

# ALCOHOL AND DRUG INFORMATION

## TOWARD FREEDOM FROM SUBSTANCE ABUSE

# 2021-2022



### About this document

This 2021-2022 publication is provided by Human Resources.

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## Help available to employees on all campuses for dependency-related problems

The hard task of winning against alcohol or drug dependency calls for supportive, confidential help.

On the West Lafayette campus, Employee Assistance, located at the Center for Healthy Living, offers that help to faculty and staff and their families who experience hardships because of substance abuse and addiction. The stereotyped picture of the alcoholic as a drunken, skid-row bum is a myth. Alcoholism affects all socio-economic groups.

Alcoholism may be defined as a disease, an addiction or dependency, but the symptoms are the same:

- an overwhelming desire to drink.
- ever-increasing tolerance for alcohol.
- personality changes caused by drinking.
- impaired judgment due to drinking.
- concealed drinking.
- emotional and/or physical isolation from friends and family.
- difficulty in daily functioning.
- physical problems.
- blackouts from drinking.

Changes in patterns of behavior are also associated with alcoholism, such as changes in work attendance, quality of work and work

output; unusual flare-ups or outbreaks of temper; withdrawal from responsibility; general changes in overall attitude; and deterioration of physical appearance and grooming. These changes affect co-workers, as well as family members. Anyone who picks up the slack in the workplace unknowingly becomes involved with the disease.

Recovery is possible at any age. Individual consultations are provided in the strictest of confidence.

Other services for substance abuse include:

- Assessment and evaluation.
- Referral to outpatient services.
- Services to families.
- With employee consent, consultation with supervisors.
- Assistance with questions about insurance coverage.

Information about public and private treatment programs. Faculty or staff members who believe they may have a substance abuse problem can call Employee Assistance voluntarily. Referral also can be initiated by a supervisor, family member or co-worker.

The West Lafayette Employee Assistance office at 1400 West State Street, Building B, Suite C, is accessible to people with disabilities. Phone: 765-494-0111.

Employees at the Purdue's regional campuses can utilize their respective campus employee assistance programs:

Purdue Northwest  
(Hammond and Westville campuses)  
New Avenues EAP  
800-731-6501  
Hours: Monday-Thursday 8 a.m. - 4:30 p.m.

Purdue Fort Wayne  
Bowen Center  
800-342-5653  
260-471-3500  
EAP hours are available 24 hours a day, seven days a week

### Resources for recovery

- Alcoholics Anonymous:  
[www.aa.org](http://www.aa.org)
- Al-Anon Family Groups:  
[www.al-anon.org](http://www.al-anon.org)
- Narcotics Anonymous:  
[www.na.org](http://www.na.org)
- Nar-Anon Family Groups:  
[www.nar-anon.org](http://www.nar-anon.org)

## Comprehensive Purdue policy addresses conduct, testing, grievances

*On June 12, 1998, the University distributed Executive Memorandum No. C-44, the revised Alcohol- and Drug-Free Campus and Workplace Policy. This policy became effective on July 27, 1998, and is reprinted below in its entirety.*

This policy supersedes any prior oral or written policy of the University including, but not limited to, the Interim Drug Abuse Policy issued February 28, 1989; the Alcohol and Drug-Free Campus and Workplace Policies, effective September 1, 1990; and the Interim

Policy for Drug and Alcohol Testing of Commercial Motor Vehicle Operators, effective January 1, 1995. The provisions of this policy are intended to comply with applicable local, state, and federal law including, but not limited to, the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989, the United States Constitution, the Indiana Constitution, and the Americans With Disabilities Act of 1990. This policy is subject to change at the sole discretion of the University.



### I. General Policy Statement

Purdue University is committed to providing students, faculty, staff, and visitors a safe and healthful campus and workplace. The University recognizes the health risks associated with controlled substance use and alcohol misuse and is committed to supporting students and employees who seek treatment for these conditions. The University also recognizes that controlled substance use and alcohol misuse diminish workplace and campus safety and undermine the University's

ability to fulfill its missions of education, research, and service. The University has therefore developed this Alcohol- and Drug-Free Campus and Workplace Policy. Compliance with this policy is considered a condition of employment and attendance at the University. All employees and students will be notified of this policy by publication.

### II. Scope

This policy applies to all students, employees, and invitees as defined in Section III below,

### Alcohol- and Drug-Free Campus and Workplace Policy: Workplace Inspection Notice

The following notice is posted in keeping with the policy in the accompanying article:

Purdue University reserves the right to inspect the workplace for alcohol, controlled substances, or paraphernalia relating to alcohol or controlled substances and to question any employee when the University reasonably suspects that its Alcohol- and Drug-Free Campus and Workplace Policy or any procedure under that policy has been violated.

For more information, refer to Executive Memorandum No. C-44, effective July 27, 1998. Please contact human resources if you have questions. West Lafayette: (765) 494-1679. Purdue Northwest: (219) 989-2251. Fort Wayne: (260) 481-6840.

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except those regulated under federal or state drug laws to the extent that this policy conflicts with such laws.

**III. Definitions**

*Alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

*Controlled substances (or “drugs”)* refers to any drug or substance whose use is legally prohibited including, but not limited to, marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamines).

*Employee(s)* means faculty, staff, or student employees.

*Invitee(s)* means any person authorized by the University to engage in University-related activities on University premises including, but not limited to, independent contractors, consultants, volunteers,

individuals employed by outside employment agencies, conference attendees, and persons taking or auditing educational programs. *Student(s)* means any person taking one or more classes for academic credit.

*University premises* means any building, structure, vehicle, improved land, or unimproved land, in whole or part, which is owned, used, or occupied by the University.

*Workplace* means any University premise or other location where an employee is engaged in University business.



**IV. Prohibited Conduct**

The following conduct is prohibited:

**A. Alcohol.** Using, selling, manufacturing, distributing, possessing, storing, or dispensing alcohol on University premises, as part of any University-related activity, or in the workplace, except as authorized under University Regulations or otherwise by the University.

**B. Controlled Substances.** Using, selling, manufacturing, distributing, possessing, storing, or dispensing controlled substances on University premises, as part of any University-related activities, or in the workplace, except as authorized under University Regulations or otherwise by the University.

**C. Employee Treatment Programs.** Failing to meet the requirements of a drug or alcohol treatment program that the University requires an employee to complete as a condition of employment.

**D. Workplace Inspection.** Interfering with a workplace inspection under this policy.

**E. Impaired Job Performance or Attendance.** Alcohol misuse or controlled substance use, even though not during working hours or in the workplace, which impairs job performance or attendance.

**F. Testing Procedures.** Failing any drug or alcohol test or engaging in any other conduct prohibited under the University’s drug or alcohol testing procedures.

**G. Prescription Drug Use.**

1. Being under the influence of legally prescribed drugs in the workplace that prevent an individual from performing the essential functions of his or her job or where that individual poses a direct threat while using those drugs.
2. Inquiries regarding prescription drug use by employees are governed by the Americans With Disabilities Act of 1990, and therefore should be made only as authorized by the Department of Personnel Services.

**H. Other Misconduct.** Any other conduct that the University determines to be inconsistent with providing a drug-free and alcohol-free campus and workplace.

**V. Consequences of Engaging in Prohibited Conduct**

**A. Factors Relevant to Sanction or Corrective Action.** The University will evaluate violations of this policy on a case-by-case basis. In determining the appropriate sanction or corrective action, the University may consider an individual’s work or academic record, the seriousness of the violation, the safety-sensitivity of the individual’s position, whether the individual’s behavior violated the University’s Violence in the Workplace Policy, whether a sanction or corrective action is permissible under law including, without limitation, The Americans With Disabilities Act of 1990, and any other relevant factors.

**Physical damage of alcohol can be severe**

Alcohol, a central nervous system depressant, generally is the first mood-altering drug with which people experiment.

Alcohol is involved in about 65 percent of homicides, 30 percent of suicides, 65 percent of sexual acts against children and 55 percent of domestic disturbances.

Here are some facts about the physical effects and damage of alcohol use:

Symptoms of alcohol use include:

- Slurring or slowing of speech.
- Poor balance.
- Odor of alcohol on breath.
- Effects of acute alcohol use include:
  - Impaired driving skills.
  - Impaired coordination.
  - Impaired judgment and vision.

Withdrawal symptoms that can occur after prolonged drinking include:

- Anxiety.
- Nausea and vomiting.
- Sweating and cramps.
- Severe tremors, convulsions.
- Hallucinations.
- Coma.

Health risks associated with long-term abuse of alcohol include:

- Permanent liver damage.
- Nutritional deficiency from loss of appetite.
- Peripheral nerve damage; numbness in the extremities.
- Stomach and intestinal ulcers.
- Pancreatitis.
- Damage to brain cells and memory impairment.
- Increased risk of heart problems.
- Physical dependence.
- For pregnant women, abuse of alcohol endangers mother and unborn child.

Alcohol abuse during pregnancy causes the risk of birth defects (fetal alcohol syndrome).

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**B. Employee.** Any employee who engages in prohibited conduct may be:

1. Immediately removed from duty.
2. Referred to the Employee Assistance Program.
3. Required to complete successfully an alcohol or drug abuse treatment program as a condition of employment.
4. Reported to authorities for criminal prosecution or other appropriate action.
5. Disciplined, up to and including termination of employment.
6. Subject to any other appropriate action by the University.

**C. Invitee.** Any invitee who engages in prohibited conduct may be barred from further work for the University or from participating in other University-related activities as may be permitted by law. Further, they may be reported to authorities for criminal prosecution or other appropriate action.

**D. Student.** Any student who engages in prohibited conduct may be:

1. Referred to appropriate University personnel for assistance.
2. Required to complete successfully a drug or alcohol abuse treatment program as a condition of University attendance.
3. Reported to authorities for criminal prosecution or other appropriate action.

4. Subject to disciplinary penalties under University Regulations.

5. Subject to any other appropriate action by the University.

## VI. Workplace Inspections

**A.** The University reserves the right to inspect the workplace for alcohol, controlled substances, or paraphernalia relating to alcohol or controlled substances and to question any employee when it reasonably suspects that this policy or any procedure under this policy has been violated.

**B.** The University will prominently post the following notice in conspicuous places in the workplace: Purdue University reserves the right to inspect the workplace for alcohol, controlled substances, or paraphernalia relating to alcohol or controlled substances and to question any employee when the University reasonably suspects that its Alcohol- and Drug-Free Campus and Workplace Policy or any procedure under that policy has been violated.

**C.** The decision to conduct a workplace inspection should be made jointly by the supervisor who believes the inspection would be appropriate under this policy and a representative of his or her campus personnel department. In all cases, the director of personnel services for the campus or his or her designee must authorize a workplace inspection.

**D.** This section of the policy does not limit in any way the Purdue University Police Department's right to conduct law enforcement activities including, but not limited to, questioning or searching any person or inspecting any University premises.

## VII. Controlled Substance and Alcohol Testing

**A. Commercial Motor Vehicle Drivers.** Persons employed as commercial motor vehicle operators who are governed by Department of Transportation regulations are subject to drug and alcohol testing under procedures developed by the Department of Personnel Services.

**B. Defense Contracts.** Department of Defense regulations require the University to establish programs to test employees and final applicants for illegal drug use if they will work in sensitive positions on Defense Department contracts. The University will determine appropriate tests based on the nature of the work being performed, the employee's duties, the efficient use of University resources, and the risks to public health and safety and national security that could result if the employee fails to perform the duties of the position adequately.

**C. Intercollegiate Athletics.** Student athletes who participate in intercollegiate sports will be subject to drug and alcohol testing under National Collegiate Athletic Association regulations in testing programs developed by the University's Department of Intercollegiate Athletics.

**D. Employee Reasonable Suspicion Drug and Alcohol Testing.** All employees of the University may be subject to reasonable suspicion drug and alcohol testing under procedures developed by the Department of Personnel Services and approved by the president of the University or his or her designee. These procedures must, at a minimum, provide that the decision to conduct reasonable suspicion testing will be made

jointly by a supervisor who believes reasonable suspicion exists and a representative of his or her human resource service team. Further, in all cases, reasonable suspicion testing must be authorized by an appropriate University employee or other individual designated by the University who has been trained to recognize physical or behavioral symptoms commonly attributed to the use of drugs or alcohol.

**E. Public Safety Employees.** Employees performing public safety duties may be subject to drug and alcohol testing procedures as authorized by the president of the University or his or her designee. This testing may include, but is not limited to, pre-employment testing, post-accident testing, return-to-duty testing, and follow-up testing.

## VIII. Employee Self-Referral, Employee Assistance Program

**A. Self-Referral.** Employees with alcohol or drug problems are strongly encouraged to voluntarily contact their family physicians or the University's Employee Assistance Program for assistance. Employees may seek help without their supervisor's knowledge. Although voluntarily seeking assistance will not bar the University from treating the employee like other employees under this policy, the University will consider voluntary requests for help in determining any discipline to be imposed. The University will not assume any financial or other responsibility for drug or alcohol treatment except as may be provided by University benefits.

**B. Employee Assistance Program.** The University's Employee Assistance Program offers free, confidential services to employees with alcohol or drug problems, including:

1. Information about the dangers of alcohol and drug use and the University's Alcohol- and Drug-Free Campus and Workplace Policy;

## Rates of alcohol use carry important effects

According to the National Institute on Alcoholism and Alcohol Abuse, a person who averages two or more drinks a day over a year might be considered a heavy drinker.

Such drinkers, about 12 percent of the population, consume about 65 percent of all alcoholic beverages.

These drinkers have abnormally high risk of many health problems, including alcoholism; infection with sexually transmitted diseases, including AIDS; overdose; unexpected effects of combining alcohol and other drugs, whether street drugs or prescription drugs; damage to unborn child; and injury or death during operation of a vehicle or other machine.

A healthy liver can metabolize the amount of alcohol found in a normal alcoholic beverage, such as a bottle of beer, in just over an hour.

If you drink two or three beers an hour for three or four hours, you would have consumed at least six to eight doses of the drug alcohol. Based on the liver's normal rate of elimination, it would take at least five to six hours for the alcohol to be eliminated from your body.

Getting the alcohol out is what allows you to become sober. In other words, only time can make you sober.

2. Assessment and evaluation;
3. Referral to and information regarding public and private treatment programs;
4. Services to families of employees with drug or alcohol problems; and
5. Assistance with questions concerning insurance coverage.

calendar days after receiving notice of the conviction from the employee or otherwise receiving actual notice of the conviction.

#### **X. Grievance Procedures**

Any student or employee with a complaint relating to the application of this policy may seek redress through applicable University grievance policies and procedures. However, employee complaints challenging drug or alcohol test results must be resolved in accordance with the applicable testing procedure.

#### **XI. Confidentiality**

The University will take reasonable measures to ensure individual privacy under this policy including, but not limited to, keeping all drug and alcohol test results confidential to the maximum extent possible.

#### **IX. Federal Contract or Grant Employees**

Under the Drug-Free Workplace Act of 1988 and the Federal Acquisition Regulations System, in addition to the other requirements of this policy, an employee engaged in the performance of (1) a federal agency contract for procurement of property or services valued at \$25,000 or more, or (2) a federal agency grant will notify his or her supervisor or department head if he or she is convicted under a criminal drug statute for conduct in the workplace no later than five calendar days after the conviction. The University will notify the federal contracting or granting agency within 10

#### **XII. Administrative Responsibility**

Campus personnel departments will share responsibility for administering this policy and its associated procedures as they relate to employees and invitees. The Office of the Dean of Students will administer policy and procedures related to students. Intercollegiate Athletics will be responsible for policy and associated procedures described in Section VII, paragraph C.

Federal Trafficking Penalties (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<p><b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	Cocaine 5 kilograms or more mixture	<p><b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p><b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
II	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture	PCP 100 grams or more pure or 1 kilogram or more mixture		

Federal Trafficking Penalties — Marijuana			
Quantity	Description	First Offense	Second Offense
1,000 kg or more; or 1,000 or more plants	<b>Marijuana</b>	Not less than 10 years, not more than life. If death or serious injury, not less than 20 years, not more than life. Fine not more than \$10 million individual, \$50 million other than individual.	Not less than 20 years, not more than life. If death or serious injury, life imprisonment. Fine not more than \$20 million individual, \$75million other than individual.
100 kg to 999 kg; or 100-999 plants	<b>Marijuana</b>	Not less than 5 years, not more than 40 years. If death or serious injury, not less than 20 years, not more than life. Fine not more than \$5 million individual, \$25 million other than individual.	Not less than 10 years, not more than life. If death or serious injury, life imprisonment. Fine not more than \$8 million individual, \$50 million other than individual.
50 to 99 kg; or 50 to 99 plants	<b>Marijuana</b>	Not more than 20 years. If death or serious injury, not less than 20 years, not more than life. Fine \$1 million individual, \$5 million other than individual.	Not more than 30 years. If death or serious injury, life imprisonment. Fine \$2 million individual, \$10 million other than individual.
More than 10 kg	<b>Hashish</b>		
More than 1 kg	<b>Hashish Oil</b>		
Less than 50 kg	<b>Marijuana</b>	Not more than 5 years. Fine not more than \$250,000 individual, \$1 million other than individual	Not more than 10 years. Fine \$500,000 individual, \$2 million other than individual.
Less than 10 kg	<b>Hashish</b>		
Less than 1 kg	<b>Hashish Oil</b>		

# Problems with law can affect all parts of life

Anyone who is engaged in the abusive or illegal use of alcohol or controlled substances faces the risk of being arrested and charged with violating state or federal laws. Even if no conviction results, the situation can be inconvenient, embarrassing and costly. Should you be convicted for even a minor violation, the impact on your life can be devastating.

The consequences include:

- Loss of employment.
- Loss of driving privileges.
- Loss or delay of educational opportunities.
- Loss or reduction of income or savings as a result of legal representation and payment of fines and fees imposed by the court.
- Loss of personal freedom through imprisonment.

The following is a summary of federal and Indiana laws in relation to the unlawful manufacture, distribution, sale, use or possession of alcohol or controlled substances. This summary is not all-inclusive. The state legislature regularly adds new laws and amends present laws.

## Definitions

**Infractions** are punishable by a fine.

**Misdemeanor offenses** are punishable by imprisonment for a maximum of one year and a fine.

**Felony offenses** are punishable by imprisonment for more than a year and a fine.

## Links to and Indiana Codes for Alcohol Offenses

Link to alcohol offenses in Indiana:

<http://iga.in.gov/legislative/laws/2019/ic/titles/009#9-30-5>

### IC 7.1-5-1-3 Public intoxication prohibited; failure to enforce by a law enforcement officer

#### Sec. 3.

a. Subject to section 6.5 of this chapter, it is a Class B misdemeanor for a person to be in a public place or a place of public resort in a state of intoxication caused by the person's use of alcohol or a controlled substance (as defined in [IC 35-48-1-9](#)), if the person:

1. endangers the person's life;
2. endangers the life of another person;

3. breaches the peace or is in imminent danger of breaching the peace; or

4. harasses, annoys, or alarms another person.

b. A person may not initiate or maintain an action against a law enforcement officer based on the officer's failure to enforce this section.

<http://iga.in.gov/legislative/laws/2019/ic/titles/7.1#7.1-5-7>

### IC 35-46-1-8 Contributing to the delinquency of a minor

#### Sec. 8.

a. A person at least eighteen (18) years of age who knowingly or intentionally encourages, aids, induces, or causes a child to commit an act of delinquency (as defined by IC 31-37-1 or IC 31-37-2) commits contributing to delinquency, a Class A misdemeanor, except as provided in subsections (b) through (e).

b. If the delinquent act described in subsection (a) would be a felony if committed by an adult, the offense described in subsection (a) is a felony of the same level as the delinquent act would be if committed by an adult.

c. The offense described in subsection (a) is a Level 5 felony if:

(1) the person committing the offense is at least twenty-one (21) years of age and knowingly or intentionally furnishes:

- (A) an alcoholic beverage to a child in violation of IC 7.1-5-7-8 when the person committing the offense knew or reasonably should have known that the person furnished the alcoholic beverage was a child; or
- (B) a controlled substance (as defined in IC 35-48-1-9) or a drug (as defined in IC 9-13-2-49.1) in violation of Indiana law; and

(2) the consumption, ingestion, or use of the alcoholic beverage, controlled substance, or drug is the proximate cause of the death of any person.

d. Except as provided in subsection (c), the offense described in subsection (a) is a Level 6 felony if:

(1) the person committing the offense is at least twenty-one (21) years of age;

(2) the child who commits the delinquent act is less than sixteen (16) years of age; and

(3) the act would be a misdemeanor if committed by an adult.

e. If the person who commits the offense described in subsection (a) is at least twenty-one (21) years of age, and the child who commits the delinquent act is less than sixteen (16) years of age, the offense is:

(1) a Level 5 felony if the delinquent act would be a Level 6 felony if committed by an adult;

(2) a Level 4 felony if the delinquent act would be a Level 5 felony if committed by an adult;

(3) a Level 3 felony if the delinquent act would be a Level 4 felony if committed by an adult;

(4) a Level 2 felony if the delinquent act would be a Level 3 felony if committed by an adult;

(5) a Level 1 felony if the delinquent act would be a Level 1 or 2 felony if committed by an adult; or

(6) punishable under [IC 35-50-2-3\(a\)](#) (penalty for murder) if the delinquent act would be murder if committed by an adult.

## Links to and Indiana Codes for Drug Offenses

### IC 9-30-5-1 Class C misdemeanor; defense

#### Sec. 1.

a. A person who operates a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol per:

(1) one hundred (100) milliliters of the person's blood; or

(2) two hundred ten (210) liters of the person's breath; commits a Class C misdemeanor.

b. A person who operates a vehicle with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

(1) one hundred (100) milliliters of the person's blood; or

(2) two hundred ten (210) liters of the person's breath; commits a Class A misdemeanor.

c. A person who operates a vehicle with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body commits a Class C misdemeanor.

d. It is a defense to subsection (c) that the accused person consumed the controlled substance in accordance with a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

### IC 9-30-5-2 Class A misdemeanor

#### Sec. 2.

a. Except as provided in subsection (b), a person who operates a vehicle while intoxicated commits a Class C misdemeanor.

b. An offense described in subsection (a) is a Class A misdemeanor if the person operates a vehicle in a manner that endangers a person.

### IC 9-30-5-3 Penalties; prior offenses; passenger less than 18 years of age

#### Sec. 3.

a. Except as provided in subsection (b), a person who violates section 1 or 2 of this chapter commits a Level 6 felony if:

(1) the person has a previous conviction of operating while intoxicated that occurred within the seven (7) years immediately preceding the occurrence of the violation of section 1 or 2 of this chapter; or

(2) the person:

- (a) is at least twenty-one (21) years of age;
- (b) violates section 1(b) or 2(b) of this chapter; and

(c) operated a vehicle in which at least one (1) passenger was less than eighteen (18) years of age.

**b.** A person who violates section 1 or 2 of this chapter or subsection (a) (2) commits a Level 5 felony if:

(1) the person has a previous conviction of operating while intoxicated causing death or catastrophic injury (IC 9-30-5-5); or

(2) the person has a previous conviction of operating while intoxicated causing serious bodily injury (IC 9-30-5-4).

#### **IC 9-30-5-4 Classification of offense; serious bodily injury**

##### **Sec. 4.**

**a.** A person who causes serious bodily injury to another person when operating a vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood; or

(3) while intoxicated; commits a Level 5 felony. However, the offense is a Level 4 felony if the person has a previous conviction of operating while intoxicated within the five (5) years preceding the commission of the offense.

**b.** A person who violates subsection (a) commits a separate offense for each person whose serious bodily injury is caused by the violation of subsection (a).

**c.** It is a defense under subsection (a)(2) that the accused person consumed the controlled substance in accordance with a valid prescription or order of a practitioner (as defined in [IC 35-48-1](#)) who acted in the course of the practitioner's professional practice.

#### **IC 9-30-5-5 Penalties; death or catastrophic injury; death of a law enforcement animal**

##### **Sec. 5.**

**a.** A person who causes the death or catastrophic injury of another person when operating a vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(a) one hundred (100) milliliters of the person's blood; or

(b) two hundred ten (210) liters of the person's breath;

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood; or

(3) while intoxicated; commits a Level 4 felony.

**b.** A person who causes the death of a law enforcement animal (as defined in IC 35-46-3-4.5) when operating a vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(a) one hundred (100) milliliters of the person's blood; or

(b) two hundred ten (210) liters of the person's breath; or

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood; commits a Level 6 felony.

**c.** A person who commits an offense under subsection (a) or (b) commits a separate offense for each person or law enforcement animal whose death (or catastrophic injury, in the case of a person) is caused by the violation of subsection (a) or (b).

**d.** It is a defense under subsection (a) or (b) that the person accused of causing the death or catastrophic injury of another person or the death of a law enforcement animal when operating a vehicle with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood consumed the controlled substance in accordance with a valid prescription or order of a

practitioner (as defined in [IC 35-48-1](#)) who acted in the course of the practitioner's professional practice.

#### **IC 16-42-19-13 Possession or use of legend drug or precursor**

##### **Sec. 13.**

A person may not possess or use a legend drug or a precursor unless the person obtains the drug:

(1) on the prescription or drug order of a practitioner;

(2) in accordance with section 11(2) or 21 of this chapter; or

(3) in accordance with rules adopted by the board of pharmacy under IC 25-26-23.

#### **IC 16-42-19-19 Anabolic steroids**

##### **Sec. 19.**

Except as provided in section 21 of this chapter, a person may not possess or use an anabolic steroid without a valid prescription or drug order issued by a practitioner acting in the usual course of the practitioner's professional practice.

#### **IC 35-46-1-8 Contributing to the delinquency of a minor**

##### **Sec. 8.**

**a.** A person at least eighteen (18) years of age who knowingly or intentionally encourages, aids, induces, or causes a child to commit an act of delinquency (as defined by [IC 31-37-1](#) or [IC 31-37-2](#)) commits contributing to delinquency, a Class A misdemeanor, except as provided in subsections (b) through (e).

**b.** If the delinquent act described in subsection (a) would be a felony if committed by an adult, the offense described in subsection (a) is a felony of the same level as the delinquent act would be if committed by an adult.

**c.** The offense described in subsection (a) is a Level 5 felony if:

(1) the person committing the offense is at least twenty-one (21) years of age and knowingly or intentionally furnishes:

(A) an alcoholic beverage to a child in violation of IC 7.1-5-7-8 when the person committing the offense knew or reasonably should have known that the

person furnished the alcoholic beverage was a child; or

(B) a controlled substance (as defined in IC 35-48-1-9) or a drug (as defined in IC 9-13-2-49.1) in violation of Indiana law; and

(2) the consumption, ingestion, or use of the alcoholic beverage, controlled substance, or drug is the proximate cause of the death of any person.

**d.** Except as provided in subsection (c), the offense described in subsection (a) is a Level 6 felony if:

(1) the person committing the offense is at least twenty-one (21) years of age;

(2) the child who commits the delinquent act is less than sixteen (16) years of age; and

(3) the act would be a misdemeanor if committed by an adult.

**e.** If the person who commits the offense described in subsection (a) is at least twenty-one (21) years of age, and the child who commits the delinquent act is less than sixteen (16) years of age, the offense is:

(1) a Level 5 felony if the delinquent act would be a Level 6 felony if committed by an adult;

(2) a Level 4 felony if the delinquent act would be a Level 5 felony if committed by an adult;

(3) a Level 3 felony if the delinquent act would be a Level 4 felony if committed by an adult;

(4) a Level 2 felony if the delinquent act would be a Level 3 felony if committed by an adult;

(5) a Level 1 felony if the delinquent act would be a Level 1 or 2 felony if committed by an adult; or

(6) punishable under [IC 35-50-2-3\(A\)](#) (penalty for murder) if the delinquent act would be murder if committed by an adult.

**Link to alcohol offenses in Indiana:**

<http://iga.in.gov/legislative/laws/2019/ic/titles/035#35-48>



## Information about drugs reveals dangers of abusing substances

Drug Type	Dependence	Possible Effects	Effects of Overdose	Withdrawal Syndrome
<b>Alcohol</b>	High	Impaired memory, slurred speech, drunken behavior, slow onset vitamin deficiency, organ damage	Vomiting, respiratory depression, loss of consciousness, possible death	Trembling, anxiety, insomnia, vitamin deficiency, confusion, hallucinations, convulsions
<b>Cannabis</b> (e.g. marijuana, marijuana concentrates, hashish, hashish oil)	Moderate	Euphoria, relaxed inhibitions, increased appetite, disorientation	Fatigue, paranoia, possible psychosis	Insomnia, hyperactivity, decreased appetite
<b>Narcotics</b> (e.g. heroin, morphine, codeine, oxycodone, hydrocodone, fentanyl)	High	Euphoria, drowsiness, respiratory depression, constricted pupils, nausea	Slow and shallow breathing, clammy skin, convulsions, coma, possible death	Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating
<b>Depressants</b> (e.g. GHB, Roofies, Xanax, other benzodiazepines, barbiturates)	Moderate	Slurred speech, disorientation, drunken behavior without odor of alcohol, impaired memory of events, interacts with alcohol	Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death	Anxiety, insomnia, tremors, delirium, convulsions, possible death
<b>Stimulants</b> (e.g. cocaine, amphetamine, methamphetamine, methylphenidate)	High	Increased alertness, excitation, euphoria, increased pulse rate and blood pressure, insomnia, loss of appetite	Agitation, increased body temperature, hallucinations, convulsions, possible death	Apathy, long periods of sleep, irritability, depression, disorientation
<b>Hallucinogens</b> (e.g. LSD, PCP, ecstasy, ketamine, peyote, mushrooms)	Moderate - High	Heightened senses, teeth grinding, dehydration, illusions and hallucinations, altered perception of time and distance	Increased body temperature, electrolyte imbalance, cardiac arrest, unable direct movement, feel pain, or remember	Muscle aches, drowsiness, depression, acne
<b>Designer Drugs</b> Synthetic cathinones (e.g. bath salt)	Unknown	Similar to cocaine, methamphetamine, and MDMA (ecstasy)	Rapid heartbeat, hypertension, hyperthermia, teeth grinding, sweating, headaches, seizures, paranoia, hallucinations, delusions, possible death	Apathy, long periods of sleep, irritability, depression, disorientation
<b>Designer Drugs</b> Synthetic cannabinoids (e.g. K2, spice)	Unknown	Similar to marijuana, THC	Paranoia, psychosis, agitation, hallucinations, possible death from heart attack or kidney failure	Similar to cannabis
<b>Designer Drugs</b> Synthetic opioids, narcotics	High	Euphoria, visual and auditory hallucinations	Over-excitability, lethargy, loss of coordination, slurred speech, sweating, hypertension, involuntary spasmodic movement of the eyeballs, possible death, especially when taken with antidepressants, alcohol	Unknown
<b>Other Drugs of Concern</b> Dextromethorphan (e.g. DXM)	High	Euphoria, visual and auditory hallucinations	Over-excitability, lethargy, loss of coordination, slurred speech, sweating, hypertension, involuntary spasmodic movement of the eyeballs, possible death, especially when taken with antidepressants, alcohol	Unknown
<b>Inhalants</b> (e.g. Whippets, nitrous oxide)	Low - High	Flushing, hypotension, headache, impaired memory, slurred speech, drunken behavior, slow onset vitamin deficiency, organ damage	Methemoglobinemia, vomiting, respiratory depression, loss of consciousness, possible death	Agitation, trembling, anxiety, insomnia, vitamin deficiency, confusion, hallucinations, convulsions
<b>Anabolic Steroids</b> (e.g. testosterone, body building drugs)	Unknown	Virilization, edema, testicular atrophy, breast enlargement, acne, aggressive behavior	Unknown	Possible depression

Adapted from U.S. Department of Justice Drug Enforcement Administration "Drugs of Abuse"  
[https://www.dea.gov/sites/default/files/2018-06/drug\\_of\\_abuse.pdf](https://www.dea.gov/sites/default/files/2018-06/drug_of_abuse.pdf)