



Drug and Alcohol Prevention
Program (DAAPP) May 2026



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Introduction

The Drug-Free Schools and Communities Act requires every higher education institution that receives any form of Federal funding to implement a drug and alcohol abuse prevention program (DAAPP).

The purpose of this program is to prevent the unlawful possession and abuse of alcohol and drugs on-campus and at institution-associated activities. Montana State University is concerned about the well-being of its community members and has embraced the expectations of the Drug-Free School and Communities Act. This DAAPP includes information about:

Standards of Conduct

The policies below articulate standards of conduct adopted by the MSU community. The policies can be found at the associated link and as an appendix to this DAAPP. For the most up-to-date policies, please visit www.montana.edu.

For All Campus Community and Guests (Including Students and Employees)

- [Alcohol, Drugs, and Tobacco Policy - MSU Policies and Procedures](#)
- [Food Sales, Alcoholic Beverage Service and Vendors - Facilities Use Manual](#)

For Students

- [Conduct Guidelines and Grievance Procedures for Students - MSU Policies and Procedures](#)
- [Medical Amnesty Policy - MSU Policies and Procedures](#)

For Student-Athletes

- [MSU Drug Testing Program and Policy](#)
- [NCAA Drug Testing Program and Policy](#)

For MRJCON Students

- [Student Clinical Compliance](#)

For Employees

- [Alcohol, Drugs, and Tobacco Policy - MSU Policies and Procedures](#)
- [Board of Regents \(BOR\) Policy 740 - Drug and Alcohol Testing; Montana University System](#)

Legal Sanctions under State and Federal Law for Unlawful Possession or Distribution of Alcohol & Illicit Drugs

State of Montana and Local Jurisdictions

Montana's Underage Consumption of Alcohol Law

45-5-624. Possession of or unlawful attempt to purchase intoxicating substance.

A person under 21 years of age commits the offense of possession of an intoxicating substance if the person knowingly consumes, uses, has in the person's possession, or delivers or distributes without consideration an intoxicating substance. A person may not be arrested for or charged with the offense solely because the person was at a place where other persons were possessing or consuming alcoholic beverages or marijuana. A person does not commit the offense if the person consumes or gains possession of an alcoholic beverage because it was lawfully supplied to the person under 16-6-305 or when in the course of employment, it is necessary to possess alcoholic beverages or marijuana.

Under 18 Years:

1st Offense: Shall be fined an amount not less than \$100 and not to exceed \$300 and:

- shall be ordered to perform 20 hours of community service;
- shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available; and
- if the person has a driver's license, must have the license confiscated by the court for 30 days, except as provided in subsection (2)(b).

2nd Offense: Shall be fined an amount not less than \$200 and not to exceed \$600 and: shall be ordered to perform 40 hours of community service, and:

- shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available;
- if the person has a driver's license, must have the license confiscated by the court for 6 months, except as provided in subsection (2)(b); and
- shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8).

3rd or Subsequent Offense: Shall be fined an amount not less than \$300 or more than \$900 and:

- shall be ordered to perform 60 hours of community service,
- shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available, and
- shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8). If the person has a driver's license, the court shall confiscate the license for 6 months, except as provided in subsection (2)(b).

18 Years of age or older

1st Offense: Shall be fined an amount not less than \$100 or more than \$300 and:

- shall be ordered to perform 20 hours of community service; and
- shall be ordered to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9).

2nd Offense: Shall be fined an amount not less than \$200 or more than \$600 and:

- shall be ordered to perform 40 hours of community service; and
- shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (9), which may, in the court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both.

3rd or Subsequent Offense: Shall be fined an amount not less than \$300 or more than \$900, and: shall be ordered to perform 60 hours of community service, and:

- shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (9), which may, in the sentencing court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and
- in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months

A person under the age of 21 (Attempts to purchase an intoxicating substance)

A person under 21 years of age commits the offense of attempt to purchase an intoxicating substance if the person knowingly attempts to purchase an alcoholic beverage or marijuana. A person convicted of attempt to purchase an intoxicating substance shall be fined an amount not

to exceed \$150 if the person was under 21 years of age at the time that the offense was committed and may be ordered to perform community service.

Montana's Medical Amnesty Law

45-5-624. Possession of or unlawful attempt to purchase intoxicating substance

A person under 21 years of age may not be charged or prosecuted under subsection (1) if:

- i. the person has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment;
- ii. the person accompanies another person under 21 years of age who has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment for the other person; or
- iii. the person requires medical treatment as a result of consuming an intoxicating substance and evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.

Montana's Carrying False Identification Law

61-5-302. Unlawful use of license or identification card.

It is a misdemeanor for a person to:

- i. display or cause or permit to be displayed or have in the person's possession a canceled, revoked, suspended, fictitious, or altered driver's license, identification card, or tribal identification card;
- ii. lend the person's driver's license, identification card, or tribal identification card to any other person or knowingly permit its use by another;
- iii. display or represent as one's own any driver's license, identification card, or tribal identification card not issued to the person;
- iv. fail or refuse to surrender to the department upon its lawful demand a driver's license identification card that has been suspended, revoked, or canceled;
- v. use a false or fictitious name in an application for a driver's license or identification card or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in an application; or
- vi. permit any unlawful use of a driver's license, identification card, or tribal identification card issued to the person.
- vii. Fines typically range between \$280 and \$500.

Montana's Public Drunkenness Law**61-8-508. Intoxicated pedestrian**

Except in an authorized crosswalk, a person who is under the influence of alcohol or any drug may walk or stand in the public right-of-way, as defined in 60-1-103, but not on a roadway or a shoulder as is otherwise permissible under 61-8-506(2). Fines typically range between \$100 and \$500.

Montana's Driving Under the Influence of Substances Law**61-8-1002. Driving under influence**

- i. A person commits the offense of driving under the influence if the person drives or is in actual physical control of:
- ii. a vehicle or a commercial motor vehicle upon the ways of this state open to the public while under the influence of alcohol, any drug, or a combination of alcohol and any drug;
- iii. a noncommercial vehicle upon the ways of this state open to the public while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.08 or more;
- iv. a commercial motor vehicle within this state while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.04 or more;
- v. a noncommercial vehicle or commercial motor vehicle within this state while the person's delta-9-tetrahydrocannabinol level, excluding inactive metabolites, as shown by analysis of the person's blood or other bodily substance, is 5 ng/ml or more; or
- vi. a vehicle within this state when the person is under 21 years of age at the time of the offense while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.02 or more.

1st Offense a) Shall be punished by imprisonment for not less than 24 consecutive hours or more than 6 months and by a fine of not less than \$600 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 48 consecutive hours or more than 1 year and by a fine of not less than \$1,200 or more than \$2,000. b) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being. c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-1009.

2nd Offense

- a) Shall be punished by imprisonment for not less than 7 days or more than 1 year and by a fine of not less than \$1,200 or more than \$2,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 14 days or more than 1 year and a fine of not less than \$2,400 or more than \$4,000.
- b) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.
- c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-1009.

3rd Offense

- a) Shall be punished by imprisonment for not less than 30 days or more than 1 year and by a fine of not less than \$2,500 or more than \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 60 days or more than 1 year and by a fine of not less than \$5,000 or more than \$10,000.
- b) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.
- c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-1009.

4th Offense; If an individual is found guilty of Driving Under the Influence 4th or subsequent offense is a felony and shall be punished by:

- a) being sentenced to the department of corrections for a term of not less than 13 months or more than 2 years for placement in either an appropriate correctional facility or a program, followed by a consecutive term of 5 years to the Montana state prison or the Montana women's prison, all of which must be suspended, and a fine of not less than \$5,000 or more than \$10,000; or
- b) being sentenced to a term of up to 5 years in an appropriate treatment court program, with required completion, and a fine of not less than \$5,000 or more than \$10,000. If

sentenced under this alternative, the person may be entitled to a suspended sentence but is not eligible for a deferred imposition of sentence.

Montana's law on selling or furnishing alcohol to minors

16-6-305. Age limit for sale or provision of alcoholic beverages – liability of provider.

- A. Except in the case of an alcoholic beverage provided in a nonintoxicating quantity to a person under 21 years of age by the person's parent or guardian, physician or dentist for medicinal purposes, a licensed pharmacist upon the prescription of a physician, or an ordained minister or priest in connection with a religious observance, a person may not sell or otherwise provide an alcoholic beverage to a person under 21 years of age.
- B. A parent, guardian, or other person may not knowingly sell or otherwise provide an alcoholic beverage in an intoxicating quantity to a person under 21 years of age.
- C. For the purposes of this section, "intoxicating quantity" means a quantity of an alcoholic beverage that is sufficient to produce:
 - a. a blood, breath, or urine alcohol concentration in excess of 0.05;
 - b. substantial or visible mental or physical impairment.
 - c. A person is guilty of a misdemeanor who:
 - i. invites a person under the age of 21 years into a public place where an alcoholic beverage is sold and treats, gives, or purchases an alcoholic beverage for the person;
 - ii. permits the person in a public place where an alcoholic beverage is sold to treat, give, or purchase alcoholic beverages for the person; or
 - iii. holds out the person to be 21 years of age or older to the owner of the establishment or to the owner's employee.

It is unlawful for any person to fraudulently misrepresents the person's age to any dispenser of alcoholic beverages or to falsely procure any identification card or to alter any of the statements contained in any identification card, including a tribal identification card.

A person 21 years of age or older who violates the provisions of subsection (1)(b) is, in addition to applicable criminal penalties, subject to civil liability for damages resulting from a tortious act committed by the person to whom the intoxicating substance was sold or provided if the act is judicially determined to be the result of the intoxicated condition created by the violation.

Montana's open container laws

61-8-1026. Unlawful possession of open alcoholic beverage container in motor vehicle on highway.

1. Except as provided in subsection 2),

- a. a person commits the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle if the person knowingly possesses an open alcoholic beverage container within the passenger area of a motor vehicle on a highway.
2. This section does not apply to an open alcoholic beverage container:
 - a. in a locked glove compartment or storage compartment;
 - b. in a motor vehicle trunk or luggage compartment or in a truck bed or cargo compartment;
 - c. behind the last upright seat of a motor vehicle that is not equipped with a trunk;
 - d. in a closed container in the area of a motor vehicle that is not equipped with a trunk and that is not normally occupied by the driver or a passenger; or
 - e. in the immediate possession of a passenger of a bus, taxi, or limousine, that is used for the transportation of persons for compensation and that includes the provision of a hired driver;
 - f. or in the living quarters of a camper, travel trailer, or motor home.

A person convicted of the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle shall be fined an amount not to exceed \$100.

A violation of this section is not a criminal offense within the meaning of 3-1-317, 3-1-318, 45-2-101, 46-18-236, 61-8-104, and 61-8-711 and may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of this section against the insured or increase premiums because of the violation. The surcharges provided for in 3-1-317, 3-1-318, and 46-18-236 may not be imposed for a violation of this section.

Bozeman Municipal Code Sec.4.04.030.

Public drinking or display of open alcoholic beverages; open containers; prohibited; Public drinking or display or exhibition of open alcoholic beverages (open container) as defined in section 4.04.020 is prohibited, and it is unlawful for any person to engage in public drinking, public display or exhibition of open alcoholic beverages (open container) within the city limits.

Bozeman Municipal Code Sec. 4.04.070. - Violation; penalty.

- a) It is a misdemeanor for any person to violate any of the provisions of this article.
- b) Anyone found guilty of the offense of having an open container under section 4.04.030 shall be fined an amount not less than \$100.00 and not to exceed \$500.00 or be imprisoned in the county jail for a term not to exceed six months, or both. The first \$100.00 of a fine under this section may not be suspended.
- c) Upon conviction, the court may, in its discretion, order the payment of the costs of prosecution or imprisonment, or both, as part of the sentence.

Montana's public urination or defecation laws

Bozeman Municipal Code Sec. 24.06.010. - Public urination and defecation.

No person within the jurisdictional limits of the city shall publicly defecate or urinate on streets, sidewalks, alleys, parks, parking lots or other places open to the public including areas open to the public in buildings unless a sanitary facility capable of and commonly used for disposal of human urine or excrement is used.

Marijuana Laws

16-12-106. Personal use and cultivation of marijuana -- penalties.

(1) Subject to the limitations in 16-12-108, the following acts are lawful and may not be an offense under state law or the laws of any local government within the state, be a basis to impose a civil fine, penalty, or sanction, or be a basis to detain, search, or arrest, or otherwise deny any right or privilege, or to seize or forfeit assets under state law or the laws of any local government for a person who is 21 years of age or older:

- 1) possessing, purchasing, obtaining, using, ingesting, inhaling, or transporting 1 ounce or less of usable marijuana, except that not more than 8 grams may be in a concentrated form and not more than 800 milligrams of THC may be in edible marijuana products meant to be eaten or swallowed in solid form;
- 2) transferring, delivering, or distributing without consideration, to a person who is 21 years of age or older, 1 ounce or less of usable marijuana, except that not more than 8 grams may be in a concentrated form and not more than 800 milligrams of THC may be in edible marijuana products meant to be eaten or swallowed in solid form;
- 3) in or on the grounds of a private residence, possessing, planting, or cultivating up to two mature marijuana plants and two seedlings, or four mature marijuana plants and four seedlings for a registered cardholder, and possessing, harvesting, drying, processing, or manufacturing the marijuana, provided that:
 - a. marijuana plants and any marijuana produced by the plants in excess of 1 ounce must be kept in a locked space in or on the grounds of one private residence and may not be visible by normal, unaided vision from a public place;
 - b. not more than twice the number of marijuana plants permitted under this subsection (1)(c) may be cultivated in or on the grounds of a single private residence simultaneously;
 - c. a person growing or storing marijuana plants under this subsection (1)(c) must own the private residence where the plants are cultivated and stored or obtain written permission to cultivate and store marijuana from the owner of the private residence; and

- d. no portion of a private residence used for cultivation of marijuana and manufacture of marijuana products for personal use may be shared with, rented, or leased to a marijuana business;
- 4) assisting another person who is at least 21 years of age in any of the acts permitted by this section, including allowing another person to use one's personal residence for any of the acts described in this section; and
- 5) possessing, purchasing, using, delivering, distributing, manufacturing, transferring, or selling to persons 18 years of age or older paraphernalia relating to marijuana.

A person who cultivates marijuana plants that are visible by normal, unaided vision from a public place in violation of subsection (1)(c)(i) is subject to a civil fine not exceeding \$250 and forfeiture of the marijuana.

A person who cultivates marijuana plants or stores marijuana outside of a locked space is subject to a civil fine not exceeding \$250 and forfeiture of the marijuana.

A person who smokes marijuana in a public place, other than in an area licensed for that activity by the department, is subject to a civil fine not exceeding \$50.

For a person who is under 21 years of age and is not a registered cardholder, possession, use, delivery without consideration, or distribution without consideration of marijuana is punishable in accordance with 45-5-624.

For a person who is under 18 years of age and is not a registered cardholder, possession, use, transportation, delivery without consideration, or distribution without consideration of marijuana paraphernalia is punishable by forfeiture of the marijuana paraphernalia and 8 hours of drug education or counseling.

Unless otherwise permitted under the provisions of Title 16, chapter 12, part 5, the possession, production, delivery without consideration to a person 21 years of age or older, or possession with intent to deliver more than 1 ounce but less than 2 ounces of marijuana or more than 8 grams but less than 16 grams of marijuana in a concentrated form is punishable by forfeiture of the marijuana and:

- a) for a first violation, the person's choice between a civil fine not exceeding \$200 or completing up to 4 hours of community service in lieu of the fine;
- b) for a second violation, the person's choice between a civil fine not exceeding \$300 or completing up to 6 hours of community service in lieu of the fine; and
- c) for a third or subsequent violation, the person's choice between a civil fine not exceeding \$500 or completing up to 8 hours of community service in lieu of the fine.

A person may not be denied adoption, custody, or visitation rights relative to a minor solely for conduct that is permitted by this chapter.

A person may not be denied access to or priority for an organ transplant or denied access to health care solely for conduct that is permitted by this chapter.

Possession of Marijuana Paraphernalia

As per Montana Code Annotated (MCA) 16-12-106(1)(e) and 16-12-106(6) possession of marijuana paraphernalia is legal for those 18 YOA and older.

If under 18 YOA and in possession of marijuana paraphernalia an individual will be in violation of 45-10-103, Criminal Possession of Drug Paraphernalia. Which states: a. Except as provided in Title 16, chapter 12, or 50-32-609, it is unlawful for a person to use or to 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 dangerous drug.

A person who violates this section is guilty of a misdemeanor and upon conviction shall be imprisoned in the county jail for not more than 6 months, fined an amount of not more than \$500, or both. A person convicted of a first violation of this section is presumed to be entitled to a deferred imposition of sentence of imprisonment.

Possession of Marijuana in a Motor Vehicle

61-8-1027, Unlawful Possession of Marijuana, Marijuana Products, or Marijuana Paraphernalia in Motor Vehicle on Highway.

1. Except as provided in subsection (2), a person commits the offense of unlawful possession of marijuana, marijuana products, or marijuana paraphernalia in a motor vehicle if the person knowingly possesses marijuana, marijuana products, or marijuana paraphernalia, as those terms are defined in 16-12-102, within the passenger area of a motor vehicle on a highway.
2. This section does not apply to marijuana, marijuana products, or marijuana paraphernalia:
 - a. purchased from a dispensary and that remains in its unopened, original packaging;
 - b. in a locked glove compartment or storage compartment;
 - c. in a motor vehicle trunk or luggage compartment or in a truck bed or cargo compartment;
 - d. behind the last upright seat of a motor vehicle that is not equipped with a trunk;or

- e. in a closed container in the area of a motor vehicle that is not equipped with a trunk and that is not normally occupied by the driver or a passenger.
3. (a) A person convicted of the offense of unlawful possession of marijuana, marijuana products, or marijuana paraphernalia in a motor vehicle shall be fined an amount not to exceed \$100. (b) A violation of this section is not a criminal offense within the meaning of 3-1-317, 3-1-318, 45-2-101, 46-18-236, 61-8-104, or 61-8-711 and may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of this section against the insured or increase premiums because of the violation. The surcharges provided for in 3-1-317, 3-1-318, and 46-18-236 may not be imposed for a violation of this section.

Possession of Dangerous Drugs (PODD)

45-9-102. Criminal possession of dangerous drugs.

1. Except as provided in Title 16, chapter 12, or 50-32-609, a person commits the offense of criminal possession of dangerous drugs if the person possesses any dangerous drug, as defined in 50-32-101, [in an amount] greater than permitted or for which a penalty is not specified under Title 16, chapter 12
2. A person convicted of criminal possession of dangerous drugs shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed \$5,000, or both. A person convicted of criminal possession of dangerous drugs not otherwise provided for in subsection (1) or (2) shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed \$5,000, or both.
3. A person convicted of a first violation under this section is presumed to be entitled to a deferred imposition of sentence of imprisonment. 4. Ultimate users and practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a professional practice are exempt from this section.

Federal Jurisdictions

Penalties

Drug	Quantity	1 st Offense	2 nd Offense
Other Schedule I & II drugs (and any drug product containing	Any Amount	Not more than 20 yrs. If death or serious injury, not less than 20	Not more than 30 yrs. If death or serious bodily

Gamma Hydroxybutyric Acid)		yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.	injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Flunitrazepam (Schedule IV)	1 gram	Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.	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.
Other Schedule III Drugs	Any Amount	Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.	Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.
All other Schedule IV drugs	Any Amount	Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.	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 more	Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.	Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.

All Schedule V Drugs	Any Amount	Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.	Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.
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Federal Trafficking Penalties - Marijuana

Drug	Quantity	1 st Offense	2 nd Offense
Marijuana (Schedule I)	1000 kg or more marijuana mixture or 1000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs or more than life. Fine not more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than life. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg or more marijuana mixture or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs or more than life. Fine not more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs or more than life. Fine not more than life. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	10 kg to 99 kg or more marijuana mixture, more than 1 kg or Hashish Oil or 10 to 99 marijuana plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kg of marijuana (but does not	Not less than 5 yrs. Fine not more than	Not less than 10 yrs. Fine not more than

	include 50 or more marijuana plants regardless of weight, 1 to 49 marijuana plants	\$250,000, \$1 million if other than an individual.	\$500,000, \$2 million if other than an individual.
Hashish (Schedule I)	10 kg or less	Not less than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not less than 10 yrs. Fine not more than \$500,000, \$2 million if other than an individual.
Hashish Oil (Schedule I)	1 kg or less	Not less than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not less than 10 yrs. Fine not more than \$500,000, \$2 million if other than an individual.

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

Federal Trafficking Penalties – Other Drugs

Drugs - Schedule and Quantity Quantities (lower):

Drug (Schedule)	Quantity (lower)
Cocaine (Schedule II)	500-4999 grams mixture
Cocaine Base (Schedule II)	28-279 grams mixture
Fentanyl (Schedule II)	40-399 grams mixture
Fentanyl Analogue (Schedule I)	10-99 grams mixture
Heroin (Schedule I)	100-999 grams mixture
LSD (Schedule I)	1-9 grams mixture
Methamphetamine (Schedule II)	5-49 grams pure or 50-499 grams mixture
PCP (Schedule II)	10-99 grams pure or 100-999 grams mixture

First Offense Penalties: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.

Second Offense Penalties: Not less than 10 yrs and not more than life. If death or serious injury life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.

Drugs - Schedule and Quantity Quantities (higher):

Drug (Schedule)	Quantity (lower)
Cocaine (Schedule II)	5 kgs or more mixture
Cocaine Base (Schedule II)	280 grams or more mixture
Fentanyl (Schedule II)	400 grams or more mixture
Fentanyl Analogue (Schedule I)	100 grams or more mixture
Heroin (Schedule I)	1 kg or more mixture
LSD (Schedule I)	10 grams or more mixture
Methamphetamine (Schedule II)	50 grams or more pure or 500 grams or more mixture
PCP (Schedule II)	100 gm or more pure or 1 kg or more mixture

First Offense: Not less than 10 yrs, and not more than life. If death or serious injury not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.

Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.

2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.

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

General Risks

Substance Use Prevalence, Treatment, and Recovery

Prior data from the 2016 [Surgeon General’s Report on Addiction in America](#) reported that 1 in 10 US adults (approximately 24 million) reported ever having a substance use problem. Among those, 70% considered themselves to be in recovery.

The most recent 2024 statistics from the National Survey on Drug Use and Health (NSDUH) revealed current statistics regarding substance use in the U.S.

Provided by the [Substance Abuse and Mental Health services Administration](#) (SAMHSA), the NSDUH measures:

- Use of controlled substances, prescription drugs, alcohol, and tobacco
- Rates of substance use disorders (SUD) and treatment
- Rates of mental health disorders (MHD)
- Recovery from substance use and mental health disorders.

Reported rates of substance use for those 12 and older:

46.6% drank alcohol	134.3 million	<i>43% were binge drinkers</i>
26.3% used tobacco or nicotine	75.7 million	<i>50% of those 18-25 only vaped nicotine with no tobacco use.</i>
22.3% used marijuana	64.3 million	<i>3% increase from 2021</i>
16.7% used a controlled substance	48.1 million	<i>1.5% cocaine; 2.6% prescription opioid.</i>
16.8% had a SUD in the past year	48.4 million	<i>9.7% (28 million) had alcohol use disorder.</i>
33% (18+) had either a mental illness or a substance use disorder	86.6 million	

Treatment data for those 12 or older::

Who needed SUD treatment	19.3%; 10.2 million (1 in 5)
Who received medication for alcohol use disorder	2.5%; 697,000
Who received medication of opioid use disorder	17%; 818,000
18+ who received any mental health treatment	52.1%; 32 million

Recovery data for those 18 or older:

Who reported ever having a problem with substance use	12.2%; 31.7 million <i>Of those, 74% (23.5 million report being in recovery</i>
Who reported ever having a mental health issue	26.1%; 45 million <i>Of those, 67% (3.01 million) report being in recovery</i>

Social, Academic, and Personal Risks of High-Risk Substance Misuse

Social, academic, employment and personal risks/problems are associated with substance use, including those within the MSU population. Patterns of excessive substance misuse (also known as “binge drinking” or heavy episodic drinking) and/or use of drugs can directly or indirectly lead to:

1. Social problems: driving under the influence, fighting, unwanted sexual contact, vandalism, , legal or conduct issues, unsafe sexual behavior, among others.
2. Academic problems: poor grades, missed classes, memory loss, falling behind in class work or projects.
3. Personal problems: depression, illness and injury, experiencing unwanted attempted or completed sexual contact or intercourse, suicide, , being unable to control drinking or drug use.
4. Employment problems: Low job autonomy, lack of job complexity, boredom, , , decreased productivity, increase risk of injury on the job, absenteeism, and eventually loss of employment due to behavioral issues.

Secondhand Effects

Those that misuse substances often do not realize the impact their use or dependence have on those around them. It can impact family, friends, roommates, co-workers, or partners, causing family problems, academic problems and damaging relationships. Secondhand effects of substance misuse include harassment of others, physical abuse of others, relationship issues, financial issues, dating and relationship violence, increased traffic risks, and other significant legal, academic and employment issues. For students, problems are typically most prominent among those living in congregate settings (.i.e. residence halls or FSL Housing. Effects include disruptions of sleep or studying, having one’s property damaged, feeling unsafe, having one’s membership in an organized group adversely affected, and decreased enjoyment of campus activities. Non- students, (i.e. community members), are also at risk of experiencing problems because of student drinking or drug use (e.g., intoxicated driving, vandalism, noise, violence, sexual assault).

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

Substances (Commonly known as)	Short-Term Risks and Effects	Long-Term Risks and Effects	Overdose Risks and Effects
Alcohol (Beer, distilled liquor, ethanol, wine)	Impaired judgment or vision Lowered inhibitions Loss of motor skills Loss of coordination Slurred speech	Cardiovascular disease High blood pressure Liver Damage Neurologic Damage Mental health challenges Toxic psychosis	Coma Seizure Delirium tremens Life-threatening withdrawal Possible death
Cannabis (Hash oil, hashish, grass marijuana, marijuana concentrates, pot, weed)	Confusion Euphoria Impaired balance Impaired coordination Memory loss Slowed reaction time Slowed thinking	Cardiovascular damage Frequent respiratory infections Impaired learning Impaired memory Increased heart rate Tolerance and addiction	Insomnia Hyperactivity Panic attack Paranoia Possible toxic reaction if combined with other substances
Depressants (Barbiturates, benzodiazepines (Valium, Xanax, Ativan), GHB (liquid Ecstasy), Special K, flunitrazepam, methaqualone)	Confusion Fatigue Feeling of well-being or irritability Lowered blood pressure Lowered inhibitions Poor concentration Reduced anxiety Sedation	Anxiety Dizziness Hallucinations Insomnia Loss of peripheral vision Nausea Seizures Weak, rapid pulse Toxic psychosis Tremors	Blackouts Cold, clammy skin Coma Life-threatening withdrawal Possible death Respiratory depression or arrest Toxic reaction if combined with alcohol or other substances

	Slowed pulse and breathing Slurred speech		
Hallucinogens (Acid, crystal, LSD, MDA, mescaline, mushroom, PCP, peyote, phencyclidine, psilocybin, Ecstasy. MOMA, K2/Spine)	Altered state of perception Increased heart rate, body temperature, blood pressure Loss of appetite Nausea Numbness Sleepiness Tremors Weakness	Hallucinogenic Persisting Perception Disorder (flashbacks) Intensifying of existing psychosis Dyscontrol that could lead to harm to self or other	Intense, prolonged hallucinations Possible sudden death Injury Psychosis
Inhalants (gases, solvents)	Impaired judgment Headache Nausea Vomiting Poor coordination Slurred speech	Cardiovascular and nervous system damage leading to inability to walk, talk, think Cramps Depression Loss of muscle tone Memory impairment Mild withdrawal Muscle wasting and weakness Weight loss	Coma Possible sudden death Possible toxic reaction Unconsciousness
Narcotics (Codeine, heroin, hydromorphone, morphine, opium, oxycodone, Vicodin, methadone, fentanyl)	Confusion Constipation Drowsiness Euphoria Nausea Pain relief Sedation Staggering gait	Risk of HIV/AIDS, hepatitis, or other infection with intravenous use; Malnutrition	Clammy skin Coma Convulsions Possible death Respiratory arrest or disruption Tolerance, addiction

			Toxic reaction if combined with alcohol or other substances
Stimulants (Amphetamine (Adderall), cocaine, Ecstasy, MOMA, Methylphenidate (Concerta, Ritalin), phenmetrazine)	Appetite loss Excitement and euphoria Feelings of well-being Increased alertness Changes to blood pressure, pulse Insomnia	Insomnia Nervous system damage Organ or tissue damage Paranoia Psychosis Weight loss	Agitation Convulsions Hallucinations Heart attack, stroke High blood pressure Loss of consciousness Seizures Temperature increase
Tobacco (Chewing/smokeless tobacco, cigarettes, cigars, nicotine)	Bad breath Bad taste in mouth Decreased lung capacity Increased blood pressure Increased heart rate	Adverse pregnancy outcomes Cardiovascular disease Cancer	Possible death due to carcinogenic exposure or other diseases secondary to tobacco use.

Programs and Resources Available for Students and Employees Relating to Drug and Alcohol Abuse

Montana State University is committed to fostering a campus environment that promotes wellbeing and healthy decision-making. As part of this commitment, the University offers a variety of educational programs and resources aimed at preventing substance misuse and supporting individuals who may be at risk. Through proactive prevention strategies and intervening programs, the University works to educate students, employees and the wider community on the risks associated with substance use and provides pathways to support for individuals in need. These efforts are designed to ensure a healthy, safe, and responsible campus environment where individuals can thrive both academically and personally.

For Students

The University offers a variety of substance use education and prevention programs to support the health and wellbeing of students. Student Wellness staff provide classes on prevention, harm reduction, health risks, and dependency, as well as resources for support and treatment. Additionally, Counseling and Psychological Services integrates substance misuse prevention within their mental health, suicide prevention, and wellness programming. In addition to educational programming, the University offers early intervention, treatment, and counseling services for students with substance use-related concerns. Health education staff in Student Wellness provide substance misuse screening and intervention. Students can also access clinical support through Student Health Services and Counseling and Psychological Services, which provide assessment, screening, treatment, and referrals to off-campus treatment options for those needing more intensive care. Additional information about prevention, education, training, and intervention resources can be found at <https://www.montana.edu/wellness/health-ed-and-promotion/preventioneducation.html>.

Outreach and Prevention

Thriving Together

Thriving Together is a mandatory online training for all incoming students designed to help build a campus culture of safety and wellbeing, and to help students thrive in their new campus community. The training includes nine modules related to health, safety, and overall wellbeing. One of these modules focuses on substance misuse, covering topics such as recognizing the signs of intoxication, misuse, dependency, and bystander intervention. Additional information about Thriving Together can be found at <https://www.montana.edu/wellness/health-ed-and-promotion/thriving-together.html> or call the Student Wellness office at 406-994-4380.

STEP: Substance Use Training, Education, and Prevention

STEP is a two-hour course offered by Student Wellness that primarily focuses on alcohol and cannabis, including how alcohol is processed in the body, effects of alcohol and cannabis use on physical/mental health and academic success, relevant Montana laws and MSU policies, harm reduction strategies, and what to do in an emergency. The class introduces students to basic information on substance use to inform their decision making. The class is interactive and informative. Students can learn more by visiting <https://www.montana.edu/wellness/health-ed-and-promotion/step-page.html> or reaching out to the coordinators at aodeducation@montana.edu.

Narcan Training:

Student Wellness has staff members certified to provide Narcan training. The free classes, offered multiple times throughout the academic year, teach participants on the signs and symptoms of an opioid overdose as well as how to administer Narcan/naloxone, an opioid reversal intervention. Students can sign up for classes on the Student Wellness Center website or email aodeducation@montana.edu.

Individual Assessment:

Individual screening and assessment of alcohol and cannabis use is provided by Student Wellness. Brief Alcohol Screening and Intervention for College Students (BASICS) is a tool to help students explore their alcohol use and how they are balancing their school, social, and health needs, how their drinking habits compare to other students, explore if they might want to reduce or change their alcohol consumption habits, or might be worried about their alcohol use or have a family history of alcohol dependence. It is an evidence-based tool that is used on college campuses across the country. It helps students gain personal insights while also respecting personal choice. Individual Cannabis Health and Motivation Program (iCHAMP) offers a similar assessment process for students interested in exploring their cannabis use. It helps students understand their usage, learn risk factors, and provides personalized feedback. Both BASICS and iCHAMP include an individual meeting with a professional staff member to develop personal goals and strategies based on their results.

Campus Recreation:

Campus Recreation provides students with opportunities to engage in substance-free programming and facilities to incorporate physical activity as an avenue of wellbeing. This includes access to the gym (rec center, climbing wall, classes), as well as Intramural Sports, outdoor programming and excursions, outdoor equipment, and various events and programs throughout the year and summer.

Clinical Services

Counseling and Psychological Services (CAPS)

Free and confidential counseling services for students are available through MSU's Counseling and Psychological Services. Individual and group counseling is available for students whose lives have been impacted by their own or someone else's substance use or abuse. The professional clinical staff receive training in college student substance use and misuse.

Counseling services include:

- Conducting individual and group counseling for drug or substance use problems.
- Providing consultation, information, and referral for students with substance use problems.
- Designing and developing referral opportunities for students who need or want services in the community.

[Counseling and Psychological Services](#) is in the Student Wellness Center, 3rd Floor, 950 W Grant Street, 406-994-4531.

Student Health Services (SHS)

SHS provides medical support, assessment and, referral assistance for students with substance use disorders. Often combined with counseling at CAPS, SHS clinicians can provide additional medical support such as medication to help stop nicotine use, or those that support substance use cessation, anxiety, depression, or withdrawal symptoms. Primary care providers also have access to psychiatric consultation with a Psychiatrist and Psychiatric Nurse Practitioner to assist with patients with more complex needs.

Pharmacy

The on-campus Pharmacy provides easy access for students to fill prescriptions. Additionally, they carry many over-the-counter medications, including nicotine gum for smoking/tobacco cessation. Pharmacy works with Student Wellness to provide Nicotine Quit Kits that include a voucher for free nicotine gum. The Pharmacy also assists with providing Narcan to the Narcan Training program, as well as to students who request it for purchase. To aid in overdose and suicide prevention, there is a take-back drop box so MSU folks can drop off old or outdated medication.

For Employees

Employee Assistance Program

Human Resources provides employees and household members with access to confidential advice, support, and practical solutions to real-life issues such as those associated with Drug and Alcohol use and abuse through the Employee Assistance Program (EAP). The EAP offers a 24-hour Crisis Help line, in-person counseling, and access to online consultations with licensed counselors. The EAP can be accessed at allonehealth.com or at <https://choices.mus.edu/eap-work-life.html> with company code MUS or by contacting Human Resources directly.

Health Insurance Plan

Employees and any dependents who are covered by the MUS health insurance plan can also refer to their Health Insurance provider or the CHOICES enrollment book for health care benefits that cover inpatient and outpatient services for chemical dependency.

Human Resources

Human Resources and the Human Resources Business Partners are available to assist supervisors with employee issues related to suspected alcohol or drug use of employees and can assist in upholding the expectations and requirements outlined in the policy while maintaining compliance with any relevant collective bargaining agreement.

Disciplinary Sanctions for Students or Employees for Violations of Standards of Conduct

Montana State University is an environment where unlawful possession, consumption, use or distribution of illicit drugs and alcohol by students and employees on campus property is prohibited.

Individuals who violate the University policy, city or state laws are subject to disciplinary action. MSU students will face disciplinary sanctions under the Code of Student Conduct. MSU employees will face disciplinary action under personnel policies or applicable collective bargaining agreement.

Groups displaying unreasonable and irresponsible conduct or violating this University Alcohol/ Other Drugs policy will jeopardize continuance of the University-recognized or supported event and access to university services and facilities.

Individuals may also be subject to criminal prosecution. Criminal sanctions, regardless of status, may include jail, probation, mandatory counseling and/or education, fines, and suspension or revocation of driving privileges.

Students

If a student accepts responsibility through an administrative agreement or is found responsible through a formal hearing for additional violations stemming from the same incident involving alcohol or drugs, other sanctions may be proposed or applied. Specifically, if disruption accompanies alcohol or drug cases, additional sanctions may be discussed/proposed. These can include conduct suspension, conduct probation, student housing removal, student housing relocation, student housing probation, community service, educational assignments, etc. Or if

disruption related to the smell of alcohol and/or drugs in the residence halls is the sole violation, any or all of the same sanctions may apply.

When considering outcomes for alcohol or drug violations, all cases are contextualized. For instance, not all violations are resolved exactly the same way. There are obvious variables that could impact the outcomes listed below, including level of intoxication, the intoxicant, etc.

If you have been cited or arrested for an alcohol or drug-related law violation, the conduct officer may allow court-ordered sanctions to substitute for university sanctions. This is especially relevant to alcohol and drug education classes and community service.

- Recommended Sanctions for a **first violation** of an alcohol or drug policy are a University Warning and the completion of an Alcohol/Drug Education course.
- Recommended Sanctions for a **second violation** are conduct probation/residence hall probation or relocation and/or an additional level of Alcohol or Drug Education.
- Recommended Sanctions for a **third violation** are conduct suspension, housing removal and/or additional Alcohol or Drug Education, including a substance abuse assessment.

For more information, visit: [Alcohol and Drug Policies - Office of the Dean of Students | Montana State University](#)

Employees

Compliance with this policy is a condition of continued employment and violations of this policy will result in disciplinary action, up to and including, termination of employment in accordance with any applicable collective bargaining agreement. An employee may be required to successfully complete a drug/alcohol abuse rehabilitation program before returning to work if termination of employment does not occur [Alcohol, Drugs, and Tobacco Policy](#).

Montana State University Medical Amnesty Policy for Students

Montana State University recognizes that certain barriers may exist that would prevent students from seeking medical assistance for themselves or others when someone's health and/or safety is at risk due to alcohol and/or drug use, or where other health issues arise where alcohol or drugs are being used. Therefore, to ensure that students receive prompt and appropriate attention for urgent medical situations, and to ensure there are no impediments to seeking such assistance, Montana State University implemented the Medical Amnesty policy.

To promote the safety, health, and wellbeing of students at Montana State University, the University expects its students and organizations to immediately contact university staff, emergency medical services or law enforcement when they have reason to believe a fellow

student is too impaired/intoxicated from alcohol/drug use to seek competent professional medical help on their own, or otherwise in need of urgent medical attention. Students should act immediately and not wait for any conditions to worsen when the health and safety of someone is at risk. The full text of the policy can be found here: [Medical Amnesty Policy](#).