



Drug and Alcohol Abuse Prevention Program



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Introduction

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

This program aims to prevent the unlawful possession and abuse of alcohol and drugs on campus and at institution-associated activities. FVCC cares about the well-being of its students and employees and supports the Drug-Free School and Communities Act. This DAAPP includes information about the following:

- Standards of Conduct
- Legal Sanctions Under State and Federal Law for Unlawful Possession or Distribution of Alcohol and Illicit Drugs
- Health Risks Associated with the Use of Illicit Drugs and the Abuse of Alcohol
- Programs Available for Employees and Students Relating to Drug and Alcohol Abuse
- Disciplinary Sanctions for Students or Employees for Violations of the Standards of Conduct

Standards of Conduct That Prohibit the Unlawful Possession, Use, or Distribution of Illicit Drugs and Alcohol

Listed below are FVCC policies regarding the use and misuse of alcohol and drugs. The policies are available on the FVCC website via the associated links below.

Drug-Free Workplace Policy | [Board Policy, Chapter I, Section 70](#)

In compliance with the Drug-Free Workplace Act of 1988, Flathead Valley Community College is committed to providing a drug-free workplace. The unlawful manufacture, distribution, sale, possession or use of a controlled substance in the workplace or while conducting college business is prohibited. Conducting college business while under the influence of a controlled substance is likewise prohibited.

Employees using prescription or non-prescription drugs which may impair their work performance must notify their immediate supervisor of this use and of any possible effects.

Employees must, as a condition of employment, comply with this policy and notify their immediate supervisor of any criminal drug statute conviction or nolo contendere plea for a violation occurring in the workplace no later than five (5) days after such conviction. The supervisor shall notify the Human Resources Office immediately upon notice from the

employee. The Human Resources Office shall notify the federal granting agency, when appropriate, of the conviction within ten (10) days of learning of the conviction.

Violations of this policy will result in disciplinary action up to and including termination and may have legal consequences. At the discretion of the employer, an employee violating this policy may be required to satisfactorily complete a drug abuse assistance or rehabilitation program as a condition of employment.

Drug dependency is a major health problem and interferes with workplace productivity, safety, and security. Employees are encouraged to seek assistance in dealing with drug problems. Conscientious efforts to seek help for drug dependency will not jeopardize an employee's job status.

[Alcohol-Free Workplace Policy | Board Policy, Chapter I, Section 80](#)

Flathead Valley Community College is committed to providing an alcohol-free workplace and learning environment. The possession, use or distribution of any alcoholic beverage by employees or students in the workplace and/or while conducting college business is prohibited.

Public and college events that occur on campus outside of regular working hours and at which alcohol may be sold and/or distributed require approval by the college president.

Alcohol impairment is a major health problem that interferes with workplace productivity, safety and security. The college shall reasonably assist any employee who voluntarily seeks help in dealing with alcohol dependency.

In accordance with (Board Policy, Chapter VI, Section 20) any violation of this policy may result in disciplinary action up to and including discharge and may subject an employee to criminal penalties. At the discretion of the college, an employee violating this policy may be required to satisfactorily complete an alcohol abuse assistance or rehabilitation program as a condition of continued employment.

Exceptions to this policy may be made by the college president.

[Smoking and Tobacco Free Policy | Board Policy, Chapter I, Section 85](#)

The college is committed to complying with the Montana Clean Indoor Air Act and further supports a healthy, comfortable, and productive work environment for all students, employees, and visitors to the campus. Therefore, FVCC prohibits any form of smoking including the use of electronic cigarettes (e-cigarettes) or any form of tobacco usage in all of its campus facilities

and properties as well as at all points of entrance and exit from its facilities, including all walkways and parking lots.

Failure to comply will result in disciplinary action as stipulated by college policy for student infractions and the appropriate disciplinary process as set forth in collective bargaining agreements or Board of Trustees policy for faculty and staff.

[Code of Student Conduct and Student Complaints | Board Policy, Chapter VII, Section 60](#)

The following excerpt from the Code of Student Conduct outlines FVCC's expectations for students regarding alcohol and other drugs:

II. Community: College students build and enhance their community. Behavior that violates this value includes, but is not limited to:

9. Tobacco: Use or possession of any form of tobacco or nicotine delivery device that has not been approved by the FDA for cessation on college property or at college-sponsored events as addressed in Board Policy Chapter I Section 85.

V. Responsibility: College students are given and accept a high level of responsibility to self, to others, and to the community. Behavior that violates this value includes, but is not limited to:

1. Alcohol: Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and Board Policy Chapter I Section 60.

2. Drugs – Illegal Use: Use, possession, manufacture, distribution or sale of narcotics or dangerous drugs as defined by city, state, or federal laws. This includes mind-altering drugs, designer drugs or synthetic substances used as a substitute for a controlled substance, except as expressly permitted by law or College policy. This also includes the abuse, distribution, or improper use of prescription drugs.

3. Drugs Distribution: Manufacture, distribution or sale of narcotics or dangerous drugs, except as expressly permitted by law or College policy.

4. Prescription Medications: Abuse, misuse, sale, or distribution of prescription or over-the-counter medications.

Alcohol Policy

FVCC is committed to providing an alcohol-free environment. The possession, use, or distribution of any alcoholic beverage is prohibited of any person on campus. Collecting or displaying alcohol bottles/cans is also prohibited in student housing. Alcohol violations carry with them the prospect of a Minor in Possession (MIP) and other criminal charges, and more severe consequences are dependent on the behavior displayed at the time of documentation.

Drugs Policy

FVCC is committed to providing a drug-free environment. Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia is prohibited. Although Montana state law permits the use of marijuana, federal laws prohibit marijuana use, possession, and/or cultivation at educational institutions and on the premises of other recipients of federal funds. Therefore, the use, possession, or cultivation of marijuana is not allowed in FVCC housing or on any other FVCC property, nor is it allowed at any college-sponsored event or activity off campus.

Prescription Medications

Abuse, misuse, sale, or distribution of prescription or over-the-counter medications is prohibited.

Drug Paraphernalia

Possession of drug-related paraphernalia, i.e., any items used to facilitate drug use (e.g., bong, roach clip, hookah/water pipe, hash-style pipe, scales, and vaporizers) is prohibited.

Tobacco Products

Residence Life supports FVCC's tobacco-free campus policy and does not permit the use of tobacco products in the residence hall. The entire building is designated "No Smoking" in all areas, including student rooms. Smoking of any kind (hookahs, e-cigarettes, and vape/vapor/vaporizer pens) and the use of tobacco products (e.g., chew, snuff, etc.) are not allowed anywhere, including study rooms, restrooms, laundry facilities, hallways, stairways, lobbies, elevator, lounges, and individual apartments.

In accordance with FVCC's tobacco-free campus policy, students also may not smoke or use tobacco products outside the residence hall while on campus property, which includes parking areas. Students must be off-campus property when using these products.

Legal Sanctions Under State, Federal, or Local Law for Unlawful Possession or Distribution of Illicit Drugs and Alcohol

Below is a summary of Montana state, local, and federal laws about alcohol and other drugs.

Montana

Underage Consumption of Alcohol

45-5-624. Possession of or unlawful attempt to purchase intoxicating substance -- interference with sentence or court order.

- (1) 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.
- (2) (a) In addition to any disposition by the youth court under [41-5-1512](#), a person under 18 years of age who is convicted under this section:
 - (i) for a first offense, shall be fined an amount not less than \$100 and not to exceed \$300 and:
 - (A) shall be ordered to perform 20 hours of community service;
 - (B) 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 (8), if one is available; and
 - (C) 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);
 - (ii) for a second offense, shall be fined an amount not less than \$200 and not to exceed \$600 and:
 - (A) shall be ordered to perform 40 hours of community service;
 - (B) 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 (8), if one is available;
 - (C) 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

- (D) shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (7);
 - (iii) for a third or subsequent offense, shall be fined an amount not less than \$300 or more than \$900, 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 (8), if one is available, and shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (7). If the person has a driver's license, the court shall confiscate the license for 6 months, except as provided in subsection (2)(b).
 - (b) If the convicted person fails to complete the community-based substance abuse information course and has a driver's license, the court shall order the license suspended for 3 months for a first offense, 9 months for a second offense, and 12 months for a third or subsequent offense.
 - (c) The court shall retain jurisdiction for up to 1 year to order suspension of a license under subsection (2)(b).
- (3) A person 18 years of age or older who is convicted of the offense of possession of an intoxicating substance:
 - (a) for a first offense:
 - (i) shall be fined an amount not less than \$100 or more than \$300;
 - (ii) shall be ordered to perform 20 hours of community service; and
 - (iii) 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 (8);
 - (b) for a second offense:
 - (i) shall be fined an amount not less than \$200 or more than \$600;
 - (ii) shall be ordered to perform 40 hours of community service; and
 - (iii) shall be ordered to complete and pay for an alcohol or drug information course at an alcohol or drug treatment program that meets the requirements of subsection (8), which may, in the court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both;
 - (c) for a third or subsequent offense:
 - (i) shall be fined an amount not less than \$300 or more than \$900;
 - (ii) shall be ordered to perform 60 hours of community service;
 - (iii) shall be ordered to complete and pay for an alcohol or drug information course at an alcohol or drug treatment program that meets the requirements of subsection (8), which may, in the sentencing court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and
 - (iv) in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months.

- (4) 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.
- (5) A defendant who fails to comply with a sentence and is under 21 years of age and was under 18 years of age when the defendant failed to comply must be transferred to the youth court. If proceedings for failure to comply with a sentence are held in the youth court, the offender must be treated as an alleged youth in need of intervention as defined in [41-5-103](#). The youth court may enter its judgment under [41-5-1512](#).
- (6) A person commits the offense of interference with a sentence or court order if the person purposely or knowingly causes a child or ward to fail to comply with a sentence imposed under this section or a youth court disposition order for a youth found to have violated this section and upon conviction shall be fined \$100 or imprisoned in the county jail for 10 days, or both.
- (7)
 - (a) A person convicted of a second or subsequent offense of possession of an intoxicating substance shall be ordered to complete a chemical dependency assessment.
 - (b) The assessment must be completed at a treatment program that meets the requirements of subsection (8) and must be conducted by a licensed addiction counselor. The person may attend a program of the person's choice as long as a licensed addiction counselor provides the services. If able, the person shall pay the cost of the assessment and any resulting treatment.
 - (c) The assessment must describe the person's level of abuse or dependency, if any, and contain a recommendation as to the appropriate level of treatment, if treatment is indicated. A person who disagrees with the initial assessment may, at the person's expense, obtain a second assessment provided by a licensed addiction counselor or program that meets the requirements of subsection (8).
 - (d) The treatment provided must be at a level appropriate to the person's alcohol or drug problem, or both, if any, as determined by a licensed addiction counselor pursuant to diagnosis and patient placement rules adopted by the department of public health and human services. Upon the determination, the court shall order the appropriate level of treatment, if any. If more than one counselor makes a determination, the court shall order an appropriate level of treatment based on the determination of one of the counselors.
 - (e) Each counselor providing treatment shall, at the commencement of the course of treatment, notify the court that the person has been enrolled in a chemical dependency treatment program. If the person fails to attend the treatment program, the counselor shall notify the court of the failure.
- (8)
 - (a) A community-based substance abuse information course required under subsection (2)(a)(i)(B), (2)(a)(ii)(B), (2)(a)(iii), or (3)(a)(iii) must be:

- (i) approved by the department of public health and human services under [53-24-208](#) or by a court or provided under a contract with the department of corrections; or
 - (ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by an accrediting entity approved by the U.S. centers for medicare and medicaid services to provide chemical dependency services.
 - (b) An alcohol or drug information course required under subsection (3)(b)(iii) or (3)(c)(iii) must be provided at an alcohol or drug treatment program:
 - (i) approved by the department of public health and human services under [53-24-208](#) or by a court or provided under a contract with the department of corrections; or
 - (ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by an accrediting entity approved by the U.S. centers for medicare and medicaid services to provide chemical dependency services.
 - (c) A chemical dependency assessment required under subsection (7) must be completed at a treatment program:
 - (i) approved by the department of public health and human services under [53-24-208](#) or by a court or provided under a contract with the department of corrections; or
 - (ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by an accrediting entity approved by the U.S. centers for medicare and medicaid services to provide chemical dependency services.
- (9) Information provided or statements made by a person under 21 years of age to a health care provider or law enforcement personnel regarding an alleged offense against that person under Title 45, chapter 5, part 5, may not be used in a prosecution of that person under this section. This subsection's protection also extends to a person who helps the victim obtain medical or other assistance or report the offense to law enforcement personnel.
- (10) (a) 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.
- (b) For the purposes of this subsection (10), the following definitions apply:
 - (i) "Health care facility" means a facility or entity that is licensed, certified, or otherwise authorized by law to administer medical treatment in this state.
 - (ii) "Medical treatment" means medical treatment provided by a health care facility or an emergency medical service.

Medical Amnesty

45-5-624. Possession of or unlawful attempt to purchase intoxicating substance -- interference with sentence or court order.

- (10) (a) 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.
- (b) For the purposes of this subsection (10), the following definitions apply:
 - (i) "Health care facility" means a facility or entity that is licensed, certified, or otherwise authorized by law to administer medical treatment in this state.
 - (ii) "Medical treatment" means medical treatment provided by a health care facility or an emergency medical service.

Good Samaritan Protections

50-32-609. Good Samaritan protections.

- (1) The provisions of [45-5-626](#), [45-9-102](#), [45-9-107](#), and [45-10-103](#) do not apply to:
 - (a) a person who, acting in good faith, seeks medical assistance for another person who is experiencing an actual or reasonably perceived drug-related overdose if the evidence supporting an arrest, charge, or prosecution was obtained as a result of the person's seeking medical assistance for another person; or

- (b) a person who experiences a drug-related overdose and is in need of medical assistance if the evidence supporting an arrest, charge, or prosecution was obtained as a result of the drug-related overdose and the need for medical assistance.
- (2) The provisions of [45-9-102](#), [45-9-107](#), and [45-10-103](#) do not apply to a pregnant woman seeking or receiving evaluation, treatment, or support services for a substance use disorder.
- (3) The provisions of [45-5-601](#)(2)(a) do not apply to a person reporting a crime under [45-5-502](#) or [45-5-503](#).
- (4) A person's pretrial release, probation, furlough, supervised release, or parole may not be revoked based on an incident for which the person would be immune from arrest, charge, or prosecution under this section.
- (5) A person's act of providing first aid or other medical assistance to a person who is experiencing an actual or reasonably perceived drug-related overdose may be used as a mitigating factor in a criminal prosecution for which immunity is not provided under this section.
- (6) This section may not be construed to:
 - (a) bar the admissibility of evidence obtained in connection with the investigation and prosecution of other crimes or violations committed by a person who otherwise qualified for limited immunity under this section;
 - (b) limit, modify, or remove immunity from liability currently available to public entities, public employees, or prosecutors or by law; or
 - (c) create a new cause of action or other source of criminal liability for a pregnant woman with a substance use disorder who does not seek or receive evaluation, treatment, or support services for a substance use disorder.

Carrying False Identification

[61-5-302](#). Unlawful Use of License or Identification Card

It is a misdemeanor for a person to:

- (1) 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;
- (2) lend the person's driver's license, identification card, or tribal identification card to any other person or knowingly permit its use by another;
- (3) display or represent as one's own any driver's license, identification card, or tribal identification card not issued to the person;
- (4) fail or refuse to surrender to the department upon its lawful demand a driver's license or identification card that has been suspended, revoked, or canceled;
- (5) 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

- (6) permit any unlawful use of a driver's license, identification card, or tribal identification card issued to the person.

Fines typically range between \$280 and \$500.

Public Drunkenness

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.

Selling or Furnishing Alcohol to Minors

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

- (1)
 - (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:
 - (i) a blood, breath, or urine alcohol concentration in excess of 0.05; or
 - (ii) substantial or visible mental or physical impairment.
- (2) A person is guilty of a misdemeanor who:
 - (a) 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;
 - (b) permits the person in a public place where an alcoholic beverage is sold to treat, give, or purchase alcoholic beverages for the person; or
 - (c) holds out the person to be 21 years of age or older to the owner of the establishment or to the owner's employee.
- (3) It is unlawful for any person to fraudulently misrepresent 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.

- (4) 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.

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.
- (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.

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 or a registered cardholder:
 - (a) 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;
 - (b) transferring, delivering, or distributing without consideration, to a person who is 21 years of age or older or a registered cardholder, 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;
 - (c) 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:

- (i) 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;
 - (ii) 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;
 - (iii) 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
 - (iv) 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;
 - (d) assisting another person who is at least 21 years of age or a registered cardholder, 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
 - (e) possessing, purchasing, using, delivering, distributing, manufacturing, transferring, or selling to persons 18 years of age or older paraphernalia relating to marijuana.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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](#).
- (6) 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.
- (7) 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.
- (8) A person may not be denied adoption, custody, or visitation rights relative to a minor solely for conduct that is permitted by this chapter.

16-12-108. Limitations of Act

- (1) This chapter does not permit:
 - (a) any individual to operate, navigate, or be in actual physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana or marijuana products;
 - (b) consumption of marijuana or marijuana products while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;
 - (c) smoking or consuming marijuana while riding in the passenger seat within an enclosed compartment of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;
 - (d) production, delivery, distribution, purchase, or consumption of synthetic marijuana products;
 - (e) delivery or distribution of marijuana or marijuana products, with or without consideration, to a person under 21 years of age, unless the person is a registered cardholder;
 - (f) purchase, consumption, or use of marijuana or marijuana products by a person under 21 years of age, unless the person is a registered cardholder;
 - (g) possession or transport of marijuana or marijuana products by a person under 21 years of age unless the underage person is a registered cardholder or is at least 18 years of age and is an employee of a marijuana business licensed under this chapter and engaged in work activities;
 - (h) possession or consumption of marijuana or marijuana products or possession of marijuana paraphernalia:
 - (i) on the grounds of any property owned or leased by a school district, a public or private preschool, school, or postsecondary school as defined in [20-5-402](#);
 - (ii) in a school bus;
 - (iii) in a health care facility as defined in [50-5-101](#); or
 - (iv) on the grounds of any correctional facility;
 - (i) using marijuana or marijuana products in a location where smoking tobacco is prohibited;
 - (j) smoking marijuana in a hotel or motel room, except for a hotel or motel room that is designated as a smoking room and rented to a guest;
 - (k) consumption of marijuana or marijuana products:
 - (i) in a public place, except as allowed by the department; or
 - (ii) on trains, buses, or other forms of public transportation.

- (l) conduct that endangers others;
 - (m) undertaking any task while under the influence of marijuana or marijuana products if doing so would constitute negligence or professional malpractice; or
 - (n) performing solvent-based extractions on marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol unless licensed for this activity by the department.
- (2) (a) A violation of subsections (1)(h)(i) through (1)(h)(iii) and (1)(i) through (1)(k) is subject to the penalties provided for in [50-40-115](#).
- (b) In addition to the penalties provided for in [50-40-115](#), a person in violation of subsection (1)(h)(iv) may be subject to administrative action by the department of corrections and the department of justice, and a violation of subsection (1)(h)(iv) may be subject to the penalties provided for in [45-7-307](#).
- (c) A violation of subsection (1)(n) is subject to the penalties provided for in [45-9-110\(3\)](#).
- (3) A person may not cultivate marijuana in a manner that is visible from the street or other public area.
- (4) A hospice or residential care facility licensed under Title 50, chapter 5, may adopt a policy that allows use of marijuana by a registered cardholder.
- (5) Nothing in this chapter may be construed to:
- (a) require an employer to permit or accommodate conduct otherwise allowed by this chapter in any workplace or on the employer's property;
 - (b) prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while intoxicated by marijuana or marijuana products;
 - (c) prevent an employer from declining to hire, discharging, disciplining, or otherwise taking an adverse employment action against an individual with respect to hire, tenure, terms, conditions, or privileges of employment because of the individual's violation of a workplace drug policy or intoxication by marijuana or marijuana products while working;
 - (d) prohibit an employer from including in any contract a provision prohibiting the use of marijuana for a debilitating medical condition; or
 - (e) permit a cause of action against an employer for wrongful discharge pursuant to [39-2-904](#) or discrimination pursuant to [49-1-102](#).
- (6) Nothing in this chapter may be construed to prohibit a person from prohibiting or otherwise regulating the consumption, cultivation, distribution, processing, sale, or display of marijuana, marijuana products, and marijuana paraphernalia on private property the person owns, leases, occupies, or manages, except that a lease agreement executed after January 1, 2021, may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking unless required by federal law or to obtain federal funding.
- (7) A licensee who violates [15-64-103](#) or [15-64-104](#) or fails to pay any other taxes owed to the department under Title 15 is subject to revocation of the person's license from the date of the violation until a period of up to 1 year after the department certifies compliance with [15-64-103](#) or [15-64-104](#).

- (8) Unless specifically exempted by this chapter, the provisions of Title 45, chapter 9, apply to the conduct of consumers, licensees, and registered cardholders.

Possession of Dangerous Paraphilia (PODP)

45-10-103. Criminal possession of drug paraphernalia

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, 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.

Local

Kalispell's Municipal Code for Alcoholic Beverages, Offenses and Penalties

3-18. Consumption in Street, Alley, or Public Place Prohibited; Exceptions

- A. No person shall sell, serve, dispense, consume or possess an open container of any alcoholic beverage in or upon any building or other property owned or occupied by the City or upon any street or sidewalk unless such action is otherwise authorized as set forth in this section.

3-16. Possession by Persons Under Twenty-One

It is unlawful for any person who has not reached the age of twenty-one (21) years to have in his or her possession an alcoholic beverage, provided, however, that a person does not commit this offense when in the course of his or her employment it is necessary to possess alcoholic beverages.

3-19. Penalties

Any person violating any of the provisions of this article shall, upon conviction thereof, be punished as provided in Section 1-9 of this Code.

1-9. General Penalty

Except in any case involving the commission of a municipal infraction, whenever in any provision of this Code or other ordinance of the City or in any rule, regulation or order

promulgated by any officer or agency of the City under authority vested in him or her or if by law or ordinance any act is prohibited or is made or declared to be unlawful or an offense, or whenever the doing of an act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided for the disobedience of such provision, ordinance, rule, regulation or order, or whenever said act is done or not done, as may be prohibited or required, any person upon conviction for the violation of any such provision of this Code, ordinances, rules, regulations or orders, or said act or failure to act, as the case may be, shall be punished by a fine not exceeding \$500 or by imprisonment not to exceed six months, or by both such fine and imprisonment, for each such offense. Each day any violation of any provision of this Code or other ordinance, rule, regulation or order, or prohibition or requirement shall continue shall constitute a separate offense.

Libby's Municipal Code for Public Consumption of Liquor and Intoxication

[Public Consumption of Liquor and Intoxication](#)

9.56.010 - Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Alcohol" means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.

"Alcoholic beverage" means a compound produced and sold for human consumption as a drink that contains more than one-half percent of alcohol by volume.

"Public display or exhibition of beer, wine, or liquor" means the carrying and exhibiting of open cans or bottles of beer or the carrying and exhibition of glasses or other types of containers for beer, wine or liquor, even though empty, on or within any place as defined herein. This definition does not include carrying or transporting beer, wine or liquor from retail or wholesale liquor or beer establishments in sacks, cases, boxes, cartons or other similar containers if the seal for the alcoholic beverage container is unbroken: nor does this definition include those situations wherein the alcoholic beverage container is being transported or carried to a recycling center or garbage disposal site; nor does this definition include transportation of alcoholic containers in a compartment of a vehicle that is outside the passenger area of the vehicle and which area is not accessible to the driver and passenger of the vehicle from the passenger area while the vehicle is in operation.

"Public places" means all sidewalks, streets, avenues, alleys, publicly owned parking lots and privately owned parking lots open to the public for parking in the city. This definition does not include the premises licensed for the sale of liquor or beer at retail by the Liquor Division of the Montana Department of Revenue. For purposes of this definition, the term "premises" shall have the same meaning attributed to that term by the Department of

Revenue pursuant to its administrative regulations, which term is defined as follows: the building or any specific portion of any building in which the liquor and/or beer business is conducted and those areas in which the licensee operates a sidewalk cafe, open air restaurant or tavern outside of and adjacent to the licensed building and to which patrons are permitted free access from the building.

9.56.020 - Unlawful within city limits

Public drinking and public display and exhibition of alcoholic beverages as defined in this chapter are prohibited, and it is unlawful for any person to engage in public drinking, public display or exhibition of alcoholic beverages within the city limits. A violation of any provision of this chapter is a municipal infraction punishable as set forth in [Section 1.28.010](#).

Restrictions on Activities Related to the Use, Possession and Cultivation of Marijuana

9.57.010 - Definition.

For purposes of this chapter "public places" means all sidewalks, streets, avenues, alleys, publicly owned parking lots and privately owned parking lots open to the public for parking in the city, to include city parks and all city property.

9.57.020 - Prohibited—In general.

The following activities related to the use, possession and cultivation of marijuana are hereby prohibited and unless otherwise specifically provided, any person or found in violation thereof is guilty of a municipal infraction and shall have imposed a civil fine or penalty as set forth herein and may be enforced by the city in the manner set forth in this code.

9.57.030 - Cultivation—Public place.

A person who cultivates marijuana plants that are visible by normal, unaided vision from a public place in violation of subsection is subject to a civil fine not exceeding two hundred fifty dollars (\$250.00) and forfeiture of the marijuana.

9.57.040 - Cultivation—Locked space.

A person who cultivates marijuana plants or stores marijuana outside of a locked space is subject to a civil fine not exceeding two hundred fifty dollars (\$250.00) and forfeiture of the marijuana.

9.57.050 - Smoking—Public place.

A person who smokes marijuana in a public place, other than in an area licensed for that activity by the city or other agency with authority to do so, is subject to a civil fine not exceeding fifty dollars (\$50.00).

9.57.060 - Under 21—Prohibitions/penalties.

For a person who is under twenty-one (21) years of age and is not a registered cardholder, possession, use, ingestion, inhalation, transportation, delivery without consideration, or distribution without consideration of one ounce or less of marijuana is punishable by forfeiture of the marijuana and the underage person's choice between:

- A. A civil fine not to exceed one hundred dollars (\$100.00); or
- B. Up to four hours of drug education or counseling in lieu of the fine.

9.57.070 - Under 18—Prohibitions/penalties.

For a person who is under eighteen (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 the underage person's choice between:

- A. A civil fine not to exceed one hundred dollars (\$100.00); or
- B. Up to four hours of drug education or counseling in lieu of the fine.

9.57.080 - Additional penalties.

Unless otherwise permitted under the provisions of Title 50, chapter 46, part 3, the possession, production, delivery without consideration to a person twenty-one (21) years of age or older, or possession with intent to deliver more than one ounce but less than two ounces of marijuana or more than eight grams but less than sixteen (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 two hundred dollars (\$200.00) or completing up to four (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 three hundred dollars (\$300.00) or completing up to six hours of community service in lieu of the fine;
- C. For a third or subsequent violation, the person's choice between a civil fine not exceeding five hundred dollars (\$500.00) or completing up to eight hours of community service in lieu of the fine; and
- D. For a person under twenty-one (21) years of age, the person's choice between a civil fine not to exceed two hundred dollars (\$200.00) or attending up to eight hours of drug education or counseling in lieu of the fine.

Federal

Federal Drug Penalties: Possession of Controlled Substance

Federal Drug Penalties: Possession of Controlled Substance – First and Second Offenses

Penalty	1st Conviction	2nd Conviction
Fine	Minimum \$1,000; Maximum \$100,000	Minimum \$1,000; Maximum \$250,000
Prison	Maximum 1 Year	Minimum 15 Days; Maximum 2 Years

Additional provisions include the following:

- Forfeiture of property: If the jail sentence is more than one year, then the property (including vehicles) used to possess drugs must be forfeited to authorities.
- Civil fine: Maximum of \$10,000.
- Loss of federal benefits: Ineligible for contracts, professional and commercial licenses, up to one year for a first conviction, up to five years for a second conviction. In eligible to purchase a gun.

Federal Drug Penalties: Trafficking

Federal Trafficking Penalties for Schedules I, II, III, IV and V Substances (except Marijuana) - First and Second Offenses

Schedule	Drug	Quantity	First Offense Penalty	Second Offense Penalty
I	Fentanyl Analogue	10-99 grams mixture	Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than \$5 million if an individual, \$25 if not an individual.	Not less than 10 years 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.
I	Fentanyl Analogue	100 grams of more mixture	Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an individual, \$50	Not less than 20 years, 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.

			million if not an individual	
I	Heroin	100-999 grams mixture	Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than \$5 million if an individual, \$25 if not an individual.	Not less than 10 years 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.
I	Heroin	1 kilogram or more mixture	Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.	Not less than 20 years, 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.
I	LSD	1-9 grams mixture	Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than \$5 million if an individual, \$25 if not an individual.	Not less than 10 years 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.
I	LSD	10 grams or more mixture	Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an	Not less than 20 years, 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.

			individual, \$50 million if not an individual.	
II	Cocaine	500-4999 grams mixture	Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than \$5 million if an individual, \$25 if not an individual.	Not less than 10 years 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.
II	Cocaine	5 kilograms or more	Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual	Not less than 20 years, 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.
II	Cocaine Base	28-279 grams mixture	Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than \$5 million if an individual, \$25 if not an individual.	Not less than 10 years 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.
II	Cocaine Base	280 grams or more mixture	Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10	Not less than 20 years, 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.

			million if an individual, \$50 million if not an individual	
II	Fentanyl	40-399 grams mixture	Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than \$5 million if an individual, \$25 if not an individual.	Not less than 10 years 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.
II	Fentanyl	400 grams or more mixture	Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.	Not less than 20 years, 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.
II	Methamphetamine	5-49 grams pure or 50-499 grams mixture	Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than \$5 million if an individual, \$25 if not an individual.	Not less than 10 years 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.
II	Methamphetamine	50 grams ore more pure or 500 grams or more mixture	Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an	Not less than 20 years, 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.

			individual, \$50 million if not an individual	
II	PCP	10-99 grams pure or 100-999 grams mixture	Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than \$5 million if an individual, \$25 if not an individual.	Not less than 10 years 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.
II	PCP	100 grams or more pure or 1 kilogram or more mixture	Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.	Not less than 20 years, 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.
I & II	Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	Not more than 20 years. If death or serious bodily injury, not less than 20 years or more than life. Fine \$1 million if an individual, \$5 million if not an individual.	Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
III	Any Schedule III drug	Any amount	Not more than 10 years. If death or serious bodily injury, not more than 15 years. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.	Not more than 20 years. If death or serious injury, not more than 30 years. Fine not more than \$1 million if an individual, \$5 million if not an individual.

IV	Flunitrazepam	1 gram or less	Not more than 20 years. If death or serious bodily injury, not less than 20 years or more than life. Fine \$1 million if an individual, \$5 million if not an individual.	Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
IV	Other Schedule IV drugs	Any amount (or one gram or more of Flunitrazepam)	Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.	Not more than 10 years. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
V	All Schedule V drugs	Any amount	Not more than 1 year. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.	Not more than 4 years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

Federal Trafficking Penalties for Schedules I, II, III, IV and V Substances (except Marijuana) - First and Second Offenses

Schedule	Drug	Quantity	First Offense Penalty	Second Offense Penalty
I	Fentanyl Analogue	10-99 grams mixture	Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than \$5 million if an individual, \$25 if not an individual.	Not less than 10 years 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.
I	Fentanyl Analogue	100 grams of more mixture	Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual	Not less than 20 years, 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.

I	Heroin	100-999 grams mixture	Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than \$5 million if an individual, \$25 if not an individual.	Not less than 10 years 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.
I	Heroin	1 kilogram or more mixture	Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.	Not less than 20 years, 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.
I	LSD	1-9 grams mixture	Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than \$5 million if an individual, \$25 if not an individual.	Not less than 10 years 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.
I	LSD	10 grams or more mixture	Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.	Not less than 20 years, 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.

II	Cocaine	500-4999 grams mixture	Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than \$5 million if an individual, \$25 if not an individual.	Not less than 10 years 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.
II	Cocaine	5 kilograms or more	Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual	Not less than 20 years, 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.
II	Cocaine Base	28-279 grams mixture	Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than \$5 million if an individual, \$25 if not an individual.	Not less than 10 years 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.
II	Cocaine Base	280 grams or more mixture	Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual	Not less than 20 years, 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.

II	Fentanyl	40-399 grams mixture	Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than \$5 million if an individual, \$25 if not an individual.	Not less than 10 years 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.
II	Fentanyl	400 grams or more mixture	Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.	Not less than 20 years, 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.
II	Methamphetamine	5-49 grams pure or 50-499 grams mixture	Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than \$5 million if an individual, \$25 if not an individual.	Not less than 10 years 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.
II	Methamphetamine	50 grams ore more pure or 500 grams or more mixture	Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual	Not less than 20 years, 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.

II	PCP	10-99 grams pure or 100-999 grams mixture	Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than \$5 million if an individual, \$25 if not an individual.	Not less than 10 years 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.
II	PCP	100 grams or more pure or 1 kilogram or more mixture	Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.	Not less than 20 years, 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.
I & II	Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	Not more than 20 years. If death or serious bodily injury, not less than 20 years or more than life. Fine \$1 million if an individual, \$5 million if not an individual.	Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
III	Any Schedule III drug	Any amount	Not more than 10 years. If death or serious bodily injury, not more than 15 years. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.	Not more than 20 years. If death or serious injury, not more than 30 years. Fine not more than \$1 million if an individual, \$5 million if not an individual.
IV	Flunitrazepam	1 gram or less	Not more than 20 years. If death or serious bodily injury, not less than 20 years or more than life. Fine \$1 million if an individual, \$5	Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.

			million if not an individual.	
IV	Other Schedule IV drugs	Any amount (or one gram or more of Flunitrazepam)	Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.	Not more than 10 years. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
V	All Schedule V drugs	Any amount	Not more than 1 year. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.	Not more than 4 years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

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

General Risks

The use and abuse of drugs and alcohol carry dangerous physical, emotional, and psychological consequences, including dependence, impaired judgment and coordination, increased aggression and violence, memory and speech problems, feelings of panic, confusion, paranoia and loss of control, permanent damage to vital organs, and death. Below are some of the significant side effects of alcohol and other drugs.

Alcohol

- Impairs judgment and coordination
- Hinders ability to learn and remember information
- Increases aggression and abusive acts
- High doses cause dependence, respiratory depression, or death
- Withdrawal causes anxiety, nausea, hallucinations, and convulsions
- Damages vital organs, such as the liver, permanently
- May lead to fetal alcohol syndrome when consumed by pregnant women

Cannabis (Marijuana)

- Reduces short-term memory and comprehension
- Produces paranoia and psychosis
- Damages lungs and respiratory system with inhalation of carcinogenic smoke
- Alters sense of time
- Increases heart rate

Hallucinogens (PCP, LSD)

- Cause a sense of distance and space estrangement, illusions, and hallucinations
- Create persistent memory problems and speech difficulties
- Induce violent episodes that result in self-inflicted injuries
- Produce adverse psychological effects such as panic, confusion, suspicion, anxiety, and loss of control
- Result in side effects such as dizziness, weakness, tremor, nausea and drowsiness

Narcotics (Codeine, morphine, opium, heroin)

- Produce feelings of euphoria followed by drowsiness, nausea, and vomiting
- Create constricted pupils, watery eyes, and itching
- Can be deadly in overdose, causing shallow breathing, clammy skin, convulsions, and death
- Promote the transmission of AIDS, endocarditis, and hepatitis through the use of unsterilized syringes

Cocaine/Crack

- Cause constant stuffy, runny nose and possible perforated nasal septum
- Produce dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature, followed by depression
- Extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and death

Designer Drugs (Ecstasy)

- Hundreds of times more potent than the drugs they're designed to imitate
- Cause symptoms similar to Parkinson's disease, including tremors, drooling, impaired speech
- Can cause brain damage with as little as one dose

Stimulants (Speed, crystal meth, Ritalin)

- Produce elevated blood pressure and heart rates, decreased appetite, perspiration, headache, blurred vision, dizziness, sleeplessness, and anxiety
- Cause physical collapse in high doses
- Can result in amphetamine psychosis in long-term users, which includes hallucinations, delusions, and paranoia

Inhalants (Whippets, laughing gas, buzz bombs)

- Are mixtures of volatile substances, which makes it challenging to be specific about the effects
- Can cause nausea, sneezing, coughing, nose bleeds, fatigue, lack of coordination, loss of appetite and involuntary passing of urine and feces
- May result in hepatitis, brain damage, nervous system damage, weight loss, fatigue, electrolyte imbalance and muscle weakness with long-term use

Depressants (Downers, Valium, Quaaludes)

- Have similar effects to alcohol
- Cause calmness in small amounts, slurred speech, and staggering gait in large doses
- Can cause dependence with serious withdrawal symptoms such as restlessness, insomnia, convulsions, and death

For more information regarding the effects of alcohol and other drugs, contact the Student Health Clinic at 406.756.4331.

Social, Academic, and Personal Risks of Substance Abuse

Social, academic, and personal risks are associated with students who drink alcohol, use illegal drugs or abuse prescription drugs, which can directly or indirectly lead to:

- Social problems: driving under the influence, fighting, unwanted sexual contact, vandalism, trouble with authorities, or unsafe sexual behavior.
- Academic problems: poor grades, missed classes, memory loss, or falling behind in class work or projects.
- Personal problems: depression, illness, and injury, experiencing unwanted attempted or completed sexual intercourse, suicide, being the victim of violence or racial harassment, or being unable to control drinking or drug use.

Drug and Alcohol Programs Available to Students & Employees

FVCC has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the college's premises and as a part of any of its activities to comply with the Drug-Free Schools and Campuses Regulations. Below is a list of programs and resources available for students and employees.

For Students

FVCC utilizes evidence-based strategies designed to limit alcohol and drug abuse in its community and activities. These include AlcoholEdu for College (AlcoholEdu), an interactive online program hosted by Vector Solutions designed to reduce the negative consequences of alcohol use amongst students; CampusWell, a weekly newsletter and online ap available to all students and employees, peer education events sponsored by the Student Wellness Team, and mental health counseling.

AlcoholEdu

All new degree-seeking students aged 21 or younger must successfully complete AlcoholEdu within their first semester at FVCC. AlcoholEdu is a science-based, interactive online program

designed to provide students with facts and skill-based information on the consequences of alcohol abuse, including sexual assault and alcohol's impact on the brain, body, and behavior. The program matches course content to each student based on their behavior, attitudes, and what they already know about alcohol. Whether students choose to drink or not, AlcoholEdu is designed to encourage informed decision-making about alcohol use as well as provide skills to respond to drinking and risk behaviors of friends and peers. AlcoholEdu is FVCC's primary prevention program for alcohol education.

CampusWell

To provide students with year-round support and education on various health-related topics, FVCC partnered with [CampusWell](#) to offer students and employees access to weekly newsletters (in the campus bathroom stalls) and a mobile app with content updated weekly. [CampusWell](#) covers various college health, wellness, and safety issues, including alcohol and other drugs, fitness and nutrition, stress, sleep, mental health, sexual health, consent, colds, flu, and more.

Student Wellness Team

The [Student Wellness Team](#) is a team of students serving as health and wellness resources for fellow FVCC students. The Student Wellness Team strives to foster a campus atmosphere that supports and respects healthy lifestyle choices in fitness, nutrition, emotional health, sexual health, tobacco prevention, alcohol and drug use, and chronic illnesses like diabetes and asthma.

Mental Health Counseling

Free [counseling services](#) are available for all students enrolled in credit courses. The FVCC Counselor, located in LRC 147A, provides individual counseling for students going through emotional and personal concerns, struggling with stress and anxiety, adjusting to school and life changes, and overcoming academic barriers. To schedule an appointment or for additional information, email counseling@fvcc.edu.

For Employees

Services for employees include support through the Employee Assistance Program and access to mental health counseling, substance use disorder services, and an annual exam through the Montana University System Benefits Plan.

Employee Assistance Program

All employees (student/work study excluded) and their household members have 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

benefit covers seven confidential counseling visits per issue at no cost delivered by [Deer Oaks EAP Services](#).

Deer Oaks EAP Services also offers a 24-hour Crisis Helpline, in-person counseling, and access to online consultations with licensed counselors. The EAP can be accessed at <https://choices.mus.edu/eap-work-life.html> or <https://members.deeroakseap.com/> (with username: MUS and password code: MUS) or by calling 866.993.7650. Employees may also download the iConnectYou Mobile App from the [iOS Apple App Store](#) or [Android Google Play Store](#) and then register the app with the iCONNECTYOU passcode: 250330.

Mental Health/Substance Use Disorder Services

Montana University System (MUS) Benefits Plan participants are eligible for four free, confidential sessions with an in-network counselor for any issues causing stress or disruption. The four sessions are available each plan year and can be used for any issue, including family, personal, work, health, substance use disorder, or other concerns. To locate an in-network counselor, employees can visit the website of the medical plan administrator on the last page of the [Choices Annual Benefits Enrollment Workbook](#).

Plan participants are also eligible for inpatient and outpatient benefits for substance use disorder services. More information regarding this benefit is in the [Choices Annual Benefits Enrollment Workbook](#).

Adult Routine Exam

Covered Preventive Services – Adult Routine Exam. Exams may include screening/counseling and/or risk factor reduction interventions for depression, obesity, tobacco use/abuse, and drug and/or alcohol use/abuse for adults aged 18 years through 65+ (1 visit/plan year).

Additional Resources

[Suicide & Crisis Lifeline](#) | 988

[Alcoholics Anonymous - Montana](#) | 888.607.2000

[Montana Narcotics Anonymous Helpline](#) | 800.990.6262

[Montana Tobacco Quit Line](#) | 800.QUIT.NOW (784.8669)

[Northwest Montana Alcoholics Anonymous Hotline](#) | 406.756.1499

[Know Your Community](#) - Guide to Living in the Flathead

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

Unlawful possession, consumption, use or distribution of illicit drugs and alcohol by students and employees on campus property or college activities is prohibited.

Individuals who violate college policy or city or state laws are subject to disciplinary actions. FVCC students will face disciplinary sanctions under the [Code of Student Conduct](#). FVCC employees will face disciplinary action under personnel policies or applicable collective bargaining agreements.

Groups displaying unreasonable and irresponsible conduct or violating FVCC's alcohol and drug policies will jeopardize the continuance of the FVCC-recognized or supported event and access to FVCC service and facilities.

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

For Students

Student sanctions for students who violate these policies may include reprimand, probation, restorative justice measures, suspension, expulsion and/or restitution, and required attendance or completion of educational and/or treatment programs.

For Employees

Employee sanctions may include disciplinary measures up to and including termination.