

DRUG AND ALCOHOL ABUSE PREVENTION UPDATE

A. STANDARDS OF CONDUCT FOR EMPLOYEES AND STUDENTS REGARDING ALCOHOL AND DRUGS (BOARD OF REGENTS POLICY 2.1.5)

The illegal possession, use, or distribution of drugs or alcohol by students and employees is a violation of University rules as well as State and Federal laws. Officers of the University are to cooperate with State and Federal agencies in the prevention of drug abuse. In satisfaction of this mandate and in order to fulfill its obligations under the Drug Free Workplace Act of 1988, 41 U.S.C. § 701, and the Drug Free Schools and Communities Act of 1989, 20 U.S.C. § 1145g, the University has formulated standards of conduct for both its employees and its students which prohibit the following acts:

1. use, possession, manufacture, distribution, or sale of illegal drugs or drug paraphernalia on University premises or while on University business or at University activities, or in University supplied vehicles either during or after working hours;
2. unauthorized use, possession, manufacture, distribution, or sale of a controlled substance as defined by the Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., or Nebraska Drug Control Laws, Neb. Rev. Stat. §§ 28-401 et seq., on University premises, or while engaged on University business or at University activities or in University supplied vehicles, either during or after working hours;
3. unauthorized use, manufacture, distribution, possession, or sale of alcohol on University premises or while on University business, or at University activities, or in University-supplied vehicles, either during or after working hours;
4. storing in a locker, desk, vehicle, or other place on University owned or occupied premises any unauthorized controlled substances, drug paraphernalia, or alcohol;
5. use of alcohol off University premises that adversely affects an employee's or student's work or academic performance, or an employee's or student's safety or the safety of others;
6. possession, use, manufacture, distribution, or sale of illegal drugs off University premises that adversely affects the employee's work performance or the student's academic performance, or an employee's or student's safety or the safety of others;
7. violation of State or Federal laws relating to the unauthorized use, possession, manufacture, distribution or sale of alcohol, controlled substances, or drug paraphernalia;
8. in the case of employees, failure to notify an employee's supervisor of an employee's arrest or conviction under any criminal drug statute as a result of a violation of law which occurs at the University of Nebraska workplace.

[The Standards of Conduct were approved by the Regents in 1990. See Board of Regents of the University of Nebraska, *Minutes*, Vol. 55, p. 204 (October 12, 1990) and Vol. 56, p. 149 (September 6, 1991) are available at <https://nebraska.edu/regents/bylaws-policies-and-rules>].

B. DESCRIPTION OF APPLICABLE LEGAL SANCTIONS UNDER FEDERAL, STATE, OR LOCAL LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL

The information on the following pages summarizes selected provisions of federal, state, and local laws that provide criminal and civil penalties for unlawful possession or distribution of drugs and alcohol.

1. Federal Penalties and Sanctions for Illegal Possession of Controlled Substances

- First Conviction: Up to one-year imprisonment and fine of at least \$1,000 or both. After one prior drug conviction: At least 15 days in prison, not to exceed two years, and a fine of at least \$2,500. After two or more prior drug convictions: at least 90 days in prison, not to exceed three years, and a fine of at least \$5,000. 21 U.S.C. § 844(a).
- Forfeiture of tangible and intangible personal and real property used to possess or to facilitate possession of a controlled substance if convicted of a crime that is punishable by more than one year imprisonment. Forfeiture of vehicles, boats, aircraft, or any other conveyance used, or intended for use, to transport or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances. 21 U.S.C. §§ 853(a), 881(a).
- Civil fine up to \$10,000 for each violation of 21 U.S.C. § 844 involving controlled substances listed in 21 U.S.C. § 841(b)(1)(A). 21 U.S.C. § 844a.
- Denial of federal benefits, such as financial aid grants, contracts, student loans, and professional and commercial licenses, for individuals convicted of distributing controlled substances (drug trafficking). The denial can last up to five years for the first conviction and up to 10 years for the second conviction. Those who have three or more convictions will be permanently ineligible for all federal benefits. 21 U.S.C. §§ 862(a)-(c).

Miscellaneous

It is unlawful to receive or possess a firearm or ammunition if unlawfully using or addicted to any controlled substance as defined in section 102 of the Controlled Substance Act. 18 U.S.C. § 922(g).

Authority to revoke certain Federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., is vested with the officials of individual Federal agencies.

The United States Drug Enforcement Administration publishes information that summarizes trafficking penalties under federal law for various drugs. See United States Drug Enforcement Administration, *Drugs of Abuse: A DEA Resource Guide*, 2014 Edition available at <https://www.getsmartaboutdrugs.gov/sites/default/files/2024-12/2024-Drugs-of-Abuse-508.pdf>. Note: These are only Federal penalties and sanctions. Additional State penalties and sanctions may apply.

2. State Penalties and Sanctions for Illegal Possession of Controlled Substances

The framework for the regulation of most drugs, also called controlled substances, is set out in the Uniform Controlled Substances Act. In addition, other Nebraska State laws establish penalties for various drug-related offenses as summarized below. Nebraska laws are available at <https://nebraskalegislature.gov/laws/browse-statutes.php>. Charts 1 and 2 summarize the sanctions under Nebraska law for possession or distribution of various drugs.

a. Crimes Involving Minors

Any person 18 years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver or dispense a controlled substance or a counterfeit controlled substance (i) to a person under the age of 18 years; (ii) in, on, or within 1,000 feet of a school, college, university, or playground; or (iii) within 100 feet of a public or private youth center, public swimming pool, or video arcade shall be punished more severely. The law also provides for an enhanced penalty for anyone 18 years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of 18 years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance. See Neb. Rev. Stat. § 28-416(4)(a) and (5)(a) (Cum. Supp. 2024).

Persons under the age of eighteen who violate the drug laws may be subject to additional sentencing provisions found in Neb. Rev. Stat. § 28-416 (19); these include impounding licenses or permits issued under the Motor Vehicle Operator's License Act, completion of community service, and attending drug education classes.

b. Immunity and Violation Exceptions

The law provides immunity from drug related violations in subsection (3) of § 28-416 and § 28-441 (which relates to drug paraphernalia) in certain circumstances. An individual is not in violation of the law when knowingly or intentionally possessing a controlled substance if the substance was obtained directly or pursuant to a medical order issued by a practitioner authorized to prescribe while acting in the course of professional practice. The law provides immunity when a person may need medical

assistance as a result of a drug overdose and the evidence for the violation of the laws was obtained as a result of the drug overdose and the request for medical assistance. A penalty may not be imposed on a person who otherwise violated the law if the person (i) made a good faith request for emergency medical assistance in response to the possible drug overdose of themselves or another person as soon as the emergency situation was apparent; (ii) made the request for medical assistance; and (iii) when emergency medical assistance was requested for the possible drug overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel. Neb. Rev. Stat. § 28-472 (Cum. Supp. 2024).

Similarly, the law also provides immunity from arrest and prosecution for drug or alcohol offenses for victims and witnesses of sexual assault. A person shall not be arrested or prosecuted for an eligible alcohol or drug offense if such person witnessed or was the victim of a sexual assault and such person: (a) Either: (i) In good faith, reported such sexual assault to law enforcement; or (ii) Requested emergency medical assistance for the victim of the sexual assault; and (b) Evidence supporting the arrest or prosecution of the eligible alcohol or drug offense was obtained or discovered as a result of such person reporting such sexual assault to law enforcement or requesting emergency medical assistance. (2) A person shall not be arrested or prosecuted for an eligible alcohol or drug offense if: (a) Evidence supporting the arrest or prosecution of the person for the offense was obtained or discovered as a result of the investigation or prosecution of a sexual assault; and (b) Such person cooperates with law enforcement in the investigation or prosecution of the sexual assault. Neb. Rev. Stat. § 28-1701 (Cum. Supp. 2024).

c. Probation Conditions

Any person convicted of a drug law violation, if placed on probation, shall, as a condition of probation, satisfactorily attend and complete appropriate treatment and counseling on drug abuse provided by a program under the Nebraska Behavioral Health Services Act or other licensed drug treatment facility. Neb. Rev. Stat. § 28-416 (14) (Cum. Supp. 2024).

d. Tax Provisions

Anyone who possesses or sells the following amounts of controlled substances or imitation controlled substances must pay the appropriate taxes to the Nebraska Department of Revenue and have the stamps attached to the controlled substances. Marijuana is not included in the definition of “controlled substances” here but is also taxed, as follows:

Marijuana is taxed at \$100 for each ounce or portion of an ounce. Neb. Rev. Stat. § 77-4303(a) (Reissue 2018).

Any controlled substance that is sold by weight or volume (i.e., cocaine, crack, methamphetamine, etc.) is taxed at \$150 for each gram or portion of a gram. Neb. Rev. Stat. § 77-4303(b) (Reissue 2018).

Any controlled substance that is not sold by weight (i.e., LSD, Quaaludes, methamphetamine in tablets, PCP, etc.) is taxed at \$500 for each 50 dosage units or portion thereof. Neb. Rev. Stat. § 77-4303(c) (Reissue 2018).

Failure to have the proper tax stamps attached to the controlled substance is a Class IV felony, with a criminal penalty of up to a 2-year imprisonment and 12-month post-release supervision or a \$10,000 fine or both. Neb. Rev. Stat. § 28-105(1) (Cum. Supp. 2024); Neb. Rev. Stat. §§ 77-4309 (Reissue 2018).

e. Property Forfeiture

Property used to manufacture, sell, or deliver controlled substances can be seized and forfeited to the State. Property subject to forfeiture may include cash, cars, boats, and airplanes, as well as drug paraphernalia, books, records, and research, including formulas, microfilm, tapes, and data. Thirty days after seizure an individual may appear and file an answer or demurer to the petitioner alleging the claimant's interest in or liability involving the property. The individual will only receive the property if shown by clear and convincing evidence the property was not used in violation of the Uniform Controlled Substances Act. Neb. Rev. Stat. § 28-431 (Cum. Supp. 2024).

f. Being Under the Influence of Any Controlled Substance for Unauthorized Purpose

It is a violation of Nebraska law to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a practitioner. In a prosecution, the State need not prove that the accused was under the influence of a specific controlled substance, only that the accused manifested symptoms or reactions caused by the use of any controlled substance. Neb. Rev. Stat. § 28-417(1)(g) (Reissue 2016).

g. Drug Paraphernalia Offenses

It is a violation of Nebraska law to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Neb. Rev. Stat. § 28-441(1) (Cum. Supp. 2024). An individual is not in violation of this section if one of the immunity exceptions described above applies. The exceptions include circumstances related to making a good faith request for emergency assistance for a potential drug

overdose and/or for victims and witnesses of sexual assault. Neb. Rev. Stat. § 28-441(3) (Cum. Supp. 2024); Neb. Rev. Stat. § 28-472 (Cum. Supp. 2024); and Neb. Rev. Stat. § 28-1701 (Cum. Supp. 2024).

"Drug paraphernalia" is defined to include all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in manufacturing, injecting, inhaling, or otherwise introducing into the human body a controlled substance. This includes such things as hypodermic syringes, needles, pipes, bongs, roach clips, and other items used, intended for use, or designed for use with controlled substances. Neb. Rev. Stat. § 28-439 (Reissue 2016).

It is unlawful to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances in which one should reasonably know, that it will be used to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. This section does not apply to pharmacists, pharmacist interns, pharmacy technicians, and pharmacy clerks who sell hypodermic syringes or needles for the prevention of the spread of infectious diseases. An individual who violated this section will be guilty of a Class II misdemeanor. Neb. Rev. Stat. § 28-442 (Cum. Supp. 2024).

It is a violation of Nebraska law and a Class I misdemeanor for a person 18 years of age or older to deliver drug paraphernalia to a person under the age of 18 who is at least three years his or her junior. Neb. Rev. Stat. § 28-443 (Reissue 2016).

A violation of Neb. Rev. Stat. § 28-441 (use or possession of drug paraphernalia) is an infraction and is punishable on the first offense by a fine of up to a maximum of \$100; a second offense within two years of the first is punishable by a fine between \$100 and \$300; a third offense within two years of the second is punishable by a fine between \$200 and \$500. Neb. Rev. Stat. §§ 28-441 (Cum. Supp. 2024) and 29-436 (Reissue 2016). The penalty for violation of Neb. Rev. Stat. § 28-442 (delivery or manufacture of drug paraphernalia), which is a Class II misdemeanor, is up to a 6-month imprisonment or a fine up to \$1,000 or both. Neb. Rev. Stat. § 28-442 (Cum. Supp. 2024) and § 28-106(1) (Reissue 2016). The penalty for violation of Neb. Rev. Stat. § 28-443 (delivery of drug paraphernalia to a minor), a Class I misdemeanor, is imprisonment for up to one year or a fine up to \$1,000 or both. Neb. Rev. Stat. § 28-443 (Reissue 2016) and § 28-106(1) (Reissue 2016).

h. Imitation Controlled Substances

It is a violation of Nebraska law to knowingly or intentionally manufacture, distribute, deliver, or possess with intent to distribute or deliver an imitation controlled substance. Neb. Rev. Stat. § 28-445 (Reissue 2016). "Imitation controlled substance" is a substance that is not a controlled substance or controlled substance analogue, but would lead a reasonable person to believe it is an illicit controlled substance or controlled substance analogue. Neb. Rev. Stat. § 28-401(30) (Cum. Supp. 2024). The first violation of this law is a Class III misdemeanor, and the penalty is up to a 3-month imprisonment or a

\$500 fine or both. A second and all subsequent offenses are a Class II misdemeanor, and the penalty is imprisonment for up to six months or a \$1,000 fine or both. Neb. Rev. Stat. § 28-445 (Reissue 2016) and § 28-106(1) (Reissue 2016).

i. Controlled Substance Analogues

For purposes of Nebraska's Uniform Controlled Substance Act, controlled substance analogues (often called "designer drugs") are treated as controlled substances. Such an analogue is defined as (i) substantially similar in chemical structure to the chemical structure of a controlled substance or (ii) having a stimulant, depressant, analgesic or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the effect of a controlled substance. Neb. Rev. Stat. § 28-401(31)(a) (Cum. Supp. 2024).

3. State Law Penalties and Sanctions for Selected Alcohol Offenses

a. Minor In Possession

It is against the law for a person under the age of 21 years to sell, dispense, consume, or possess alcohol. Neb. Rev. Stat. § 53-180.02 (Reissue 2021). In general, unless an exception applies, any person under the age of 21 years violating this law is guilty of a Class III misdemeanor; additional consequences may apply if the person is 18 years of age or younger. Neb. Rev. Stat. § 53-180.05(4) (Cum. Supp. 2024) and § 53-181 (Reissue 2021); § 28-106(1) (Reissue 2016). Depending on the age of the violator and the number of the offense, penalties for violation of this law may include one or more of the following: the impoundment of the offender's license for thirty days or more; the requirement to attend an alcohol education class; the requirement to complete twenty hours or more of community service; submission to an alcohol assessment by a licensed counselor; imprisonment of up to three months; and/or a \$500 fine. Neb. Rev. Stat. § 53-180.05(4) (Cum. Supp. 2024) and § 53-181 (Reissue 2021); § 28-106(1) (Reissue 2016).

The law provides immunity from minor in possession alcohol charges when someone underage is in need of medical assistance. A penalty may not be imposed on a person who otherwise violated the law if the person (i) made a good faith request for emergency medical assistance in response to the possible alcohol overdose of themselves or another person as soon as the emergency situation is apparent; (ii) made the request for medical assistance; and (iii) when emergency medical assistance was requested for the possible alcohol overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel. Neb. Rev. Stat. § 53-180.05(4) (Cum. Supp. 2024) and § 53-181(3) (Reissue 2021).

Similarly, the law also provides immunity from arrest and prosecution for alcohol offenses for victims and witnesses of sexual assault. A person shall not be arrested or prosecuted for an eligible

alcohol offense if such person witnessed or was the victim of a sexual assault and such person: (a) Either: (i) In good faith, reported such sexual assault to law enforcement; or (ii) Requested emergency medical assistance for the victim of the sexual assault; and (b) Evidence supporting the arrest or prosecution of the eligible alcohol offense was obtained or discovered as a result of such person reporting such sexual assault to law enforcement or requesting emergency medical assistance. (2) A person shall not be arrested or prosecuted for an eligible alcohol offense if: (a) Evidence supporting the arrest or prosecution of the person for the offense was obtained or discovered as a result of the investigation or prosecution of a sexual assault; and (b) Such person cooperates with law enforcement in the investigation or prosecution of the sexual assault. Neb. Rev. Stat. § 28-1701 (Cum. Supp. 2024).

b. Procuring Alcohol

It is a violation of Nebraska law to sell, furnish, give away, exchange, deliver, or permit the sale, gift, or procuring of any alcoholic liquors to or for any minor or to any person who is mentally incompetent. Neb. Rev. Stat. § 53-180 (Reissue 2021). A violation of this law is a Class I misdemeanor, which is generally punishable by up to one-year imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 53-180.05(1) (Cum. Supp. 2024) and § 28-106(1) (Reissue 2016). However, if alcohol is knowingly and intentionally provided to a minor and the minor's consumption of the alcohol or impaired condition attributed to the alcohol leads to the serious bodily injury or death of any person, the person who provided the alcohol shall be guilty of a Class IIIA felony and serve a mandatory minimum of at least 30 days' imprisonment. The penalty for a Class IIIA felony is up to a three-year imprisonment and 18 months post release supervision or a \$10,000 fine or both and a minimum of a nine-month post-release supervision if imprisonment is imposed. Neb. Rev. Stat. § 53-180.05(2) (Cum. Supp. 2024) and Neb. Rev. Stat. § 28-105(1) (Cum. Supp. 2024).

c. Consumption on Public Property

It is a violation of Nebraska law for any person to consume alcoholic liquors upon property owned or controlled by the State or any governmental subdivision thereof, unless authorized by the governing bodies having jurisdiction over such properties. Neb. Rev. Stat. § 53-186 (Reissue 2021). A violation of this statute is punishable on the first offense by a fine of up to \$100; a second offense within two years of the first is punishable by a fine between \$100 and \$300; a third offense within two years of the second is punishable by a fine between \$200 and \$500. Neb. Rev. Stat. § 53-186 (Reissue 2021) and § 29-436 (Reissue 2016).

d. Driving While Intoxicated

Operating or being in physical control of a vehicle while under the influence of alcoholic liquors or drugs is a violation of Nebraska law when such person has a concentration of eight-hundredths (.08) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per

210 liters of breath. Neb. Rev. Stat. § 60-6,196 (Reissue 2021).

There are various consequences for violating this law. The consequences range depending on the number of prior convictions and the level of alcohol in the person's blood or breath. The first violation of this law is a Class W misdemeanor and is punishable by seven to 60 days of imprisonment and a \$500 fine. Neb. Rev. Stat. § 60-6,197.03 (Reissue 2021) and § 28-106(1) (Reissue 2016). In addition, an offender's driver's license is revoked for six months. The offender will be required to apply for an ignition interlock permit for the revocation period and have the ignition interlock device installed on any motor vehicle the individual operates during the revocation period. Neb. Rev. Stat. § 60- 6,197.03(1) (Reissue 2021). Suspended sentence or probation includes at least two conditions, the offender's operator license shall be revoked for a period of 60 days and will be required to pay a \$500 fine. Neb. Rev. Stat. § 60-6,197.03(1) (Reissue 2021).

If an individual receives a second conviction they will be found guilty of a Class W misdemeanor which is punishable for second offenses with a \$500 fine and a minimum of 30 days imprisonment and a maximum of a 6-month imprisonment. Neb. Rev. Stat. § 60-6,197.03 (Reissue 2021) and § 28-106(1) (Reissue 2016). The offender's operator's license is revoked for 18 months, and the offender may not drive for a period of 45 days. The offender will also be required to apply for an ignition interlock permit for the revocation period and have the ignition interlock device installed on any motor vehicle the individual owns or operates for at least one year. Neb. Rev. Stat. § 60-6,197.03(3) (Reissue 2021). If an offender is placed on probation or the sentence is suspended, a mandatory condition is that the offender's license shall be suspended for a period of 18 months, and the offender may not drive for a period of 45 days. In addition, the offender must apply for an ignition interlock permit and installation of ignition interlock device for not less than a one-year period. If the ignition interlock device is installed the offender shall not be eligible for reinstatement of an operator's license until the offender has had the device installed for a period ordered by the court. Neb. Rev. Stat. § 60-6,197.03(3) (Reissue 2021). In addition, the probation order shall include as one of its conditions the payment of a \$500 fine and either the confinement in the city or county jail for 10 days or the imposition of not less than 240 hours of community service. Neb. Rev. Stat. § 60-6,197.03(3) (Reissue 2021).

Penalties for a third conviction include being found guilty of a Class W misdemeanor which is punishable with a \$1,000 fine and a maximum of a one-year imprisonment, with a minimum 90-day imprisonment, and an order of license revocation for 15 years. Neb. Rev. Stat. § 28-106(1) (Reissue 2016) and Neb. Rev. Stat. § 60-6,197.03(4) (Reissue 2021). If an offender is placed on probation, or the sentence is suspended, a mandatory condition is that the offender's operator's license shall be revoked for a period of at least 2 years but not more than 15 years. Neb. Rev. Stat. § 60-6,197.03(4) (Reissue 2021). The revocation order shall require the offender to not drive for a period of forty-five days, after which the court may order that during the period of revocation the person apply for an ignition interlock permit and installation of an ignition interlock device. Neb. Rev. Stat. § 60-6,197.03(4) (Reissue 2021). In

addition, the probation order or sentence suspension shall include the payment of a \$1,000 fine and confinement in the city or county jail for 30 days. Neb. Rev. Stat. § 60-6,197.03(4) (Reissue 2021).

Fourth convictions are a Class IIIA felony. Neb. Rev. Stat. § 60-6,197.03(7) (Reissue 2021). Offenders in this class will have their licenses revoked for a period of 15 years and the offender must spend at least 180 days imprisoned in a city or county jail or an adult correctional facility. Neb. Rev. Stat. § 60-6,197.03(7) (Reissue 2021). Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15 years. The revocation order shall require that the offender not drive for 45 days after which he or she may apply for an ignition interlock permit and installation of such device. Neb. Rev. Stat. § 60-6,197.03(7) (Reissue 2021). In addition, the probation order or sentence suspension shall include as part of its conditions a \$2,000 fine and confinement in the city or county jail for 90 days and upon release from such confinement, the required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 90 days. Neb. Rev. Stat. § 60-6,197.03(7) (Reissue 2021).

Fifth and subsequent convictions are a Class IIA felony. Neb. Rev. Stat. § 60-6,197.03(9) (Reissue 2021). Offenders in this class will have their licenses revoked for a period of 15 years and a minimum sentence of two years' imprisonment. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2024). Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15 years. The revocation order shall require that the offender not drive for 45 days after which he or she may apply for an ignition interlock permit and installation of such device. Neb. Rev. Stat. § 60-6,197.03(9) (Reissue 2021). In addition, the probation order or suspension of sentence shall include as part of its conditions a \$2,000 fine and confinement in the city or county jail for 180 days and upon release the required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 180 days. Neb. Rev. Stat. § 60-6,197.03(9) (Reissue 2021).

Persons with a higher concentration of alcohol, fifteen-hundredths (.15) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath on a first conviction and subsequent conviction, are subject to even stiffer penalties. Neb. Rev. Stat. § 60-6,197.03(2), (5), (6), (8) and (10) (Reissue 2021). Where a person has three prior convictions and then has a current conviction involving this higher alcohol concentration, the person shall be guilty of a Class IIA felony with a minimum sentence of one year of imprisonment and have their license revoked for a period of 15 years. Neb. Rev. Stat. § 60-6,197.03(8) (Reissue 2021). In addition, any probation order shall be applied as previously indicated under Neb. Rev. Stat. § 60-6,197.03(7) (Reissue 2021).

Persons convicted of a DWI violation may be ordered to have an ignition interlock device installed at their expense on each motor vehicle operated by the convicted person during the period of revocation. Neb. Rev. Stat. §§ 60-6,197.03 and 60-6,211.05 (Reissue 2021). DWI convictions also have an impact on the ability of a person to obtain and/or potentially increase the cost of both automobile and life insurance coverage.

C. DESCRIPTION OF HEALTH RISKS ASSOCIATED WITH USE OF ILLICIT DRUGS AND ABUSE OF ALCOHOL

Serious health risks are associated with the use of illicit drugs and alcohol. The National Institute on Drug Abuse states that most drugs of abuse can alter a person's thinking and judgment, leading to health risks, including addiction, drugged driving and infectious disease. Most drugs could potentially harm an unborn baby; pregnancy-related issues are listed for drugs where there is enough scientific evidence to connect the drug use to specific negative effects. The following are some important facts to know regarding alcohol and drugs.

1. Alcohol

Below are key points the National Institute on Alcohol Abuse and Alcoholism provides regarding alcohol's effects on the body at National Institute on Alcohol Abuse and Alcoholism, National Institute on Alcohol Abuse and Alcoholism website (July 1, 2025), <https://www.niaaa.nih.gov/>.

Drinking too much – on a single occasion or over time – can take a serious toll on your health. Here's only a few ways how alcohol can affect your body:

- **Brain/Neurological System:** Alcohol interferes with the brain's communication pathways and can affect the way the brain looks and works. These disruptions can change mood and behavior and make it harder to think clearly and move with coordination. Drinking alcohol can also increase the risk of stroke.
- **Heart and Circulatory system:** Drinking a lot over a long time or too much on a single occasion can damage the heart, causing problems including weakening of the heart, cardiomyopathy – stretching and drooping of heart muscle, arrhythmias – irregular heartbeat, stroke, and high blood pressure.
- **Liver:** Heavy drinking takes a toll on the liver and can lead to a variety of problems and liver inflammations including steatosis or fatty liver, alcoholic hepatitis, fibrosis, carcinoma, steatohepatitis, and cirrhosis.
- **Pancreas:** Alcohol misuse over time can lead to pancreatitis which can impair production of digestive enzymes and can affect hormones that regulate blood sugar level. Pancreatitis pain can spread to the rest of the body and can be acute or chronic. Chronic pancreatitis pain is a risk factor for cancer and diabetes.
- **Cancer:** According to the National Cancer Institute (NCI), there is a strong scientific consensus of an association between alcohol drinking and several types of cancer. In its Report on Carcinogens, the National Toxicology Program of the US Department of Health and Human Services lists consumption of alcoholic beverages as a known human carcinogen. The research

evidence indicates that the more alcohol a person drinks—particularly the more alcohol a person drinks regularly over time—the higher the risk of developing an alcohol-associated cancer. Clear patterns have emerged between alcohol consumption and the development of the following types of cancer: head and neck cancer; esophageal cancer; liver cancer; breast cancer; and colorectal cancer.

- Immune System: Drinking too much can weaken your immune system, making your body a much easier target for disease. Drinking a lot on a single occasion slows your body's ability to ward off infections – even up to 24 hours later. Both acute and chronic heavy use of alcohol can interfere with multiple aspects of the immune response and the result being it can impair the body's defense against infection, impede recovery from tissue injury, cause inflammation, and contribute to alcohol-related organ damage.

2. Drugs

With drugs, it has been shown that while initial use may have been voluntary, repeated drug use can lead to brain changes that challenge an addicted person's self-control and interfere with their ability to resist intense urges to take drugs. Once addiction develops, the changes to the brain interfere with one's ability to make voluntary decisions, leading to compulsive drug craving, seeking, and use. The long-term use of drugs can vary greatly depending on the drug and can be far reaching. Potential consequences of drug use on the body are brain changes, gastrointestinal system issues, adverse respiratory effects, kidney disease, cardiovascular disease, stroke, cancer, HIV/AIDS, hepatitis, lung disease, and drug use may cause or worsen mental disorders. These issues affect not only the individual, but loved ones, fellow students, and the public in general. For more information, see the National Institute on Drug Abuse's Understanding Drug Use and Addiction Drug Facts, available at <https://nida.nih.gov/publications/drugfacts/understanding-drug-use-addiction>.

D. ASSISTANCE, UNIVERSITY SANCTIONS, AND OTHER INFORMATION

Assistance

Employees and students needing help in dealing with drug or alcohol problems are encouraged to make voluntary use of their campus Employee Assistance Programs and Student Counseling Centers. The Employee Assistance Programs and Student Counseling Centers can help by offering the following services:

- Objectively assessing the situation and referring employees or students to the proper resources.
- Supplying short-term personal counseling and problem solving.
- Providing education and training to supervisors on how to intervene with troubled employees.

University Sanctions

Students should review the Student Code of Conduct for information related to the Standards of Academic Integrity and Responsible Conduct (“Standards”), the University’s response to a violation of the Standards, and the enforcement of the Standards.

In the event a faculty or staff member violates this policy or is convicted of unlawful manufacture, distribution, dispensation, possession or use of controlled substances or alcohol on University property or as part of any University activity, the University will take appropriate action.

For administrators, staff, and faculty not included in the UNK or UNO collective bargaining units, one or more of the following actions may be taken:

- Referral to the Faculty/Employee Assistance Program for evaluation and assessment to determine the appropriate treatment for rehabilitation;
- Participation in a drug rehabilitation program;
- Disciplinary action, up to and including termination of employment and referral for prosecution.

For faculty included in the UNK or UNO collective bargaining units, conviction of drug law offenses may be considered adequate cause for imposition of the disciplinary process provided in the Collective Bargaining Agreement. Violation of this policy may also be considered adequate for imposition of the disciplinary process and referral for prosecution.

As required by 41 U.S.C. § 8102(a)(1), part of the Drug-Free Workplace Act of 1988, faculty and staff involved in the performance of federal contracts or grants must notify their supervisor within five days if they are convicted of any criminal drug statute as a result of violation of the law that occurs at the workplace. The term “conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violation of the Federal or State criminal drug statutes. 41 U.S.C. § 8101(a)(3). The supervisor will immediately notify the Academic Affairs Office when faculty members are affected or the Human Resources Office when staff members are affected. The University, in turn, will notify the applicable granting or contracting agency or agencies of the conviction within ten days after receiving notice of an employee’s criminal drug statute conviction.

Review

Biennially, the University will review its Substance Abuse Policy/Program to determine its effectiveness and to ensure that the sanctions required for violations of the policy are consistently enforced.

CHART 1
**SANCTIONS UNDER NEBRASKA LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ANABOLIC STEROIDS,
MARIJUANA, AND HASHISH OR OTHER SUBSTANCES CONTAINING TETRAHYDROCANNABINOLS**

Drug	Quantity	Penalty for "simple" possession	Penalty⁵ for manufacture, distribution, delivery, dispensation, or possession with intent to manufacture, distribute, deliver or dispense
Anabolic Steroids ¹ Schedule III(d)	Any detectable amount	Up to 2 years imprisonment and 12 months post-release supervision or \$10,000 fine, or both. Class IV felony.	Up to 20 years imprisonment; Class IIA felony.
Hashish or Concentrated Cannabis ² Schedule I(c)(18)	Any detectable amount	Up to 2 years imprisonment and 12 months post-release supervision or \$10,000 fine, or both. Class IV felony.	Up to 20 years imprisonment; Class IIA felony.
Marijuana ³ Schedule I(c)(8) Or Synthetically Produced Cannabinoids ⁴ Schedule I (c)(27)	Any detectable amount up to 1 ounce	1st offense – receive a citation, \$300 fine and possible assignment to controlled substances course. Infraction. 2nd offense – receive a citation, \$400 fine and up to five days imprisonment. Class IV misdemeanor. 3rd and subsequent offenses – receive a citation, \$500 fine and imprisonment not to exceed 7 days. Class IIIA misdemeanor.	Up to 20 years imprisonment; Class IIA felony.
	More than 1 ounce but less than 1 pound	Up to 3 months imprisonment or \$500 fine or both. Class III misdemeanor.	
	More than one pound	Up to 2 years imprisonment and 12 months post-release supervision or \$10,000 fine, or both. Class IV felony.	

¹Anabolic steroid means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids), that promotes muscle growth and includes any controlled substance in Schedule III(d) of section 28-405. Anabolic steroid does not include any anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and has been approved by the Secretary of Health and Human Services for such administration, but if any person prescribes, dispenses, or distributes such a steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this subdivision" Neb. Rev. Stat. § 28-401(32) (Cum. Supp. 2024).

² "Hashish or concentrated cannabis means (i) the separated resin, whether crude or purified, obtained from a plant of the genus cannabis or (ii) any material, preparation, mixture, compound, or other substance which contains ten percent or more by weight of tetrahydrocannabinols. Neb. Rev. Stat. § 28-401 (28)(a) (Cum. Supp. 2024).

³ "Marijuana" is defined at Neb. Rev. Stat. § 28-401(14)(a)-(c) (Cum. Supp. 2024).

⁴ Nomenclature for these cannabinoids is not internationally recognized and may change; so as long as the chemical structure of a drug fits into this drug's enumerated categories, it shall be included. *See* Neb. Rev. Stat. § 28-405, Schedule I (c)(27) (Cum. Supp. 2024).

⁵ All felony classifications and penalties are found in Neb. Rev. Stat § 28-105 (Cum. Supp. 2024).

CHART 2
SANCTIONS UNDER NEBRASKA LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS

Drug¹	Quantity	Penalty for "simple" possession²	Penalty⁶ for manufacture, distribution, delivery, dispensation, possession with intent to manufacture, distribute, deliver or dispense
Methamphetamine "Meth" or "Speed" Schedule ³ II(c)(3)	Any detectable amount up to 10 grams	Up to 2 years imprisonment and 12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Not less than 1 year imprisonment and not more than 50 years imprisonment. Class II felony.
	At least 10 grams but less than 28 grams		Not less than 3 years imprisonment and not more than 50 years imprisonment. Class 1D felony.
	At least 28 grams but less than 140 grams		Not less than 5 years imprisonment and not more than 50 years imprisonment. Class 1C felony.
	140 grams or more		Not less than 20 years imprisonment and not more than life imprisonment. Class 1B felony.
Heroin Schedule I(b)(11)	Any detectable amount up to 10 grams	Up to 2 years imprisonment and 12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Not less than 1 year imprisonment and not more than 50 years imprisonment. Class II felony.
	At least 10 grams but less than 28 grams		Not less than 3 years imprisonment and not more than 50 years imprisonment. Class 1D felony.
	At least 28 grams but less than 140 grams		Not less than 5 years imprisonment and not more than 50 years imprisonment. Class 1C felony.
	140 grams or more		Not less than 20 years imprisonment and not more than life imprisonment. Class 1B felony.
Cocaine or Base Cocaine "Crack Cocaine" Schedule II(a)(4)	Any detectable amount up to 10 grams	Up to 2 years imprisonment and 12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Not less than 1 year imprisonment and not more than 50 years imprisonment. Class II felony.
	At least 10 grams but less than 28 grams		Not less than 3 years imprisonment and not more than 50 years imprisonment. Class 1D felony.
	At least 28 grams but less than 140 grams		Not less than 5 years imprisonment and not more than 50 years imprisonment. Class 1C felony.
	140 grams or more		Not less than 20 years imprisonment and not more than life imprisonment. Class 1B felony.
Phencyclidine "PCP" or "Angel Dust" Schedule II(d)(4)	Any detectable amount	Up to 2 years imprisonment and 12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Not less than 1 year imprisonment and not more than 50 years imprisonment. Class II felony.
Lysergic Acid Diethylamide "LSD" Schedule I(c)(7)	Any detectable amount	Up to 2 years imprisonment and 12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Up to 20 years imprisonment. Class IIA felony.
Fentanyl "China White" Schedule II(b)(5)	Any detectable amount	Up to 2 years imprisonment and 12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Up to 20 years imprisonment. Class IIA felony.
"Exceptionally Hazardous Drugs" ⁴	Any detectable amount	Up to 2 years imprisonment and 12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Not less than 1 year imprisonment and not more than 50 years imprisonment. Class II felony.
Schedule I/II/III drugs not classified as "Exceptionally Hazardous Drugs"	Any detectable amount	Up to 2 years imprisonment and 12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Up to 20 years imprisonment. Class IIA felony.
Any Controlled Substances classified in Schedule IV or V	Any detectable amount	Up to 2 years imprisonment and 12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Up to 3 years imprisonment and 18 months post-release supervision or \$10,000 or both. Class IIIA felony.

¹ Outlined in Neb. Rev. Stat. § 28-416 (Cum. Supp. 2024).

² Neb. Rev. Stat. § 28-416(3) (Cum. Supp. 2024).

³ All references are to the controlled substances schedules enumerated in Neb. Rev. Stat. § 28-405 (Cum Supp. 2024).

⁴ "Exceptionally Hazardous Drug" is defined in the Uniform Controlled Substances Act, Neb. Rev. Stat. § 28-401(29) (Cum. Supp. 2024).

⁶ All felony classifications and penalties are found in Neb. Rev. Stat. § 28-105 (Cum. Supp. 2024).