

516.572.7501

## Student Policy for a Drug-Free Campus: Appendix A

## Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)\*

\*Available at: Title 21 Code of Federal Regulations, Part 1308, Schedules of Controlled Substances PART 1308 - SCHEDULES OF CONTROLLED SUBSTANCES (usdoj.gov)

Subchapter 1 – Control and Enforcement, Part D. Offenses and Penalties <u>Title 21 United States Code</u> (USC) Controlled Substances Act - Section 801-971 (usdoj.gov).

Also available at CFR - Code of Federal Regulations Title 21 (fda.gov)

<u>Schedule</u>	Substance/Quality	<u>Penalty</u>	Substance/Quality	<u>Penalty</u>
II	Cocaine	First Offense:	Cocaine	First Offense:
	500-4,999 grams	Not less than 5 yrs.	5 kilograms or more	Not less than 10 yrs.
	mixture	and not more than	mixture	and not more than
II	Cocaine Base	40 yrs. If death or	Cocaine Base	life. If death or
	28-279 grams	serious bodily	280 grams or more	serious bodily
	mixture	injury, not less than	mixture	injury, not less than
IV	Fentanyl	20 yrs. or more	Fentanyl	20 yrs. or more than
	40-399 grams	than life. Fine of	400 grams or more	life. Fine of not
	mixture	not more than \$5	mixture	more than \$10
I	Fentanyl Analogue	million if an	Fentanyl Analogue	million if an
	10-99 grams mixture	individual, \$25	100 grams or more	individual, \$50
		million if not an	mixture	million if not an
I	Heroin	individual.	Heroin	individual.
	100-999 grams		1 kilogram or more	
	mixture	Second Offense:	mixture	Second Offense:
I	LSD	Not less than 10	LSD	Not less than 20 yrs,
	1-9 grams mixture	yrs. and not more	10 grams or more	and not more than
		than life. If death or	mixture	life. If death or
II`	Methamphetamine	serious bodily	Methamphetamine	serious bodily
	5-49 grams pure or	injury, life	50 grams or more	injury, life
	50-499 grams	imprisonment. Fine	pure or 500 grams or	imprisonment. Fine
	mixture	of not more than \$8	more mixture	of not more than
II	PCP	million if an	PCP	\$20 million if an
	10-99 grams pure or	individual, \$50	100 grams or more	individual, \$75
	100-999 grams	million if not an	pure or 1 kilogram or	million if not an
	mixture	individual.	more mixture	individual. 2 or
				More Prior
				Offenses: Life
				imprisonment. Fine
				of not more than
				\$20 million if an
				individual, \$75
				million if not an
				individual.

Substance/Quantity	<u>Penalty</u>
Any Amount Of Other Schedule I & II Substances	First Offense: Not more than 20 yrs. If death or serious
Any Amount of Any Drug Product Containing Gamma	bodily injury, not less than 20 yrs. or more than Life.
Hydroxybutyric Acid	

Substance/Quantity	Penalty
Flunitrazepam (Schedule IV) 1 Gram	Fine \$1 million if an individual, \$5 million if not an
	individual.
	Second Offense: Not more than 30 yrs. If death or
	serious bodily injury, life imprisonment. Fine \$2 million
	if an individual, \$10 million if not an individual.
Any Amount Of Other Schedule III Drugs	First Offense: Not more than 10 yrs. If death or serious
	bodily injury, not more than 15 yrs. Fine not more than
	\$500,000 if an individual, \$2.5 million if not an
	individual.
	Second Offense: Not more than 20 yrs. If death or
	serious injury, not more than 30 yrs. Fine not more than
	\$1 million if an individual, \$5 million if not an
	individual.
Any Amount Of All Other Schedule IV Drugs (other	First Offense: Not more than 5 yrs. Fine not more than
than Flunitrazepam)	\$250,000 if an individual, \$1 million if not an individual.
	Second Offense: Not more than 10 yrs. Fine not more
	than \$500,000 if an individual, \$2 million if other than
	an individual.
Flunitrazepam (Schedule IV) (Other than 1 gram or	First Offense: Not more than 5 yrs. Fine not more than
more)	\$250,000 if an individual, \$1 million if not an
more)	individual.
	Second Offense: Not more than 10 yrs. Fine not more
	than \$500,000 if an individual, \$2 million if other than
	an individual.
Any Amount Of All Schedule V Drugs	First Offense: Not more than 1 yr. Fine not more than
-	\$100,000 if an individual, \$250,000 if not an individual.
	<b>Second Offense</b> : Not more than 4 yrs. Fine not more
	than \$200,000 if an individual, \$500,000 if not an
	individual.

## <u>Summary of Federal Marijuana Laws</u>\*

\* Available at Title 21 Code of Federal Regulations, Part 1308.11, Schedules of Controlled Substances: Schedule 1 PART 1308 - Section 1308.11 Schedule I (usdoj.gov)

Subchapter 1 – Control and Enforcement, Part D. Offenses and Penalties – Section 841. Prohibited Acts. Section 841 (usdoj.gov). Also available at CFR - Code of Federal Regulations Title 21 (fda.gov)

Schedule/Substance	Quantity	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense
Marijuana (Schedule I)	1,000 kg or more	Not less than 10 yrs. or	Not less than 20 yrs. or
	marijuana mixture; or	more than life. If death or	more than life. If death or
	1,000 or more marijuana	serious bodily injury, not	serious bodily injury, life
	plants	less than 20 yrs., or more	imprisonment. Fine not
		than life. Fine not more	more than \$20 million if
		than \$10 million if an	an individual, \$75 million
		individual, \$50 million if	if other than an
		other than an individual.	individual.
Marijuana (Schedule I)	100 kg to 999 kg	Not less than 5 yrs. or	Not less than 10 yrs. or
	marijuana mixture; or 100	more than 40 yrs. If death	more than life. If death or
	to 999 marijuana plants	or serious bodily injury,	serious bodily injury, life
		not less than 20 yrs. or	imprisonment. Fine not
		more than life. Fine not	more than \$20 million if
		more than \$5 million if an	an individual, \$75million

Schedule/Substance	Quantity	1st Offense	2 <sup>nd</sup> Offense
		individual, \$25 million if	if other than an
		other than an individual	individual.
Marijuana (Schedule I)	More than 10 kgs hashish;	Not more than 20 yrs. If	Not more than 30 yrs. If
	50 to 99 kg marijuana	death or serious bodily	death or serious bodily
	mixture More than 1 kg of	injury, not less than 20	injury, life imprisonment.
	hashish oil; 50 to 99	yrs. or more than life.	Fine \$2 million if an
	marijuana plants	Fine \$1 million if an	individual, \$10 million if
		individual, \$5 million if	other than an individual.
		other than an individual.	
Marijuana (Schedule I)	Less than 50 kilograms	Not more than 5 yrs. Fine	Not more than 10 yrs. Fine
	marijuana (but does not	not more than \$250,000,	\$500,000 if an individual,
	include 50 or more	\$1 million if other than an	\$2 million if other than
	marijuana plants	individual.	individual.
	regardless of weight)		
	1 to 49 marijuana plants;		
Hashish (Schedule I)	10 kg or less		
Hashish (Schedule I)	1 kg or less		

Note: This information is not to be considered legal advice or guaranteed to be a comprehensive inventory of all federal laws regarding drugs and controlled substances. It is the user's responsibility to check the <u>Code of Federal Regulations</u> to determine whether changes, additions or substitutions have been made.