



Student Drug & Alcohol Policy

SAINT JOSEPH ABBEY AND SEMINARY COLLEGE

75376 RIVER ROAD

SAINT BENEDICT, LOUISIANA

Revised October 2018

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Alcohol and Drug Policy

The purpose of this policy is to identify and remove the adverse effects of alcohol and drugs and to protect the health and safety of all students. Use and misuse of alcohol or drugs can and does impair the ability of an individual to perform their duties and may endanger themselves or others.

Policy

Saint Joseph Seminary College's drug policy is as follows:

1. The manufacture, distribution, dispensing, possession, sale, purchase, storage or use of a controlled substance on Saint Joseph Abbey and Seminary College's premises is strictly prohibited.
2. Assisting or attempting to assist another in the above activities is strictly prohibited.
3. The possession, sale, purchase or use of any drug paraphernalia.
4. Being under the influence of alcohol, illegal drugs or mind/mood-altering prescription drugs or over-the-counter medication with the same effect on institution premises is prohibited.
5. Saint Joseph Seminary College takes a "zero tolerance" approach to drugs.
6. Refusing to submit to testing as requested/required is grounds for immediate dismissal.

This policy applies to all students of Saint Joseph Seminary College. Any student who violates this policy is subject to appropriate disciplinary action up to and including dismissal, and may also result in criminal charges being filed.

Definitions

- Premises: All Saint Joseph Abbey and Seminary College's land (cleared or uncleared), buildings, sports facilities, parking lots, vehicles, lockers, etc.
- Property: All property owned or leased by Saint Joseph Abbey and Seminary College's, including vehicles, desks, cabinets, lockers, etc.
- Controlled Substance: Any substance listed in Schedules I-V of Section 202 of the Controlled Substances Act (21 U.S. C. § 812), as currently amended.
- Drug: Any chemical substance that produces a physical, mental, emotional or behavioral change in the user.
- Drug Paraphernalia: Equipment, product, or material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling, smoking or otherwise introducing an illegal or controlled substance into the human body.
- Illegal Drug: Any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage is illegal or regulated under any federal, state or local law or regulation and any other drug, including, but not limited to, a prescription drug, used for any reason other than a legitimate medical condition, illness or disease.
- Under the Influence: Is a state of having an alcohol concentration of 0.10 or more, where "alcohol concentration" has the meaning assigned to it in Article 67011-1 Revised Statutes; or, the state of not having the normal use of mental or physical faculties

resulting from the voluntary introduction into the body of an alcoholic beverage or controlled substance.

- Testing: Will comprise of urine collection and testing, and/or breath tests, and/or hair tests conducted by an authorized facility to determine alcohol, chemical or drug content in the student's system. Any student may be tested for drug or alcohol use when there is a "reasonable cause/reasonable suspicion" that:
 - Use of a substance is affecting performance; or
 - The student is engaged in any of the prohibited acts or activities listed in this policy.
 - This includes students involved in, whether as offender or victim, an accident or safety incident.
 - Refusal to submit to testing as requested/required is grounds for immediate dismissal.
- Reasonable Cause/Reasonable Suspicion: Supported by evidence strong enough that a reasonable person would believe that a policy violation has occurred.
- Search: Search procedures, conducted under reasonable cause, such as inspections of students' personal property will be maintained as part of Saint Joseph Seminary College's security measures. All students will be expected to cooperate as a condition of continued enrollment with special drug/alcohol searches of personal vehicles on campus property, or other personal property where there is reasonable suspicion to believe that a student may be in possession of drugs or alcohol. Searches on the institution's premises or property can be conducted at any time.
- Coordination with Law Enforcement Agencies: The sale, use, purchase, transfer, possession or manufacture of an illegal drug or drug paraphernalia is a violation of the law. Saint Joseph Seminary College will report information concerning possession, distribution, or use of any illegal drugs to law enforcement officials and will turn over to the custody of law enforcement officials any such substances found during a search of an individual or property. Searches will only be conducted of individuals based upon reasonable cause; and only of their vehicles, locker, desks, and closets when based upon a reasonable suspicion. The institution will cooperate fully in the prosecution and/or conviction of any violation of the law.
- Other Laws and Regulations: The provision of this policy shall apply in addition to, and shall be subordinated to, any requirements imposed by applicable federal, state or local laws, regulations or judicial decision. Unenforceable provisions of this policy shall be deemed to be deleted.

Appropriate Use of Alcohol

As representatives of the Church and of the Seminary Community, all students who choose to use alcoholic beverages must do so in a responsible and appropriate manner, fully in concert with the Church's teaching and in accordance with the laws of the State of Louisiana. This expectation holds at all times, on or off campus. For any Christian, the use of alcohol is a moral issue, not simply a disciplinary one. Respect for one's body, the Temple of the Holy Spirit, and for one's behavior, are central to the teachings of the Church.

It is the policy of Saint Joseph Seminary College, in accordance with Louisiana law, that no student under the age of 21 years may possess, consume, or purchase alcoholic beverages. Any student engaging in these activities will be subject to disciplinary action. Such behavior will be considered a serious formational issue.

No student of legal drinking age is to provide alcoholic beverages to students under 21 years of age or to take them to establishments serving alcohol for the purpose of purchasing alcohol for those students. All students engaging in this behavior will be subject to disciplinary action.

Saint Joseph Seminary College does not allow the consumption of alcoholic beverages on campus at the discretion of students regardless of age. Students of legal age, on occasion, may be given specific permission by the President-Rector for the consumption of alcohol. A notice, specifying the time and location, will then be posted by the President-Rector or Dean of Students. When permission is granted, all alcoholic beverages are to be stored in a designated secure area. **NO STUDENT IS TO STORE ALCOHOL ANYWHERE ON CAMPUS OTHER THAN THE DESIGNATED AREA** which at this time is the St. Lawrence Grill and The Stacks. No alcoholic beverages are to be consumed in the presence of anyone under 21 years of age unless it is during a school-wide function sponsored by the Seminary College. All alcoholic beverages are to be returned to the designated storage area by 11:00 PM. No alcohol is to be consumed after 11:00 PM.

If alcoholic beverages are served at community events, consumption is to be in moderation. The beverages and/or containers are not to leave the immediate area of the event. Only students 21 years or older will be served.

Drunkenness, disorderly and rowdy behavior, and public disturbances of any kind due to use of alcohol are strictly prohibited at all times, on or off campus. Such behavior, observed by or reported to the Seminary Administration, will result in immediate disciplinary action.

Driving while intoxicated is strictly forbidden of students at all times and will result in immediate disciplinary action, which may include dismissal.

It should be noted that moderation in use of alcohol is the norm at Saint Joseph Seminary College. Excessive drinking is a serious formational issue and students engaging in excessive drinking will be placed on disciplinary notice.

No student is to patronize bars or lounges, during the school term and at vacation time, whose primary purpose is the selling of alcoholic beverages.

The President-Rector or Dean of Students may designate a time and place in which students of legal drinking age may socialize and moderately partake of alcoholic beverages. Moderation in the use of alcohol is the norm expected in any circumstance.

St. Joseph Seminary Colleges offers support for those students who may feel the need for 12-step programs such as Alcoholics Anonymous, Al-Anon and Adult Children of Alcoholics. Opportunities to participate in these programs are available in the local area. Information on these groups is available from the Dean of Students, Spiritual Directors and Formation Advisors.

If a student learns that another student is currently using illegal drugs or has become addicted to prescription drugs, then he or she should inform Saint Joseph Seminary College personnel and seek appropriate medical assistance. If civil laws have been violated, law enforcement officials will be informed.

Drug Abuse

Saint Joseph Seminary College is a drug-free campus. The Seminary and its students have shown a respect for their bodies, a lively hope in their own futures and ability to deal with stress and the challenges of life without resorting to drugs.

Saint Joseph's remains committed to a Seminary community free of illegal drugs, according to the teaching of the Church and according to the laws - federal, state and local -- that govern our civil society. The Seminary College's Policy Manual includes a statement on the civil aspects of our commitment to a drug-free institution.

On a pastoral level, the Seminary remains open to assisting students who may have substance abuse problems both on the pastoral and spiritual level and on the physical and psychological level, while at the same time remaining conscious of its moral and legal obligations to society as a whole.

Anyone caught distributing or dealing in illegal or controlled substances will be subject to immediate dismissal.

Alcohol Abuse Prevention and Explanation of Sanctions and Health Risks

State, Local and Federal Laws concerning Alcohol and Drug Use and Abuse Louisiana Law Regarding the Unlawful Sale, Purchase and Possession of Alcoholic Beverages

R.S. 14:93.10 Definitions

For the purposes of R.S. 14:93.10 through 93.14, the following definitions shall apply:

1. "Purchase" means acquisition by the payment of money or other consideration. Purchase does not include such acquisition for medical purposes either when purchased as over the counter medication or when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital, or medical institution.
2. "Public possession" means the possession of any alcoholic beverage for any reason, including consumption, on any street or highway or in any public place or any place open to the public, including a club which is de facto open to the public. "Public possession" does not include the following:

- a. The possession or consumption of any alcoholic beverage:
 - i. For an established religious purpose.
 - ii. When a person under twenty-one years of age is accompanied by a parent, spouse, or legal guardian twenty-one years of age or older.
 - iii. For medical purposes when purchased as an over the counter medication, or when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital or medical institution.
 - iv. In private residences.
 - b. The sale, handling, transport, or service in dispensing of any alcoholic beverage pursuant to lawful ownership of an establishment or to lawful employment of a person under twenty-one years of age by a duly licensed manufacturer, wholesaler, or retailer of beverage alcohol.
3. "Alcoholic beverage" means beer, distilled spirits, and wine containing one-half of one percent or more of alcohol by volume. Beer includes but is not limited to ale, lager, porter, stout, sake, and other similar fermented beverages brewed or produced from malt wholly or in part or from any substitute therefor. Distilled spirits include alcohol, ethanol, or spirits or wine in any form, including all dilutions and mixtures thereof from whatever process produced.

Louisiana Law regarding driving while under the influence of alcoholic beverages or drugs

R.S. 14:98 Operating a vehicle while intoxicated

- A. (1) The crime of operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when:
- a) The operator is under the influence of alcoholic beverages; or
 - b) The operator's blood alcohol concentration is 0.08 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood; or
 - c) The operator is under the influence of any controlled dangerous substance listed in Schedule I, II, III, IV, V as set forth in R.S. 40:964
 - d) The operator is under the influence of a combination of alcohol and one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription and the label on the container of the prescription drug or the manufacturer's package of the drug contains a warning against combining the medication with alcohol.
 - e) The operator is under the influence of one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription and the influence is caused by the operator knowingly consuming quantities of the drug or drugs which substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug.

(2) A valid driver's license shall not be an element of the offense, and the lack thereof shall not be a defense to a prosecution for operating a vehicle while intoxicated.

B. (1) On a first conviction, notwithstanding any other provision of law to the contrary, the offender shall be fined not less than three hundred dollars nor more than one thousand dollars, and shall be imprisoned for not less than ten days nor more than six months.

Imposition or execution of sentence shall not be suspended unless:

- a) the offender is placed on probation with a minimum condition that he serve two days in jail and participate in a court-approved substance abuse program and participate in a court-approved driver improvement program; or
- b) The offender is placed on probation with a minimum condition that he perform four eight-hour days of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program, participate in a court-approved substance abuse program, and participate in a court-approved driver improvement program. An offender, who participates in a litter abatement or collection program pursuant to this Subparagraph, shall have no cause of action for damages against the entity conducting the program or supervising his participation therein, including a municipality, parish, sheriff, or other entity, nor against any official, employee, or agent of such entity, for any injury or loss suffered by him during or arising out of his participation in the program, if such injury or loss is a direct result of the lack of supervision or act or omission of the supervisor, unless the injury or loss was caused by the intentional or grossly negligent act or omission of the entity or its official, employee, or agent.

(2) If the offender had a blood alcohol concentration of 0.15 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, at least forty-eight hours of the sentence imposed pursuant to Paragraph (B) (1) of this Section shall be served without the benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless the offender complies with Paragraph (B) (1) (a) or (b) of this Section.

C. (1) On a conviction of a second offense, notwithstanding any other provision of law to the contrary, except as provided in Paragraph (3) of this subsection, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not less than seven hundred fifty dollars, nor more than one thousand dollars, and shall be imprisoned for not less than thirty days nor more than six months. At least forty-eight hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Nothing herein shall prohibit a court from sentencing a defendant to home incarceration, if otherwise allowed under the provisions of Article 894.2 of the Code of Criminal Procedure. Imposition or execution of the remainder of the sentence shall not be suspended unless:

a) The offender is placed on probation with a minimum condition that he serve fifteen days in jail and participate in a court-approved substance abuse program and participate in a court-approved driver improvement program; or

(b) The offender is placed on probation with a minimum condition that he perform thirty eight-hour days of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program, and participate in a court-approved substance abuse program, and participate in a court-approved driver improvement program. . .

(2) If the offender had a blood alcohol concentration of 0.15 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, at least ninety-six hours of the sentence imposed pursuant to Paragraph (C) (1) of this Section shall be served without the benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless the offender complies with Paragraph (C) (1) (a) or (b) of this section.

(3) Notwithstanding the provisions of Paragraph (1) of the Subsection, on a conviction of a second offense when the first offense was for the crime of vehicular homicide in violation of R.S. 14:32.1, or first degree vehicular negligent injuring in violation of R.S. 14:39.2, the offender shall be imprisoned with or without hard labor for not less than one year nor more than five years, and shall be fined two thousand dollars. At least six months of the sentence of imprisonment imposed shall be without benefit of probation, parole, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless the provisions of Subparagraph (C)(1)(a) or (b) are complied with.

D. (1) On a conviction of a third offense, notwithstanding any other provision of law to the contrary and regardless of whether the offense occurred before or after an earlier conviction, the offender shall be imprisoned with or without hard labor for not less than one year nor more than five years, and shall be fined two thousand dollars. Thirty days of the sentence of imprisonment shall be imposed without benefit of probation, parole or suspension of sentence. The remainder of the sentence of imprisonment shall be suspended and the offender shall be required to undergo an evaluation to determine the nature and extent of the offender's substance abuse disorder. The treatment professional performing the evaluation shall recommend appropriate treatment modalities which shall include substance abuse treatment at an inpatient facility recommended by the Department of Health and Hospitals, office (sic) for addictive disorders and approved by the Department of Public Safety and Corrections for a period of not less than four weeks nor more than six weeks. The offender may be sentenced to additional outpatient substance abuse treatment services to meet the offender's needs if determined to be necessary by the offender's treating physician, for a period not to exceed twelve months. The follow up treatment shall be provided in a manner to gradually decrease the intensity of treatment services. Upon successful completion of the inpatient substance abuse treatment required by this paragraph, the offender shall be sentenced to home incarceration for not less than the period of time remaining on the offender's suspended

sentence, as provided in Paragraph (3) of this Subsection. If the offender fails to complete the substance abuse treatment required by the provision of this Paragraph or violates any condition of home incarceration, he shall be imprisoned for the original term of his suspended sentence with no credit for time served under home incarceration.

(2) (a) In addition, the court shall order that the vehicle being driven by the offender at the time of the offense shall be seized and impounded, and sold at auction in the same manner and under 6 the same conditions as executions of writ of seizures and sale as provided in Book V, Title II, Chapter 4 of the Code of Civil Procedure.

(b) The vehicle shall be exempt from sale if it was stolen, or if the driver of the vehicle at the time of the violation was not the owner and the owner did not know that the driver was operating the vehicle while intoxicated. If this exemption is applicable, the vehicle shall not be released from impoundment until such time as towing and storage fees have been paid.

(c) In addition, the vehicle shall be exempt from sale if all towing and storage fees are paid by a valid lienholder.

(d) The proceeds of the sale shall first be used to pay court costs and towing and storage costs, and the remainder shall be forwarded to the Council on Automobile Insurance Rates and Enforcement for its use in studying other ways to reduce drunk driving and insurance rates.

(3) (a) An offender sentenced to home incarceration shall be supervised and shall be subject to any of the conditions of probation. The court shall specify the conditions of home incarceration which shall include but shall not be limited to the following:

- i) Electronic monitoring.
- ii) Curfew restrictions
- iii) Home visitation at least once per month by the Department of Public Safety and Corrections.

(b) The court shall also require the offender to obtain employment and to participate in a court approved driver improvement program at his expense. The activities of the offender outside of his home shall be limited to traveling to and from work, church services, Alcoholics Anonymous meetings, or a court approved driver improvement program.

(c) Offenders sentenced to home incarceration required under the provisions of this Section shall be subject to all other applicable provisions of Code of Criminal Procedure Article 894.2.

E. (1) Except as otherwise provided in Subparagraph (4) (b) of this Subsection, on a conviction of fourth or subsequent offense, notwithstanding any other provision of law to the contrary and regardless of whether the fourth offense occurred before or after an earlier conviction, the

offender shall be imprisoned with or without hard labor for not less than ten years nor more than thirty years, and shall be fined five thousand dollars. Sixty days of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence. The remainder of the sentence of imprisonment shall be suspended and the offender shall be required to undergo an evaluation to determine the nature and extent of the offender's substance abuse disorder. The treatment professional performing the evaluation shall recommend appropriate treatment modalities which shall include substance abuse treatment at an inpatient facility recommended by the Department of Health and Hospitals, officer (sic) addictive disorders and approved by the Department of Public Safety and Corrections for a period of not less than four weeks nor more than six weeks. The offender may be sentenced to additional substance abuse treatment services to meet the offender's needs if determined to be necessary by the offender's treating physician, for a period not to exceed twelve months. The follow up treatment shall be provided in a manner to gradually decrease the intensity of treatment services. Upon successful completion of the inpatient substance abuse treatment required by this paragraph, the offender shall be sentenced to home incarceration for not less than one nor more than five years, in accordance with Paragraph (3) of this Subsection, and shall be fined five thousand dollars. If the offender fails to complete the substance abuse treatment required by the provisions of this Paragraph or violates any condition of home incarceration, he shall be imprisoned for the original term of his suspended sentence with no credit for time served under home incarceration.

(2) (a) In addition, the court shall order that the vehicle being driven by the offender at the time of the offense be seized and impounded, and be sold at auction in the same manner and under the same conditions as executions of writ of seizure and sale as provided in Book V, Title II, Chapter 4 of the Code of Civil Procedure...

(3) (a) An offender sentenced to home incarceration shall be supervised and shall be subject to any of the conditions of probation. The court shall specify the conditions of home incarceration which shall include but shall not be limited to the following:

(i) Electronic monitoring.

(ii) Curfew Restrictions.

(iii) Home visitation at least once per month by the Department of Public Safety and Corrections.

(b) The court shall also require the offender to obtain employment and to participate in a court-approved driver improvement program at his expense. The activities of the offender outside of his home shall be limited to traveling to and from work, church services, Alcoholics Anonymous meetings, or a court approved driver improvement program.

(c) Offenders sentenced to home incarceration required under the provisions of this Section shall be subject to all other applicable provisions of Code of Criminal Procedure Article 894.2.

(4) (a) If the offender has previously been required to participate in substance abuse treatment and home incarceration, pursuant to Subsection D of this Section, the offender shall not be sentenced to substance abuse treatment and home incarceration for a fourth or subsequent offense, but shall be imprisoned at hard labor for not less than ten nor more than thirty years, and at least three years of the sentence shall be imposed without benefit of suspension of sentence, probation or parole.

(b) If the offender has previously received the benefit of suspension of sentence, probation, or parole as a fourth offender, no part of the sentence may be imposed with benefit of suspension of sentence, probation or parole, and no portion of the sentence shall be imposed concurrently with the remaining balance of any sentence to be served for a prior conviction for any offense.

F. (1) For purposes of determining whether a defendant has a prior conviction for violation of this Section, a conviction under either R.S. 14:32.1, vehicular homicide, R.S. 14:39.1, vehicular negligent injuring, or R.S. 14:39.2, first degree vehicular negligent injuring, or a conviction under the laws of any state or an ordinance of a municipality, town, or similar political subdivision of another state, which prohibits the operation of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance while intoxicated, while impaired or while under the influence of alcohol, drugs or any controlled dangerous substance shall constitute a prior conviction. This determination shall be made by the court as a matter of law.

(2) For the purposes of this Section, a prior conviction shall not include a conviction for an offense under this Section or R.S. 14:32.1 or R.S. 14:39.1 or under comparable statute or ordinance of another jurisdiction, as described in Paragraph (1) of this Subsection, if committed more than ten years prior to the commission of the crime for which the defendant is being tried and such conviction shall not be considered in the assessment of penalties hereunder. However, periods of time during which the offender was incarcerated in a penal institution in this or any other state shall be excluded in computing the ten-year period. Subsections Band C shall include a screening procedure to determine the portions of the program which may be applicable and appropriate for individual offenders.

G. The legislature hereby finds and declares that conviction of a third or subsequent DWI offense is presumptive evidence of the existence of a substance abuse disorder in the offender posing a serious threat to the health and safety of the public. Further, the legislature finds that there are successful treatment methods available for treatment of addictive disorders. Court approved substance abuse programs provided for in Subsection B, C, and D of this section shall include a screening procedure to determine the portions of the program which may be applicable and appropriate for individual offenders and shall assess the offender's degree of alcohol abuse.

H. "Community service activities" as used in this Section may include duty in any morgue, coroner's office, or emergency treatment room of a state-operated hospital or other state

operated hospital or other state-operated emergency treatment facility, with the consent of the administrator of the morgue, coroner's office, hospital or facility.

I. An offender ordered to participate in a substance abuse program required by the provisions of this section shall pay the cost incurred in participating in the program. Failure to make such payment shall subject the offender to revocation of probation, unless the court determines that the offender is unable to pay. If the court determines that the offender is unable to pay, the state shall pay for the cost of the Substance Abuse treatment required by this section. An offender sentenced to Home Incarceration and to participate in a Driver Improvement Program shall pay the cost incurred in participating in said programs, unless the court determines that the offender is unable to pay.

J. This Subsection shall be cited as the "Child Endangerment Law." When the state proves in addition to the elements of the crime as set forth in Subsection A of this Section that a minor child twelve years of age or younger was a passenger in the motor vehicle, aircraft, watercraft, vessel, or other means of motorized conveyance at the time of the commission of the offense, of the sentence imposed by the court, the execution of the minimum mandatory sentence provided by Subsection B or C of this Section, as appropriate, shall not be suspended. If imprisonment is imposed pursuant to the provisions of Subsection E, at two years of the sentence shall be imposed without benefit of suspension of sentence.

K. (1) In addition to any penalties imposed under this Section, upon conviction of a second or subsequent offense, any vehicle, while being operated by the offender, shall be equipped with a functioning ignition interlock device in accordance with the provisions of R.S.15:306. This requirement shall remain in effect for a period of not less than six months. In addition, the device shall remain installed and operative during any period that the offender's operator's license is suspended under and for any additional period as determined by the court.

(2) (a) Notwithstanding the provisions of Paragraph (1) of this Subsection and R.S. 32:414 (D) (1) (b), upon conviction of a third or subsequent offense of the provisions of this section, any motor vehicle, while being operated by the offender, shall be equipped with functioning ignition interlock device in accordance with the provision of R.S. 15: 306. The ignition interlock device shall remain installed and operative until the offender has completed the requirements of substance abuse treatment and home incarceration under the provisions of Subsections D and E of this Section.

(b) Any offender convicted of a third or subsequent offense of the provisions of this Section shall, after one year of the suspension required by R.S. 32:414 (d) (1) (a), upon proof to the Department of Public Safety and Corrections that the motor vehicles being operated by the offender are equipped with functioning interlock devices, be issued a restricted driver's license. The restricted license shall be effective for the period of time that the offender's driver's license is suspended. The restricted license shall entitle the offender to operate the vehicles equipped with a functioning interlock device in order to earn a livelihood and to travel and from the places designated in Paragraph (D) (3) and (E) (3) of this Section.

(3) The provisions of this subsection shall not require installation of an interlock device in any vehicle described in RS 32:378.2(l)

Drugs

Controlled Dangerous Substances

Louisiana divides Controlled Dangerous Substances (CDS) into five schedules. Schedule I lists the most dangerous drugs, which have a high probability of abuse and addiction, and no recognized medical value. Schedules II, III, IV, and V decrease in dangerousness and probability of abuse; and increase in recognized medical uses.

These schedules are also used to determine the applicable penalties for illegally possessing specific CDS (described in the next section). If you've been arrested for illegal CDS possession, you'll need to consult the Louisiana Code that lists precisely which drugs fit into each group. Statute (40 La. Stat. Ann. § 964).

Penalties for Illegal CDS Possession

It is illegal in Louisiana to possess CDS without a valid prescription. Penalties vary according to the Schedule and amount of the CDS involved. (40 La. Stat. Ann. § 967.)

Schedule I Substances

Penalties vary according to the specific CDS involved, and usually include a fine of at least \$5,000 (and sometimes as much as \$600,000); at least four (and sometimes up to 30 years) in prison; or both. However, some substances incur even greater specified minimum penalties. For example, possessing 400 grams or more of a narcotic drug in Schedule I incurs a minimum fine of \$250,000 (and up to \$600,000), a minimum prison sentence of 15 (and up to 30) years, or both. (40 La. Stat. Ann. § 966.)

Schedule II Substances

Penalties vary according to the specific CDS involved, and usually include a fine of \$5,000 or more (and sometimes as much as \$600,000); five or more (sometimes up to 30) years in prison; or both. (40 La. Stat. Ann. § 967.)

Schedule III Substances

Penalties include a fine of up to \$5,000, up to five years in prison, or both. (40 La. Stat. Ann. § 968.)

Schedule IV Substances

Penalties include a fine of up to \$5,000, up to five years in prison, or both. However, convictions involving Flunitrazepam incur a fine of up to \$5,000, up to 10 years in prison, or both. (40 La. Stat. Ann. § 969.)

Schedule V Substances

Penalties include a fine of up to \$5,000, up to five years in prison, or both. (40 La. Stat. Ann. §

970.)

Second and Subsequent Offenses

A defendant convicted of a second or subsequent offense will face twice the applicable fine, prison term, or both, as described above, according to the Schedule and substance involved in the violation. (40 La. Stat. Ann. § 982.)

Penalties for Making or Selling CDS

It is illegal in Louisiana to make, sell, or possess CDS with the intent to do these things, with few exceptions, such as a doctor who legally prescribes a prescription medication. Penalties vary according to the Schedule and amount of the CDS involved. (40 La. Stat. Ann. § 967.)

Marijuana Possession

It is a crime to knowingly or intentionally possess any amount marijuana (including small amounts for personal use) in Louisiana. (La. Rev. Stat. § 966(E).) Penalties vary according to whether the violation is a first or subsequent offense.

- **First conviction.** Penalties include a fine of up to \$500, up to six months in jail, or both.
- **Second conviction.** Penalties include a fine of between \$250 and \$2,000, up to five years in prison, or both.
- **Third or subsequent conviction.** Penalties include a fine of up to \$5,000, up to 20 years in prison, or both.
- **Probation.** The judge may order probation in lieu of or in addition to the penalties described above. If the judge orders probation, the defendant will be required to take part in a court-approved substance abuse program, and to complete four eight-hour days of community service. The offender will also be required to pay any costs associated with these activities.

Drug Paraphernalia

It is illegal in Louisiana to distribute drug paraphernalia (or to possess or display paraphernalia with the intent to distribute it). Paraphernalia includes items used in growing, harvesting, processing, selling, storing, or using marijuana. Penalties vary according to whether the violation is a first or subsequent offense. (La. Rev. Stat. § 1023.)

- **First conviction.** Penalties include a fine of up to \$500, up to six months in jail, or both.
- **Second conviction.** Penalties include a fine of up to \$1,000, up to one year in jail, or both.
- **Third or subsequent conviction.** Penalties include a fine of up to \$5,000, up to five years in prison, or both.

Federal Law

Civil Rights Forfeiture

According to state and federal laws, a person convicted of certain misdemeanor or felony offenses may forfeit certain civil rights, including his/her right to vote, hold public office,

purchase or possess firearms, or obtain or maintain certain licenses for a specified period of time. (United States Code Sec. 1973gg-6, United States Code Sec. 992 (g)).

Possession of a Controlled Substance (United States Code 844 (a))

Defined as knowingly or intentionally possesses a controlled substance unless such substance was obtained directly or pursuant to a valid prescription or order, from a practitioner.

Punishable by up to 1 year imprisonment and/or a minimum fine of \$1,000. Note: Possession of Flunitrazepam (also known as Rohypnol) may be punishable by up to 3 years imprisonment.

For more information on specific United States Codes, visit: <http://www.gpoaccess.gov/uscode/>

Health Risks and Resources

Description of Health Risks Associated with Alcohol and Drugs

Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood of an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including relationship problems. Moderate to high doses of alcohol severely alter a person's ability to learn and remember information. Very high doses, or low doses combined with other prescription medication (such as Adderall), cause respiratory depression and death. 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, may permanently damage vital organs such as the brain and liver. Mothers who drink while pregnant 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.

Anabolic Steroids

Anabolic steroids are powerful compounds closely related to the male sex hormone testosterone. Developed in the 1930s, steroids may be taken orally or injected. Current legitimate medical uses are limited to certain kinds of anemia, severe burns and some types of breast cancer. When combined with a program of muscle-building exercise and diet, steroids may contribute to increases in body weight and muscular strength. Today, many young people use steroids to accelerate physical development. Steroid users may develop more than 70 side effects, ranging in severity from liver cancer and sterility to acne. Psychological effects include very aggressive behavior, known as "roid rage," and depression. While some side effects appear quickly, others, such as heart attacks and strokes, may not show up for years. Signs of steroid use include quick weight and muscle gains; behavioral changes, particularly increased Aggressiveness and combativeness; jaundice; purple or red spots on the body; swelling of feet or lower legs; trembling; darkening of the skin; and persistent, unpleasant breath odor.

Cannabis/Marijuana

All forms of cannabis have negative physical and mental effects. Physical effects of cannabis include increase in heart rate, bloodshot eyes, dry mouth and throat, and hunger. Smoking marijuana is damaging to the lungs and respiratory system. The tar in marijuana smoke is carcinogenic. Use of cannabis may impair short-term memory and comprehension, alter sense of time, and reduce ability to perform tasks requiring concentration and coordination, such as driving a car. Knowledge retention may be lower when information is given while a person is "high." Motivation and cognition are altered, making the acquisition of new information difficult. Marijuana can also produce depression, paranoia and psychosis. Long-term users may develop dependence. Marijuana smoke contains more cancer-causing agents than tobacco smoke.

Cocaine

Cocaine stimulates the central nervous system, and long term use can lead to dependence. Its immediate effects include dilated pupils, elevated blood pressure and body temperature, and increased heart rate. Chronic use can cause ulceration of the mucous membrane in the nose. Injecting cocaine with unsterile equipment can transmit AIDS, hepatitis and other infections. Preparation of freebase, which involves the use of highly volatile solvents, can result in fire or explosion. Crack or freebase rock, a concentrated form of cocaine, is extremely potent. Its effects are felt within 10 seconds of administration. The drug produces the same physical effects as cocaine, as well as insomnia, loss of appetite, tactile hallucination, paranoia and seizures. Cocaine use may lead to death through disruption of the brain's control of heart and respiration.

Depressants

The effects of depressants are similar to those of alcohol in many ways. Small amounts can produce calmness and relaxed muscles, but larger doses can cause slurred speech, staggering gait, and altered perception. Very large doses can cause respiratory depression, coma, and death. The combination of depressants and alcohol can increase the effects of the drugs and multiply the risks. The use of depressants can cause both physical and psychological dependence. Regular use may result in tolerance to the drug, leading the user to increase the quantity consumed. When regular users stop taking depressant drugs, they may develop withdrawal symptoms ranging from restlessness, insomnia, and anxiety to convulsions and death.

Ecstasy and Other Club Drugs

Illegal drugs are defined in terms of their chemical formulas. To circumvent these legal restrictions, underground chemists modify the molecular structure of certain illegal drugs to produce analogues known as designer or club drugs. These drugs can be several times stronger than the drugs they imitate. Many can cause severe neurochemical damage to the brain. The narcotic analogues can cause uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage. Analogues of amphetamines and methamphetamines cause nausea, blurred vision, chills, or perspiration and faintness. Psychological effects include anxiety,

depression, and paranoia. As little as one dose can cause brain damage. The analogues of phencyclidine cause illusions, hallucinations, and impaired perception.

Hallucinogens

Phencyclidine (PCP) interrupts the function of the neocortex, the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries. PCP often causes distance and space estrangement, lack of muscular coordination, and dulled senses. Time and body movement are slowed, and speech is blocked and incoherent. Chronic users of PCP report memory and speech difficulties. Some of these effects may last a year following prolonged daily use. Mood such as depression, anxiety, and violent behavior also occur. Long-term chronic users may become paranoid and violent and experience hallucinations. Large doses may produce convulsions, coma, or heart and lung failure. Lysergic acid (LSD), mescaline, and psilocybin (mushrooms) cause illusions and hallucinations. Physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness, and tremors. Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to LSD, mescaline, and psilocybin (mushrooms). The user may experience panic, confusion, suspicion, and anxiety. Delayed effects, or flashbacks, can occur even after use has ceased.

Inhalants

A variety of psychoactive substances have been inhaled as gases or volatile liquids. Many popular commercial preparations such as paint thinners and cleaning fluids are mixtures of volatile substances making it difficult to be specific about their various effects. Immediate negative effects of inhalants may include nausea, sneezing, coughing, nose bleeds, fatigue, lack of coordination, and loss of appetite. Solvents and aerosol sprays may also decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrate cause rapid pulse, headaches, and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain damage, weight loss, fatigue, electrolyte imbalance, and muscle weakness. Repeated sniffing of concentrated vapors over time can lead to permanent damage of the nervous system.

Narcotics

Narcotics initially produce a feeling of euphoria followed by drowsiness, nausea, and vomiting. Users may experience constricted pupils, watery eyes, and itching. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma, and death. Tolerance to narcotics develops rapidly and dependence is likely. The use of unsterilized syringes may result in transmission of diseases such as AIDS, endocarditic, and hepatitis.

Other Stimulants

Stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils, and decreased appetite. Users may perspire and experience headaches, blurred vision, dizziness, sleepiness, and anxiety. Extremely high doses can cause rapid or irregular heartbeat, tremors, loss of coordination, and physical collapse. An amphetamine injection creates a

sudden increase in blood pressure that can result in stroke, very high fever, or heart failure. Users also report feeling restless, anxious, and moody. Persons who use large amounts of amphetamines over a long period of time can develop an amphetamine psychosis that includes hallucinations, delusions, and paranoia. These symptoms usually disappear when drug use ceases.

Resources for Support

Treatment Options

<https://www.psychologytoday.com/us/treatment-rehab/la/covington>

Licensed Facilities

<https://findtreatment.samhsa.gov/>

Alcoholics Anonymous

<http://www.aa.org/>