors, the following:
- A. Statements by an owner or by anyone in control of the object concerning its use;
  - B. Prior convictions, if any, of an owner or of anyone in control of the object, under any State or Federal Law relating to controlled substances;
  - C. The proximity of the object, in time and space, to a direct violation of State Law;
  - D. The proximity of the object to controlled substances;
  - E. The existence of any residue of controlled substances on the object;
  - F. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows intends to use the object to facilitate a violation of State or Local Law. The innocence of an owner or of anyone in control of the object, as to a direct violation of State law, shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.
  - G. Instruction, oral or written, provided with the object concerning its use;
  - H. Descriptive materials accompanying the object which explain or depict its use;
  - I. National and local advertising concerning its use;
  - J. The manner in which the object is displayed for sale;
  - K. Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor of or dealer in tobacco products;
  - L. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
  - M. The existence and scope of legitimate uses for the object in the community; and
  - N. Expert testimony concerning its use.
- (b) *Possession.* No person shall use, or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of State or Local Law.

- (c) *Manufacture, Deliver or Sale.* No person shall deliver, sell, process with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia, knowing that it will be used to plant, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of State Law.
- (d) *Advertisement.* No person shall place in any newspaper, magazine, handbill, sign, poster or other publication, any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.
- (e) *Exceptions.* This section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists and embalmers in the normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma or any other medical condition requiring self-injection.
- (f) *Civil Forfeiture.* Any drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell, in violation of this section, shall be seized and forfeited and may be destroyed after sixty days.

(Ord. No. 739, 12-22-86)

### **Inhalation Of Fumes (622.02)**

Except as otherwise permitted by law, no person shall intentionally smell or inhale the fumes of any substance releasing vapors for the purpose of causing euphoria, excitement, exhilaration, stupefaction or dull senses. No person shall possess, buy or use any such substance for the purpose of violating or aiding or abetting another to violate this section. (Ord. No. 739, 12-22-86)

### **Drug Houses. (Recodified) (622.03)**

**Editor's Note**--Section 622.03 was recodified as part of the 1991 updating and revision of these Codified Ordinances. See Section 630.10.

### **Loitering In Places Where Controlled Substances Or Drug Paraphernalia Is Sold, Used, Etc. (Recodified) (622.04)**

**Editor's Note**--Section 722.04 was recodified as part of the 1991 updating and revision of the Codified Ordinances. See Section 630.11.

## Use Of Alcohol Or Drugs At Open House Parties (650.07)

(a) *Definitions.* As used in this section:

- (1) “**Minor**” means a person less than 21 years of age to possess alcoholic beverages pursuant to M.C.L.A. 436.33b, as amended.
- (2) “**Alcoholic Beverage**” means “**Alcoholic Liquor**,” any beverage containing more than one-half of one percent of alcohol by weight. The percentage of alcohol by weight shall be determined as defined by M.C.L.A. 436.2, as amended.
- (3) “**Drug**” means a controlled substance, as defined now or hereafter by the Public Act of the State, including controlled substances as defined in M.C.L.A. 333.7104, as amended, and as defined by the Administrative Code, R 338.3111, et seq., as amended.
- (4) “**Residence**” or “**Premises**” means a motel room, hotel room, home, apartment, condominium or the dwelling unit, including the curtilage of the dwelling unit, or a hall, meeting room or other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for social functions, and whether owned, leased, rented or used with or without compensation.
- (5) “**Open House Party**” means a social gathering of persons at a residence or premises when non-family members are present, other than the owner thereof, persons with rights of possession thereto or their immediate family members.
- (6) “**Control**” means any form of regulation or dominion, including a possessory right.

(b) *Prohibitions.* No person having control of any residence or premises shall allow an open house party to take place at the residence or premises if any alcoholic beverage or drug is possessed, consumed or used at the residence or premises by any minor, where the person knew, or reasonably should have known, that any alcoholic beverage or drug was in the possession of or being used or consumed by a minor at the residence or premises, and where the person failed to take reasonable steps to prevent the possession, consumption or use of the alcoholic beverage or drug at the residence or premises.

(c) *Exceptions.* The provisions of this section shall not apply to:

- (1) The consumption, use or possession of alcoholic beverages by a minor in the presence of his or her:
  - A. Parent or legal guardian;
  - B. Grandparent; or
  - C. Aunt or Uncle who is not a minor;
- (2) The consumption, use or possession of a drug by a minor pursuant to a lawful prescription of such drug; or
- (3) Religious observances and medical treatment or to legally protected educational activities.

**Penalty (650.99)**

- (a) Whoever violates Section 650.05(b) or 650.06 shall be subject to a civil fine of not less than \$25 nor more than \$100.
- (b) Determination that a person is responsible for a first offense under Section 650.05(b) or 650.06 shall be by a preponderance of the evidence.
- (c) A person charged with a first offense under Section 650.05(b) or 650.06 shall be entitled to a hearing before a District Court Judge but shall have no right to a jury trial.
- (d) The parent of a habitual offender shall be guilty of a misdemeanor and shall be punished as provided in Section 202.99.
- (e) Whoever violates Section 650.07 shall be fined not more than \$500 or imprisoned not more than 30 days or both, for a first offenses. In addition, the offender shall be required to attend a substance abuse awareness class and/or counseling as selected by the Court, the costs of which shall be paid by the offender. For any subsequent offense, whoever violates Section 650.07 shall be fined not more than \$500 or imprisoned not more than 90 days or both. Costs shall be paid by the offender.

(Ord.No. 739, 12022-86; Ord. No 787, 6-27-88)

**Editor's Note**--See Section 202.99 for general Code penalty if no specific penalty is provided.

# Local Laws and Sanctions for Traverse City Campus

## **Open House Parties (608.01)**

(a) *Definitions.* As used in this section:

- (1) “Alcoholic Beverage” means any beverage containing more than one-half of one percent of alcohol by weight. The percentage of alcohol by weight shall be determined in accordance with M.C.L.A. 436.2, as amended.
- (2) “Control” means immediate dominion, including a possessory right, but does not include the interest of a landlord, land contract seller or motel or hotel operator or owner, or a similar interest.
- (3) “Minor” means a person not legally permitted, by reason of age, to possess alcoholic beverages pursuant to M.C.L.A. 436.33b, as amended.
- (4) “Open House Party” means a social gathering of persons at a residence or premises, other than the owner thereof, persons with rights of possession thereto or their immediate family members.
- (5) “Residence” or “Premises” means a motel room, hotel room, home, apartment, condominium or other dwelling unit, including the curtilage of the dwelling unit, or a hall, meeting room or other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for social functions and whether owned, leased, rented or used with or without compensation.

(b) *Possession or Consumption of Alcohol by Minors.* A person having control of any residence or premises shall not allow an open house party to take place at such residence or premises if any alcoholic beverage is possessed or consumed at such residence or premises by a minor, where the person knew that an alcoholic beverage was in the possession of or being consumed by a minor at such residence or premises, and where the person failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage by such minor at such residence or premises.

## **Sales To Minors (608.02)**

(a) *Licensees.* No licensee of the Michigan Liquor Control commission, and no agent, servant or employee of any such licensee, shall give, furnish or sell any alcoholic beverage to any minor, except upon authority of and pursuant to a prescription of a duly licensed by physician.

- (b) *Nonlicensees*. No person, other than a licensee of the Michigan Liquor Control Commission or any agent, servant or employee of any licensee of the Commission, shall willfully give, furnish or sell any alcoholic beverage to any minor, except upon authority of and pursuant to a prescription of a duly licensed physician.
- (c) *Purchases or Consumption by Minors*. No minor shall purchase or consume any alcoholic beverage in the city, except upon the authority of and pursuant to a prescription of a duly licensed physician. (1976 Code Sec. 26.10; Ord. 143 10-4-82)

### **Penalty (608.99)**

**Editor's Note:** See Section 202.99 for general Code penalty if no specific penalty is provided.

### **Drug Paraphernalia (614.01)**

- (a) Definitions. Except where the context clearly indicates a different meaning, as used in this section:
  - (1) "*Cocaine Spoon*" means a spoon with a bowl so small that the primary use for which it is reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical, lawful uses of a spoon. A cocaine spoon may or may not be merchandised on a chain and may or may not be labeled as a cocaine spoon or coke spoon.
  - (2) "*Controlled Substance*" shall be as defined in Act 368 of the Public Acts of 1978, as amended (M.C.L.A. 333.7104)
  - (3) "Drug Paraphernalia" means all equipment, products and materials of any kind which are used, intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing or injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance, including:
    - A. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or cannabis, or from which a controlled substance or cannabis can be derived;
    - B. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing, a controlled substance or cannabis;
    - C. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance or cannabis;
    - D. Testing equipment used, intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of, a controlled substance or cannabis;

- E. Scales and balances used, intended for use or designed for use in weighing or measuring a controlled substance or cannabis;
- F. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used intended for use or designed for use in cutting a controlled substance or cannabis;
- G. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- H. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding a controlled substance or cannabis;
- I. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of a controlled substance or cannabis;
- J. Containers and other objects used, intended for use or designed for use in storing or concealing a controlled substance or cannabis; and
- K. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as;
  1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;
  2. Water pipes;
  3. Carburetion tubes and devices;
  4. Smoking and carburetion masks;
  5. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
  6. Chamber pipes;
  7. Carburetor pipes;
  8. Electric pipes;
  9. Air-driven pipes;
  10. Chillums;
  11. Bongs; and
  12. Ice pipes or chillers.

(4) “*Marijuana or Hashish Pipe*” means a pipe characterized by a bowl which is so small that the primary use for which it is reasonably adapted or designed is the smoking of marijuana or hashish, rather than the lawful smoking of tobacco, and which may or may not be equipped with a screen.

(b) *Prohibitions; Exceptions.* No person shall sell, offer for sale, display, furnish, supply or give away any cocaine spoon, marijuana pipe, hashish pipe or drug paraphernalia.

## **Penalty (614.99)**

Whoever violates or fails to comply with any of the provisions of this chapter shall be fined not less than \$25.00 nor more than \$500.00 for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (Ord. 159. Passed 12-19-83)

## **Purchase or Possession By Minors; Misrepresentation; Possession or Transportation In Motor Vehicles; Violations (694.06)**

- (a) No minor shall purchase alcoholic liquor, consume alcoholic liquor in a state licensed premises or possess alcoholic liquor, except as provided in this section.
- (b) No person shall, in order to procure the sale and furnishing of alcoholic liquor to any minor, make any false representation as to age of the person for whom such alcoholic liquor is desired. No minor shall furnish any false information regarding his or her age or make any false representation as to his or her age to any law enforcement officer or to any person in charge of or employed in a place of business where alcoholic liquor is sold, for the purpose of obtaining the sale of any alcoholic liquor to himself or herself.
- (c) No minor shall knowingly transport or possess, in a motor vehicle, alcoholic liquor, unless the person is employed by a State licensee, by a common carrier designated by the Liquor Control commission or by an agent of the Liquor Control commission, and is transporting or having the alcoholic liquor in a motor vehicle under the person's control during regular working hours and in the course of the person's employment.
- (d) This section shall not be construed to prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment, if employed by a state licensee, by the Liquor Control Commission or by an agent of the Liquor Control Commission, if the alcoholic liquor is not possessed for his or her personal consumption.
- (e) The consumption of alcoholic beverages by a minor who is enrolled in a course offered by an accredited post-secondary educational institution in an academic building of institution under the supervision of a faculty member shall not be prohibited by this section if the purpose is solely educational and a necessary ingredient of the course.

# Local Laws and Sanctions for Battle Creek Campus

## **Alcoholic Liquor (604.01)**

*Definition.* The meaning of the words “alcoholic liquor,” “license” and “minor” when used in this section, shall be as defined in Acts 8, Public Acts of Michigan, 1933 Extra Session, as amended. (Ord. 11-82. 5-4-82)

## **Consumption In Public Prohibited (604.02)**

No person shall consume alcoholic liquor on the public streets, in public parks or in any other public place, including any store or establishment doing business with the public not licensed to sell alcoholic liquor for consumption on the premises, nor shall any person who owns, operates or controls any such public establishment or store permit the consumption of alcoholic liquor therein. (1975 Code Sec. 9.152)

## **Restriction On Sales (604.03)**

No licensee, by himself or with another person, shall sell, furnish, given or deliver any alcoholic liquor to any person:

- (a) Who is so intoxicated as not to be in control of all his or her faculties;
- (b) On any day during the hours not permitted by State Law or the Liquor Control Commission of the State.

(1975 Code Sec. 9.153)

## **Rules Of Conduct (604.04)**

No licensee shall permit on licensed premises:

- (a) Spirits to be consumed if such licensee is licensed to sell only beer or wine or both;
- (b) Any disorderly conduct or action which disturbs the peace and good order of the neighborhood;
- (c) Any resorting of thieves, prostitutes or other disorderly persons;
- (d) Any gambling or the placing or using of any gambling apparatus or paraphernalia therein;
- (e) Any lewd, obscene or immoral exhibition, entertainment or other conduct likely to corrupt the public morals;

- (f) Any employee or student to visit, fraternize or drink alcoholic liquor with any of the patrons;
- (g) The obstruction of the public view by the use of drawn shades, blinds or screens, either permanent or movable; and
- (h) The use of so-called “dim-lights,” Licensees shall make use of bright lights at all times during the hours when lights may be necessary.

(1975 Code Sec. 9.154)

### **Sales To Minors Prohibited; Exception (604.05)**

No person, either directly or indirectly, by himself/herself or by a clerk, agent, servant or employee, student, shall at any time sell, furnish, give or deliver any alcoholic liquor to any person unless such person has attained the age of twenty-one (21) years. However, nothing contained herein shall prohibit the sale of an alcoholic beverage to a minor upon the authority of and pursuant to a prescription of a duly licensed physician. (Ord. 11-82 5-1-82)

### **Controlled Substance Defined (620.01)**

“Controlled Substance” means a drug, substance or immediate precursor in Schedules 1 to 5 of Part 72 of Act 368 of the Public Acts of 1978, as amended, being M.C.L.A. 333.7212 through 333.7220. “Immediate precursor” is defined in M.C.L.A. 333.7106.

### **Dispensing of Drugs Prohibited (620.02)**

No person shall possess, sell, offer for sale, distribute, administer, dispense, prescribe or give away any controlled substance unless authorized by law.

### **Possession of Needles and Paraphernalia Prohibited (620.03)**

No person shall, at any time, have or possess a hypodermic syringe or needle or any other instrument, implement or paraphernalia adapted for the use of a controlled substance by subcutaneous or intracutaneous injection or any other paraphernalia used or adapted for the controlled substance to be introduced into the body, unless such possession is authorized by law. (1975 Code Sec. 9.243)

### **Furnishing of Paraphernalia Prohibited (620.04)**

No person shall sell, furnish, supply or give away any empty gelatin capsule, hypodermic syringe or needle or any other instrument, implement or paraphernalia adapted for the use of a controlled substance by subcutaneous or intracutaneous injection or any other paraphernalia adapted for the controlled substance to be introduced into the body, unless such dispensing is authorized by law. (1975 Code Sec. 9.244)

### **Association With Controlled Substances Prohibited (620.05)**

No person shall knowingly loiter in or about any building, apartment, store, automobile, trailer or other place, or an area open to the public, where a controlled substance is being illegally used, sold, dispensed, furnished, given away or stored. (Ord. 2-93. Passed 1-19-93)

### **Purchase or Possession By Minors; Misrepresentations; Possession or Transportation in Motor Vehicles; Violations (694.06)**

- (a) No minor shall purchase alcoholic liquor, consume alcoholic liquor in State licensed premises or possess alcoholic liquor, except as provided in this section.
- (b) No person shall, in order to procure the sale and furnishing of alcoholic liquor to any minor, make any such alcoholic liquor is desired. No minor shall furnish any false information regarding his or her age or make any false representation as to his or her age to any law enforcement officer or to any person in charge of or employed in a place of business where alcoholic liquor is employed in a place of business where alcoholic liquor is sold, for the purpose of obtaining the sale of any alcoholic liquor to himself or herself.
- (c) No minor shall knowingly transport or possess, in a motor vehicle, alcoholic liquor, unless the person is employed by a State licensee, by a common carrier designated by the Liquor Control Commission or by an agent of the Liquor Control Commission, and is transporting or having the alcoholic liquor in a motor vehicle under the person's control during regular working hours and in the course of the person's employment.
- (d) This section shall not be construed to prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment, if employed by a State licensee, by the Liquor Control Commission or by an agent of the Liquor Control Commission, if the alcoholic liquor is not possessed for his or her personal consumption.
- (e) The consumption of alcoholic beverages by a minor who is enrolled in a course offered by an accredited post-secondary educational institution in an academic building of the institution under the supervision of a faculty member shall not be prohibited by this section if the purpose is solely educational and a necessary ingredient of the course.

### **Penalty (694.99)**

- (a) Unless otherwise provided, a person who violates any of the provisions set forth in this chapter is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00 or both. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- (b) A person who violates Section 694.06(a) is responsible for a Class B municipal civil infraction and subject to the civil penalty set forth in the schedule at Section 202.98. For a second or subsequent violation, in addition, or in lieu of the civil fine set forth in the schedule at Section 202.98, the Court may order participation in substance abuse prevention services as defined in Section 6107 of Act 368 of the Public Acts of 1978 and

designated by the Administrator of Substance Abuse Services. A separate violation shall be deemed committed each day during or on which a violation occurs or continues.

**Purchase or Possession by Minors; Misrepresentations; Possession or Transportation in Motor Vehicles; Violations (694.06)**

- (a) A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor, except as provided in this section.
- (b) A person shall not, in order to procure the sale and furnishing of alcoholic liquor to any minor, make any false representation as to age of the person for whom such alcoholic liquor is desired. A minor shall not furnish any false information regarding his or her age or make any false representation as to his or her age to any law enforcement officer or to any person in charge of or employed in a place of business where alcoholic liquor is sold, for the purpose of obtaining the sale of any alcoholic liquor to himself or herself.
- (c) A minor shall not knowingly transport or possess in a motor vehicle alcoholic liquor unless the person is employed by a State licensee by a common carrier designated by the Liquor Control Commission or by an agent of the Liquor Control commission and is transporting or having the alcoholic liquor in a motor vehicle under the person's control during regular working hours and in the course of the person's employment. A court shall not accept a plea of guilty or nolo contendere for a violation of this section from a person charged solely with a violations of Section 5.15 (6) of the Uniform Traffic Code, as adopted in Chapter 410 of these Codified Ordinances.
- (d) This section shall not be construed to prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment, if employed by a State licensee, by the Liquor Control Commission or by an agent of the Liquor Control Commission, if the alcoholic liquor is not possessed for his or her personal consumption.
- (e) The consumption of alcoholic beverages by a minor who is enrolled in a course offered by an accredited post-secondary educational institution in an academic building of the institution under the supervision of a faculty member shall not be prohibited by this section if the purpose is solely educational and a necessary ingredient of the course.
- (f) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this Section.
- (g) Subsection (a) does not apply to a minor who participates in an undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and subject to the conditions set forth in Section 33b(14) of Act No. 122 of the Public Acts of 1995, being Section 436.33b(14) of the Michigan Compiled Laws.

**Preliminary Breath Test (694.07)**

- (a) A peace officer who has reasonable cause to believe that a minor has consumed alcoholic liquor may require the person to submit to a preliminary chemical breath analysis. A legal

presumption shall be made by the court that the minor has consumed or possessed alcoholic liquor if a preliminary chemical breath analysis or other acceptable blood alcohol test indicates the minor has a bodily alcohol content of 0.02% or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

- (b) A person less than 21 years of age who refuses to submit to a preliminary chemical breath test analysis as required in this section is responsible for a civil infraction.

### **Penalty (694.99)**

- (a) Unless otherwise provided, a person who violates any of the provisions set forth in this chapter is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00 or both. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- (b) A person who violates Section 694.06(a) is guilty of a misdemeanor punishable by the following fines and sanctions:
  - (1) For the first violation, a fine of not more than \$100.00 and may be ordered to perform community service and to undergo substance abuse screening and assessment, at his or her own expense, by a person or agency as designated by the substance abuse coordinating agency, as defined in Section 6103 of Act No. 368 of the Public Acts of 1978 being Section 333.6103 of the Michigan Compiled Laws, in order to determine whether the services, including alcohol or drug education and alcohol or drug treatment programs.
  - (2) For a second violation, a fine of not more than \$200.00, and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services as defined in Section 6107 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being Section 333.6107 of the Michigan Compiled Laws, and designated by the Administrator of Substance Abuse Services, to perform community service and to undergo substance abuse screening and assessment, at his or her own expense, by a person or agency as designated by the substance abuse coordinating agency, as defined in Section 6103 of Act No. 368 of the Public Acts of 1978 being Section 333.6103 of the Michigan Compiled Laws, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.
  - (3) For a third or subsequent violation, a fine of not more than \$500.00, and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation of the public Acts of 1978, and designated by the Administrator of Substance Abuse Services, to perform community service and to undergo substance abuse screening and assessment, at his or her own expense, by a person or agency as designated by the substance abuse coordinating agency, as defined in Section 6103 of Act No. 368 of the Public Acts of 1978 being Section 333.6103 of the Michigan Compiled Laws, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.

- (c) In addition to the penalties provided for in this Section, a person who violates Section 694.06 shall be subject to the operator's and chauffeur's license sanctions imposed by the Court and the Michigan Secretary of State as provided for in Section 33b of Act No. 122 of the Public Acts of 1995, being Section 436.33b of the Michigan Compiled Laws.
- (d) A minor who violates Section 694.07 is responsible for a civil infraction.

### **Alcoholic Beverages (1060.02)**

No person shall bring into any city park, or drink or have in his or her possession in any such park, any alcoholic beverage. However, the use of alcoholic beverages in the Clubhouse at Binder Park is hereby permitted if such use is in compliance with the Michigan Liquor Control Act and the rules and regulations of the Michigan Liquor Control commission pursuant to a license issued in accordance with the foregoing. In addition, the sale and consumption of alcoholic beverages are permitted at Bailey Park in C.O. Brown Stadium, Robert Nichols Field, Convis Softball Complex and any wholly enclosed softball complex or stadium during special events when such sale is made pursuant to a license issued by and in compliance with Liquor Control Commission licensing and rule requirements. (Ord. 12-90, Passed 40-24-90)

### **Additional Rules (1060.05)**

- (a) **General Authority.** No person shall possess, bring into, sell, offer for sale, distribute, administer, dispense, prescribe or give away any controlled substance or designated substance, unless authorized by law, in any city park or playground.
- (b) **Rules.** Controlled Substances. No person shall possess, bring into, sell, offer for sale, distribute, administer, dispense, prescribe or give away any controlled substance or designated substance, unless authorized by law, in any city park or playground

### **Forfeiture of Vehicle Used in an Alcohol Related Driving Offense; Procedures (5.15n)**

- (1) In addition to any other penalty provided for in the Act or this Code, the judgment of sentence for conviction for a violation of Section 5.15(1), a violation of Section 5.15(3) described in Section 5.15(9) (b) or (c) may require one of the following with regard to the vehicle used in the offense if the defendant owns the vehicle in whole or in part or leases the vehicle:
  - (a) Forfeiture of the vehicle if the defendant owns the vehicle in whole or in part.
  - (b) Return of the vehicle to the lessor if the defendant leases the vehicle.
- (2) The vehicle may be seized pursuant to an order of seizure issued by the court having jurisdiction upon a showing of probable cause that the vehicle is subject to forfeiture or returned to the lessor.

- (3) The forfeiture of a vehicle is subject to the interest of the holder of a security interest who did not have prior knowledge of or consent to the violation.
- (4) Within three days after the defendant's conviction for a violation described in this Section, the court shall notify the defendant, his or her attorney, and the City Attorney's Office if the court intends to consider imposing a sanction under this Section. Within three days after this notice, the City Attorney's Office shall give notice to all owners of the vehicle and any person holding a security interest in the vehicle that the court may require forfeiture or return of the vehicle.
- (5) If a vehicle is seized before disposition of the criminal proceedings, a defendant who is an owner or lessee of the vehicle may move the court having jurisdiction over the proceedings to require the seizing agency to file a lien against the vehicle and to return the vehicle to the own or lessee pending the disposition of the criminal proceedings. The court shall hear the motion within seven days after the motion is filed. If the defendant establishes at the hearing that he or she holds the legal title of the vehicle or that he or she has a leasehold interest and that it is necessary for him or her or a member of his or her family to use the vehicle pending the outcome of the forfeiture action, the court may order the seizing agency to return the vehicle to the owner or lessee. If the court orders the return of the vehicle to the owner or lessee, the court shall order the seizing agency to file a lien against the vehicle.
- (6) Within 14 days after notice by the City Attorney's Office is given under subsection 4 hereof, an owner, lessee or holder of a security interest may file a claim of interest in the vehicle. Within 21 days after the expiration of the period for filing claims, but before sentencing, the court shall hold a hearing to determine the legitimacy of any claim, the extent of any co-owners equity interest, and the liability of the defendant to any co-lessee.
- (7) If a vehicle is forfeited under this section the unit of government, that seized the vehicle shall sell the vehicle and dispose of the proceeds in the following order of priority:
  - (a) Pay any outstanding security interest of a secured party who did not have prior knowledge of consent to the commission of the violation.
  - (b) Pay the equity interest of the co-owner who did not have prior knowledge of or consent to the commission of the violation.
  - (c) Satisfy any order of restitution entered in the prosecution for the violation.
  - (d) Pay the claim of each person who shows that he or she is a victim of the violation to the extent that the claim is not covered by an order of restitution.
  - (e) Pay any outstanding lien against the property that has been imposed by a governmental unit.
  - (f) Pay the proper expenses of the proceedings for forfeiture and sale, including, but not limited to, expenses incurred during the seizure process and expenses for maintaining custody of the property, advertising and court costs.

- (g) The balance remaining after the payment of items (a) through (f) shall be distributed by the court having jurisdiction over the forfeiture proceedings to the unit or units of government substantially involved in affecting the forfeiture. Seventy-five percent of the money received by a unit of government under this subdivision shall be used to enhance enforcement of the criminal laws and 25% of the money shall be used to implement the Criminal Victims Rights Act, Act 87 of the Public Acts of 1985. The unit of government receiving money under this subdivision shall report annually to the State Department of Management and Budget the amount of money received under this subdivision that was used to enhance the enforcement of the criminal laws and the amount that was used to implement the Crime Victims Rights Act.
- (8) The court may order the defendant to pay a co-lessee any liability determined under subsection (6). The order may be enforced in the same manner as a civil judgment.
- (9) The return of a vehicle to the lessor under this section does not affect or impair the lessor's rights or the defendant's obligations under the lease.

**Transporting or Possession of Liquor Within passenger Compartments (5.16a)**

- (1) Except as provided herein, a person shall not transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway, or within the passenger compartment of a moving vehicle in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this city.
- (2) A person may transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles in this State, if the person does not have a trunk or compartment separate from the passenger compartment, the container is enclosed or encased, and the container is not readily accessible to the occupants of the vehicle.
- (3) A person who violates this section is guilty of a misdemeanor. As part of the sentence, the person may be ordered to perform community service and undergo substance abuse screening and assessment at his or her own expense as described in Section 33b of the Michigan Liquor Control Act. A court shall not accept a plea of guilty or nolo contendere for a violation of this section from a person charged solely with the violation of Section 5.15(6).
- (4) Immediately upon the entry of a conviction for a violation of this section, the court shall consider all prior convictions for a violation of this section, or Section 624b of the Act, or a local ordinance or law of another state substantially corresponding to this section or Section 624b of the Act, and the court finds that the person has one or more prior convictions, the court shall order the Secretary of State to impose the appropriate operator's or chauffeur's license sanctions provided at Section 624 a of the Act.

- (5) This section does not apply to a passenger in a chartered vehicle authorized to operate by the Michigan Department of Transportation.

**Transportation or Possession of Liquor Within Passenger Compartment by a Person Under 21 years of Age; Exceptions, Forfeiture of Vehicle; Violation is a Misdemeanor (5.16b)**

- (1) A person less than 21 years of age shall not knowingly transport or possess, in a motor vehicle, alcoholic liquor unless the person is employed by a licensee under the Michigan Liquor Control Act, a common carrier designated by the Liquor Control Commission, the Liquor Control Commission, or an agent of the Liquor Control Commission and is transporting or having the alcoholic liquor in a motor vehicle under the person's control during regular working hours and in the course of the person's employment. This section does not prevent a person less than 21 years of age from knowingly transporting alcoholic liquor in a motor vehicle if a person at least 21 years of age is present inside the vehicle. A person who violates this subsection is guilty of a misdemeanor. As part of the sentence the person may be ordered to perform community service and undergo substance abuse screening and assessment at is or her expense as described in Section 33b of the Liquor Control Act.
- (2) Within 30 days after the conviction for a violation of this section, in which the conviction has become final, complaint may be made by the arresting law enforcement officer or the officer's superior before the court from which the warrant was issued. The complaint shall be under oath and shall contain a description of the motor vehicle in which alcoholic liquor was possessed or transported by the person less than 21 years of age in committing the violation and requesting that the motor vehicle be impounded as provided in this section. Upon the filing of the complaint, the court shall issue to the owner of the motor vehicle, an order to show cause why the motor vehicle should not be impounded. The order to show cause shall have a date and time fixed in the order for a hearing, which date shall not be less than ten days after the issuance of the order and shall be served by delivering a true copy to the owner not less than three full days before the date of hearing or, if the owner cannot be located by sending a true copy by certified mail to the last known address of the owner. If the owner is a nonresident of this State, service may be made upon the Secretary of State as provided in Section 403 of the Act.
- (3) If the court determines upon the hearing of the order to show cause, from competent and relevant evidence that at the time of the commission of the violation the motor vehicle was being driven by a person less than 21 years of age with the express or implied consent or knowledge of the owner in violation of this section, and that the use of the motor vehicle is not needed by the owner in the actual operation of the owner's business, the court may authorize the impounding of the vehicle for a period, to be determined by the court, of not less than 15 days or more than 30 days. The court's order authorizing the impounding of the vehicle shall authorize a law enforcement officer to take possession without other process of the motor vehicle wherever located and to store the vehicle in a public or private garage at the expense and risk of the owner of the vehicle. The owner of the vehicle may appeal the order to the circuit court and the provisions governing the taking of appeals from judgments for damages shall apply to the appeal. This section does not prevent a bona fide lienholder from exercising rights under a lien.

- (4) A person who knowingly transfers title to a motor vehicle for the purpose of avoiding this section is guilty of a misdemeanor.
- (5) As used in this section, “alcoholic liquor” means that term as defined at Section 2(a) of the Michigan Liquor Control Act, being Act 8 of the Public Acts of the Extra Session of 1933, amended.

## **Youth Offenses**

### **Purchase or Possession of Alcoholic Beverages By Minors; Misrepresentation; Exceptions; Violations (694.06)**

- (a) No person shall, in order to procure the sale or furnishing of alcoholic liquor to any minor, make any false representation as to the age of the person for whom such alcoholic liquor is desired.
- (b) Upon determining that a person less than 18 years of age who is not emancipated pursuant to Act 293 of the Public Acts of 1968, as amended, and who has allegedly consumed, possessed, purchased or attempted to consume, possess or purchased alcoholic liquor in violation of this section, the police department shall notify the parent or parents, custodian or guardian of the person as required by section 33b of Act 8 of the Public Acts of the Extra session of 1933, as amended.
- (c) Unchanged
- (d) Subsection (a) hereof does not apply to a minor who participants in an undercover operation in which the minor purchases or receives alcoholic liquor under and subject to the conditions set forth in Section 33b of Act 8 of the Public Act of the Extra Session of 1933, as amended.

### **Preliminary Breath Tests (694.07)**

- (a) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor may required the person to submit to a preliminary chemical breath analysis. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the minor person has consumed or possessed alcoholic liquor.
- (b) A minor who refuses to submit to a preliminary chemical breath test analysis as required by this section is responsible for a civil infraction.

**Penalty (694.99)**

(a) A person whom violates Section 694.06(a) is guilty of a misdemeanor punishable by the following fines and sanctions:

(1) For a first violation, a fine of not more than \$100, and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services as defined in Section 6107 of the Public Health Code, Act 368 of the Public Acts of 1978, being Section 333.6107 of the Michigan Compiled Laws, and designated by the administrator of Substance Abuse Services, ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense by a person or agency designated by the substance abuse coordinating agency, as defined in Section 6103 of Act 368 of the Public Acts of 1978, being Section 333.6103 of the Michigan Compiled Laws in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.

(2) - (3) Unchanged

(b) In addition to the penalties provided for in this section, a person who violates Section 694.06 shall be subject to the operator's and chauffeur's license sanctions imposed by the court and the Secretary of State as provided for in Section 33b of Act 8 of the Public Acts of the Extra Session of 1933, as amended.

(c) A person who violates Section 694.07 is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$100.

# Local Laws and Sanctions for Muskegon Campus

## Offenses Relating To Controlled Substances (Sec. 12-20)

- (a) For purposes of this section, “*Controlled Substances*” are those defined as such by Article 7, Controlled Substances, Public Health Code, being Act 368 of the Public Acts of 1978 of State of Michigan (M.C.L.A. 33.7101 et seq.).
- (b) No person shall at any time have or possess a hypodermic syringe or needle or any other instrument or implement adapted for the use of controlled substances by subcutaneous injection or intracutaneous injection or any other manner or method of introduction and which is possessed for that purpose, unless such possession is authorized by the certificate of a licensed medical doctor or osteopathic physician issued within the period of one year. The prohibition contained in this subsection shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiroprodists, veterinarians, pharmacists and embalmers in the normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma or any other medical condition requiring self injection.
- (c) It shall be unlawful for any person to engage in, employ or use any fraud, scheme, device, trick, deceit, misrepresentation, subterfuge or any other form of concealment for the purpose of obtaining money or any other thing of value by the sale, furnishing, supplying or giving away of any substance represented to be a controlled substance, when the same may or may not be the same.
- (d) No person shall knowingly and willfully loiter about, frequent or live in any building, apartment, store, automobile, boat, boathouse, airplane or other place of any description whatsoever, where controlled substances, hypodermic syringes, needles or other instruments or implements or empty gelatin capsules are used, sold, dispensed, furnished, given away, stored or kept illegally.

The term “*knowingly and willfully loiter,*” as used herein, is hereby defined as to linger idly, to stand or recline in one place or to move slowly about with full knowledge of the activities and/or occupations prohibited in this section and with intent to engage in any said prohibited activities or occupations, or with intent to purchase or acquire any of said items illegally sold.

(Code 1958, § 9-201; Ord. No. 888, § III, 8-23-83; Ord No. 896, § 1, 3-13-84)

### **Possessing, Buying, Selling, Etc., For Purpose Of Violating Article (Sec. 12-73)**

No person shall, for the purpose of violating or aiding another to violate any provision of this article, intentionally possess, buy, sell, transfer possession or receive possession of any model glue. (Code 158, § 9-111)

### **Penalty For Violations of Article (Sec. 12-74)**

Any person convicted of a violation of the provisions of this article shall be punished by a fine of not more than one hundred dollars (\$100), or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment, together with the costs of the prosecution, in the discretion of the court. (Code 1958, § 9-114)

### **Purchase, Consumption; Penalty (Sec. 12-96)**

(a) A person less than twenty-one (21) years of age shall not purchase alcoholic liquor, consume alcoholic liquor in a licensed premise, or possess alcoholic liquor, except as provided in Section 21-95(a) of this division. A person less than twenty-one (21) years of age who violates this subsection is liable for the following civil fines and shall not be subject to the penalties prescribed in Section 1-6.

(1) For the first violation a fine of not more than \$25.00.

(2) For a second violation, a fine of not more than \$50.00, or participation in Substance Abuse Prevention Services as defined in Section 6107 of Act No. 368 of the Public Acts of 1978 being Section 333.6107 of the Michigan Compiled Laws and designated by the administration of Substance Abuse Services, or both.

(3) For a third or subsequent violation, a fine of not more than \$100.00, or participation in Substance Abuse Prevention Services as defined in Section 6107 of Act. No. 368 of the Public Acts of 1978, and designated by the administrator of Substance Abuse Services, or both.

(b) Fifty (50) percent of the fines collected under subsection (a) shall be deposited with the State Treasurer for deposit in the general fund to the credit of the Department of Public Health for Substance Abuse Treatment and Rehabilitation Services.

(c) A person who furnishes fraudulent identification to a person less than twenty-one (21) years of age, or a person less than twenty-one (21) years of age who uses a fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor.

(d) This section shall not be construed to prohibit a person less than twenty-one (21) years of age from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person having a license from the Liquor Control Commission, by the Liquor Control Commission, or by an agent of the Liquor Control Commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(e) This section shall not be construed to limit the civil or criminal liability of the vendor or the vendor's clerk, servant, agent, or employee for a violation of this division.

- (f) The consumption of alcoholic beverages by a person under twenty-one (21) years of age who is enrolled in a course offered by an accredited post-secondary educational institution in an academic building of the institution under the supervision of a faculty member shall not be prohibited if the purpose is solely educational and a necessary ingredient of the course.

(Ord. No. 833, § 1, 2-27-79)

### **Enforcement (Sec. 12-97)**

- (a) Any police officer or inspector of the State Liquor Control Commission who witnesses a person violating Section 12-96, for which a civil fine is prescribed, may stop and detain the person for purposes of obtaining satisfactory identification, seizing illegally possessed alcoholic beverages and issuing an appearance ticket.
- (b) As used in this section, “*Appearance Ticket*” means a complaint or written notice issued and subscribed by a law enforcement officer or inspector of the Commission, directing a designated person to appear in the District Court at a designated time in connection with the alleged violation for which a civil fine is prescribed. The appearance ticket shall consist of the following parts:
  - (1) The original which shall be a complaint or notice to appear by the officer and filed with the court.
  - (2) The first copy which shall be the abstract of court record.
  - (3) The second copy which shall be delivered to the alleged violator.
  - (4) The third copy which shall be retained by the law enforcement agency.
- (c) A judge may accept an admission of the allegations of an appearance ticket defendant and the judge shall then direct the civil sanctions imposed by Section 12-06. If the defendant denies the allegations of the appearance ticket, the judge shall set a date for trial. If a person fails to appear on the date specified on the appearance ticket, the judge shall enter a default judgment against the defendant.

(Ord. No. 833, § 1, 2-27-79)

### **Definitions (Sec. 12-104)**

For the purpose of this division, the following words and phrases shall have the meanings respectively ascribed to them:

*Criminal Acts*: Those acts which violate statutes of the state or the ordinance of the city.

*Habitual Offender*: One who commits two (2) or more criminal acts within a twelve (12) month period.

*Minor*: Any juvenile under the age of seventeen (17) years residing with his parents.

*Parent:* Mother, father, legal guardian or any other adult person having the care or custody of a minor or with whom a minor may be found residing.

(Code 1958, § 99-116)

# For More Information

HealthQuest Website: [www.wmich.edu/healthquest/](http://www.wmich.edu/healthquest/)

Office of Health Promotion and Education, Sindecuse Health Center 387-3263

Department of Public Safety, 387-5555

Student Judicial Affairs, 387-2160

Center for Substance Abuse Treatment National Helpline, (800) 662-HELP

Substance Abuse and Mental Health Services Administration (SAMHSE) (800) 729-6686 or e-mail: [info@health.org](mailto:info@health.org); <http://www.health.org>

National Institute on Drug Abuse (NIDA), 5600 Fishers Lane, Rockville, MD 20857; 301-6245

**Adult Children of Alcoholics**  
(ACA/ACoA)  
P.O. Box 3216  
Torrance, CA 90510  
(310) 534-1815

**Alanon/Alateen**  
Family Group Headquarters, Inc.  
P.O. Box 862  
Midtown Square  
New York, NY 10018-0862  
800-356-9996 (Literature)  
800-344-2666 (Meeting Referral)

**Center for Substance Abuse Treatment**  
National Drug and Alcohol Treatment  
Referral Service  
800-662-HELP  
Referrals to:  
1-800-ALCOHOL  
1-800-COCAINE  
1-800-448-3000 BOYSTOWN

**Cocaine Anonymous** (800) 347-8998

**Hazelden Educational Materials** (800) 328-9000

**Narcotics Anonymous (NA)** (818) 773-9999

**National Clearinghouse for Alcohol and  
Drug Information** (800) 729-6686

**National Highway Traffic Safety Information**  
(202) 366-9550

**Auto Safety Hotline** (800) 424-9393

**Mothers Against Drunk Driving (MADD)**  
(214) 744-6233

**Victim Hotline** (800) 438-6233 (GET MADD)

**Women for Sobriety** (800) 333-1606

# Glossary

**Amphetamine** - “Bennie,” “White Crosses,” “Uppers,” “Speed”

**Analogs** - “Designer Drugs,” “China White,” “MPPP,” “New Heroin”

**Barbiturates** - “Barbs,” “Reds,” “Downers,” “Seconal”

**Benzodiazepines** - “Mother’s Little Helpers,” “Valium,” “Librium,” “Zanax”

**Chloral Hydrate** -

**Fentanyl** - Synthetic prescription narcotic with effects similar to heroin or morphine

**Glutethimide** - “Doriden”

**Heroin** - “Horse,” “Junk,” “Smack,” “Jones”

**LSD** - “Acid”

**Marijuana** - “Grass,” “Pot,” or “Weed”

**Metamphetamine** - “Crank,” “Meth,” “Ice,” “Crystal”

**Methylphenidate** - “CAT,” or “Khat”

**Phencyclidine** - “PCP” or “Angel Dust”

**Tetrahydrocannabinol** - “THC”