

MISSISSIPPI STATE UNIVERSITY
DRUG FREE SCHOOLS AND CAMPUS ACT OF 1989
BIENNIAL CAMPUS ALCOHOL AND DRUG REPORT



MISSISSIPPI STATE
UNIVERSITY™

MISSISSIPPI STATE UNIVERSITY

FOUNDED 1878

REPORTING AN INCIDENT

In the event of an emergency, contact 911. All student, faculty and staff are encouraged to report incidents of alcohol and drug abuse. If you are unsure if Mississippi State University is aware of a potential incident regarding a violation of laws of the State of Mississippi and/or Mississippi State University policy, please contact one of the following non-emergency numbers:

The Office of the Dean of Students
 First Floor, YMCA Building
 662-325-3611

Chief Human Resources Officer
 150 McArthur Hall
 662-325-3713

Mississippi State University Police Department
 Butler Williams Building
 662-325-2121

When calling, please provide as much information as possible about the person being reported, location, time and date. You may also report an incident by completing the form located at <https://www.students.msstate.edu/about/>.

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Copies of this report are on-line by accessing the link at [msstate.edu/students/publications-policies](https://www.msstate.edu/students/publications-policies). If you have questions about this report or would like a paper copy of the report, please contact the Office of the Dean of Students at 662-325-3611 or visit First Floor, YMCA Building.

CONTACT INFORMATION

DEAN OF STUDENTS OFFICE

First Floor, YMCA Building.
Mississippi State, MS 39762
662-325-3611

STUDENT COUNSELING CENTER

115 C Hathorn Hall
Mississippi State, MS 39762
662-325-0297

UNIVERSITY POLICE

Butler-Williams Hall
Mississippi State, MS 39762
662-325-2121

UNIVERSITY POLICE – MERIDIAN

662-484-0199

LONGEST STUDENT HEALTH CENTER

360 Hardy Road
Mississippi State, MS 39762
662-325-2431

DEPARTMENT OF HOUSING AND RESIDENCE LIFE

Dogwood Hall, ground floor
Mississippi State, MS 39762
662-325-3555

HUMAN RESOURCES

150 McArthur Hall
Mississippi State, MS 39762
662-325-3713

COLLEGIATE RECOVERY COMMUNITY

140 Magruder Street
Mississippi State, MS 39762
662-325-3192

EMPLOYEE ASSISTANCE PROGRAM (EAP)

1-866-219-1232

DEPARTMENT OF HEALTH PROMOTION AND WELLNESS

Longest Student Health Center
360 Hardy Road
Mississippi State, MS 39762
662-325-7545
662-325-2090

2019 Biennial Campus Alcohol and Drug Report

INFORMATION FOR THE MISSISSIPPI STATE UNIVERSITY COMMUNITY

In accordance with the requirements of the Drug Free Schools and Campuses Act of 1989 and the Campus Security Act of 1990, institutions must publish a biennial report containing information on campus alcohol and drug policies, programs and standards related to its institution. Mississippi State University is committed to providing a campus environment free from the unlawful manufacture, distribution, dispensation, possession, or use of drugs and/or alcohol in order to allow all to attend and work at the highest levels of academia. High risk behaviors related to drug and alcohol abuse can lead to decreased productivity, serious health problems, strained social interactions, and impaired learning. An academic community is harmed in many ways by the abuse of alcohol and the use of other drugs. In an effort to combat the effects of drug and alcohol abuse, Mississippi State University offers alcohol and drug abuse programs from a variety of departments including the Dean of Students' Office, Student Health Center, Student Counseling Center, Housing and Residence Life, Human Resources, Health Promotion and Wellness, and the Collegiate Recovery Center.

The material provided herein includes the federally mandated description of MSU's substance abuse prevention and education efforts for the 2015-16 and 2016-17 academic years (including Summer 2016).

STANDARDS OF CONDUCT FOR STUDENTS

Mississippi State University is committed to a healthy, safe environment for learning, living, and working. Students, faculty, staff, and guests are expected to comply with all federal, state, and local laws as well as University rules and regulations concerning alcoholic beverages and other drugs. Specifically, the University prohibits the unlawful sale, possession, consumption, use, or distribution of alcohol or drugs in or on University property or as part of any of its activities. MSU considers as drugs all substances deemed as drugs by the State of Mississippi. This includes, but is not limited to, unauthorized prescription drugs, marijuana, cocaine, cocaine derivatives, heroin, amphetamines, barbiturates, LSD, PCP, tranquilizers, inhalants, and associated paraphernalia.

CODE OF STUDENT CONDUCT

MSU students are governed by the Code of Student Conduct (OP 91.100 -- policies.msstate.edu/policypdfs/91100.pdf). The Code of Student Conduct is designed to develop self-reliance to form desirable and acceptable habits of conduct among students at MSU. Under the Code of Student Conduct, students are recognized as adults who are expected to obey the

law and the rules and regulations of the university. Students are also expected to take personal responsibility for their conduct, to respect the rights of others, and to have regard for the preservation of state and university property, as well as the private property of others. Those found responsible for violating the law or the rules and regulations of the university may receive a maximum sanction of expulsion from MSU.

The Code of Student Conduct applies to all students while present on campus or at a University facility. It also applies to all student conduct that occurs in connection with a University program or activity, regardless of the location. Additionally, under the Code of Student Conduct, MSU reserves the right to take appropriate action, up to and including expulsion, when, in the University's judgment, a student's conduct off-campus and not connected to any University program or activity: (1) indicates that the student may pose a danger to him or herself or to others; or (2) the conduct has a negative impact on the University community or the University's mission.

The process for adjudicating a violation of the Code of Student Conduct is separate and independent of any adjudication of a violation of federal, state, and local law.

Examples (but not an exclusive list) of misconduct that may be subject to disciplinary action under the Code of Conduct include:

- Unlawful sale, possession, consumption, use, or distribution of alcohol (including beer and wine);
- Assisting or cooperating with a violation of the Code of Student Conduct or other university rules and regulations by another or others;
- Failure to comply with directions of any university official (whether the request is by mail, email, telephone, or in person) when that official has identified him or herself and is acting within the course and scope of their duties. Cooperation includes, but is not limited to, responding to requests for conferences on matters pertaining to the student at the university and/or presentation of university identification;
- Disorderly Conduct or Disruptive Behavior that includes violent, noisy, or drunken on university controlled property or while representing the university or attending a university function, or any action that interferes with or attempts to disrupt the learning environment (See also OP 91-109 and AOP 10.08); and
- Unlawful sale, possession, use, or distribution of illegal drugs;

AUTHORITY

Bylaws and Policies of the Board of Trustees of State Institutions of Higher Learning charge the President of Mississippi State
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University with the responsibility of maintaining "appropriate standards of conduct of students" and further authorizes him or her "to expel, dismiss, suspend, and place limitations on continued attendance and to levy penalties for disciplinary violations...." In accordance with this responsibility, the aim of disciplinary action is the redirection of student behavior toward the achievement of academic and social goals. The President has delegated this function to the Vice President for Student Affairs, who in turn has delegated it to the Dean of Students. It is the responsibility of the Dean of Students to initiate, implement, and supervise the disciplinary process for students.

The Dean of Students' Office may be assisted in the disciplinary determinations by a series of councils and boards that hear cases assigned to them. The involvement of peer groups in such decisions is consistent with the university's educational goals and its practice of student participation in institutional governance.

In cases involving alleged sexual misconduct, investigation and disciplinary procedures are governed by the Sexual Misconduct Policy, OP 03.04. To the extent the Sexual Misconduct Policy contains additional or different rules or requirements, those requirements will control in cases of alleged sexual misconduct.

DISCIPLINARY PROCEDURES

Disciplinary procedures may be initiated on individual or organizational behavior upon receipt and analysis of an official incident report or valid complaint. The Dean of Students' Office will investigate to determine if there is sufficient cause to proceed with disciplinary action. Should sufficient cause be determined, the Dean of Students' Office may conduct an administrative hearing, assign the case to be mediated, or assign the case to a student conduct board. Some examples of the boards are:

- a. The Greek Conduct Board, original jurisdiction and appeal board for Greek organizations
- b. The Student Conduct Board, original jurisdiction and appeal board for students
- c. An Administrative Board, original jurisdiction, sexual misconduct, and appeal board
- d. Mediation - by students or administrators trained by the Dean of Students' Office

CONDUCT BOARD NOTIFICATION PROCESS

The student, student group, or student organization accused shall be notified in writing or email by the Dean of Students' Office of the specific charges, the board assigned to hear the charges, the time and place of the hearing, and the names

of witnesses who are expected to present information. The notification will inform the accused student, student group or student organization of the following in regards to the hearing:

- a. That he/she may bring any witness to the hearing to present information on his/her behalf.
- b. That he/she may be accompanied by an advisor of his/her choosing during any time that he/she may appear before the board; however, if the advisor is an attorney, the Dean of Students' Office must be notified 48 hours prior to the hearing.
- c. That the student, not the advisor, is responsible for presenting his/her case; therefore, the advisor may not address members of the student conduct board or witnesses of speak during the proceedings.
- d. That he/she shall be permitted to question information presented at the hearing.
- e. That the hearing shall be conducted in accordance with policy set forth in "Conduct Board Hearing Procedures" below.
- f. That any record of the hearing and all documents related to the hearing will be made and kept with the Dean of Students' Office.

A letter of notification shall be emailed according to MSU policy (see OP 91.126: Electronic Communications Student Policy) no less than three (3) days prior to the time designated for the student's appearance before the board, unless a shorter period of notification is acceptable to the student.

CONDUCT BOARD HEARING PROCEDURES

Conduct Board hearings at Mississippi State University are hearings to arrive at decisions regarding student behavior. These decisions affect the student and his/her relationship with the university. The administration of discipline is an educational process and procedures will be determined by educators. Such procedures will give full cognizance to the tests of fairness and justice, and the requirements of due process. At disciplinary hearings, technical rules/evidence applicable to civil and criminal cases shall not apply. Rules and procedures for conducting disciplinary hearings are as follows:

- a. Conduct board hearings are of a private, confidential nature. They are closed to the public, unless opened by the Dean of Students' Office.
- b. The hearing is presided over by a chair of the hearing body.
- c. The format of a hearing will follow this sequence:
 1. The presiding officer will read the charges

2. A call is made for the plea of the accused to the charges. The accused may plead responsible, not responsible, or no plea.
3. Information will be presented by the University which may include testimony of witnesses and supporting information on the charges. The accused may ask questions of the witnesses present or rebut any information presented.
4. The accused may present a response which may include testimony of witnesses and supporting information.
5. All witnesses will be called separately and may not hear each other's testimony.
6. Examination and questioning by members of the board may follow any witness statement for information presented.
7. The board will go into closed session to decide whether the accused is responsible for a violation of the Code of Student Conduct. This deliberations will be closed to all but the members of the board and representation from the Dean of Students' Office.
8. The accused will be called back into the room and the decision of whether the accused is responsible for a violation of the Code of Student Conduct is announced to all present at the hearing. If the accused is found to be responsible, the accused may make a statement in his/her behalf regarding the sanction.
9. The board will go back into closed session to consider the sanctions. These deliberations will be closed to all but members of the board and representation from the Dean of Students' Office.
10. The board will present a written finding and the recommended sanction(s), if any, to the Dean of Students' Office who will in turn so inform the accused in writing as soon as possible. This recommendation will be used by the Dean of Students' Office in the final determination of sanctions, but ultimately the Dean of Students' Office has sole discretion in the application of sanctions for students, student groups, or student organizations found responsible for violating the Code of Student Conduct.

DISCIPLINARY RESPONSIBILITY FOR STUDENTS

The Dean of Students, by delegated authority, is assigned the responsibility of receiving and handling all disciplinary matters concerning the behavior of students, student groups, and/or student organizations. The Dean, who has sole discretion, assigns cases based on the type of behavior, status, and case load of various boards. The Dean of Students' Office also has sole discretion in the determination of sanctions for students,

student groups, or student organizations found responsible for violating the Code of Student Conduct.

SANCTIONS

Violation of the Code of Student Conduct and university regulations will be enforced. If the behavior of a student is such that his or her continuance at the university would be hazardous to others or detrimental to the university, the Dean of Students may, at his or her discretion, temporarily suspend the student until the disciplinary process is complete. Student conduct sanctions are educational in nature. More than one sanction or any combination of sanctions may be imposed for any single violation. The following list is an example of sanctions, however it is not all inclusive of all possible sanctions.

- **Expulsion** - Separation of the student from the university whereby the student is never eligible for readmission to this university.
- **Suspension** - Separation of the student from the university for a defined period of time.
- **Conduct probation** - An official warning that the student's conduct is in violation of the Code of Student Conduct, but is not sufficiently serious to warrant expulsion or suspension. A student on conduct probation may face expulsion or suspension if found responsible for another violation. A student may also be ineligible to represent the university and additional restrictions or conditions may be imposed depending on the nature and seriousness of the misconduct as specified in the sanction.
- **Loss of campus housing** – Removal from university housing for disciplinary reasons.
- **Community service** – A student may have to complete a specified number of community service hours.
- **Restrictions** – The withdrawal of specified privileges for a defined period of time.
- **Restitution** – A payment for financial reimbursement in cases involving loss of or destruction of property or deception.
- **Warning** – Reprimand of a student for actions violating the Code of Student Conduct.
- **Educational Requirements** - A stipulation to complete a specific educational requirement directly related to the violation of the Code of Student Conduct committed. The provision will be clearly defined. Educational requirements may include, but are not limited to, completion of an alcohol or drug education course, an integrity course, essays, reports, etc.

APPEALS

The student, group, or registered organization being disciplined may petition for an appeal of a decision reached by a conduct board or administrative hearing. A petition for an appeal must be made in writing by the student or student organization to the Dean of Students' Office within a period of five (5) days from the date of notification. A petition for appeal made to the Dean of Students' Office will be reviewed to determine its merit and must be based on one or more of the following reasons:

- a. An error in procedure, which prejudiced the process to the extent that the participant was denied a fundamentally fair hearing as a result of the error. Procedural flaws alone are not grounds for an appeal. Significant procedural errors that may have affected the verdict or sanction will be considered.
- b. The emergence of new evidence that could not have been previously discovered and that, had it been represented at the initial hearing, would have substantially affected the original decision of the hearing body.

The student, group, or organization being disciplined must specify in detail why they believe they are entitled to an appeal. Based on its merit, they request for appeal will be reviewed by the Dean of Students or his or her designee. A request for appeal which does not clearly raise, in writing, one or more of the reasons listed above shall be dismissed without further consideration. The request for appeal shall be limited in its review to the reason or reasons raised in the written appeal. The decision of the Dean of Students or his or her designee, granting or denying the appeal will be in writing. If an appeal is granted, the matter will be moved to the appropriate board which will have full discretion in the determination of responsibility and recommendation of sanctions. Following the notification by the student, group, or organization of the intent to petition for appeal and pending the appeal process, the disciplinary action taken by the university may be stayed unless the Dean of Student' Office has determined in a case involving removal from the university that the continued presence on campus of the charged student, group, or organization poses a continuing danger to person or property or an ongoing threat of disrupting the academic process. The decision to grant or deny the appeal and the outcome of any appeal hearing is final.

ALCOHOL SANCTIONS

Sanctions for alcohol violations are further defined in OP 91.119 (<http://www.policies.msstate.edu/policypdfs/91119.pdf>), which is intended to provide appropriate developmental/educational experiences for students who violate MSU's policy regarding alcohol and to support the sections of the Student Code of Conduct which relate to alcohol.

09.119 restates that the unlawful possession, consumption or sale of alcohol on campus violates the Student Code of



Conduct. The following procedure is set forth for alcohol violations under the Student Code of Conduct:

1. A Student who is currently found responsible for an alcohol policy infraction, and who is not on probation for previous alcohol-related infractions, will attend a meeting in the Dean of Students' office in which the student will receive a verbal admonishment and a description of the consequences for future infractions. This meeting will be followed by a letter which contains the same information. In addition, the students may be issued one of the following sanctions:
 - a. The Student may be assigned to an online education class covering the health, safety, academic, and legal consequences of alcohol misuse. Furthermore the student will be required to pass a test on the information provided by the website. The student may also be placed on probation.
 - b. The student may be assigned to attend an alcohol education course as determined by the Dean of Students' office and may be placed on probation.
2. A student who is already on probation for alcohol infractions, and who is currently found responsible for any other alcohol policy infraction, may be suspended for the university.
3. If a student is already on probation for an offense not related to alcohol, and is found responsible for an alcohol infraction, it will be at the discretion of the Dean of Students' office to link the two offenses.
4. If a student is under the age of twenty-one and is found responsible for an alcohol violation, a letter will be sent to the parent/guardian notifying them of the student's violation of Mississippi State University's alcohol policy.
5. If a student is found responsible for an alcohol infraction, that student will pay a fee as decided by the university.

PARENTAL NOTIFICATION AND PRIVACY

Pursuant to the Family Educational Rights and Privacy Act (FERPA), MSU must maintain as confidential certain education records maintained by the university. However, FERPA provides universities with the option to notify parents/guardians about specific types of information from a student's conduct record. The Office of the Dean of Students provides a letter to parents/guardians advising them of any alcohol or drug violation for students less than 21 years of age.

STANDARDS OF CONDUCT FOR EMPLOYEES

University employees expect to work in a drug-free environment. The University expects its employees to be free from the effects of alcohol and drugs while on the job or in the workplace. A drug and alcohol policy has been implemented and conducts a testing program pursuant to Sections 71-7-1, et seq., of the Mississippi Code of 1972, Ann., entitled "Drug and Alcohol Testing of Employees" (hereinafter referred to as "the Act"), and all employees are advised of the existence of said Act. The use and abuse of illegal drugs and alcohol is a serious and growing problem throughout the United States. A substance abuse policy and substance abuse testing policy has been implemented in response to concern that the use and abuse of illegal drugs and alcohol by employees in and applicants for certain employment, presents among other things, serious safety and security risks. The Mississippi Legislature has supported the implementation of drug and alcohol free workplace policies by enacting the Act.

MSU policy 60.118-Drug and Alcohol Free Workplace (<http://www.policies.msstate.edu/policypdfs/60118.pdf>) is intended as a vehicle to aid in meeting these expectations. Regulations governing alcohol beverages and illegal drugs, including testing, is included in this policy. An employee that reports to work while under the influence of alcohol or illegal drugs is in violation of this policy. This inappropriate behavior should be reported to the appropriate HRM Generalist in the Department of Human Resources Management.

If an employee believes that he or she has a problem with alcohol or drugs or if substance abuse is causing problems in his or her life, that employee is encouraged to take advantage of the University's Employee Assistance Program (EAP). This program provides counseling and access to external resources. Many of the resources are at no cost to the employee. Additional information on this program is available at <http://hrm.msstate.edu/benefits/eap/>. Additional training materials on drug and alcohol abuse are available for employees and supervisors on the Human Resources web site at <http://hrm.msstate.edu/development/onlinecourses/>.

Applicants and employees who are required to possess a commercial driver's license are subject to additional federal regulations and procedures as listed in University policy 60.121-Controlled Substance and Alcohol Use Testing of Employees with a Commercial Driver's License. Employees working in sensitive positions in grants and contracts funded by the Department of Defense (DOD) or are in positions requiring security clearance are subject to additional federal regulations and procedures as listed in University policy 60.119-Drug Free Workforce (<http://www.policies.msstate.edu/policypdfs/60119.pdf>).

DISCIPLINARY RESPONSIBILITY FOR EMPLOYEES AND POSSIBLE SANCTIONS

For employees, the disciplinary process is handled through Human Resources Management. Employee sanctions may include, but are not limited to, oral and/or written reprimands, mandatory education programs, performance improvement plans, and termination of employment.

IT'S THE LAW

Numerous federal, state, and local laws provide for a variety of legal sanctions and penalties for the unlawful possession or distribution of drugs and alcohol. These sanctions include, but are not limited to, incarceration and monetary fines. A summary of Federal Trafficking Penalties provided by the DEA is attached to this report as Exhibit A. Additionally, the Mississippi statutes related to penalties for controlled substances are attached to this report as Exhibit B.

In addition to criminal charges, certain drug convictions may result in loss of federal and financial aid. For additional information about this loss of aid, visit sfa.msstate.edu/sites/www.sfa.msstate.edu/files/drugconsequences.pdf.

Disciplinary action by the University does not preclude the filing of criminal charges against a student, employee, or guest, nor does the filing of criminal charges prevent the University from taking disciplinary action.

For questions about federal, state, and local laws related to drugs and alcohol, students and employees may contact the Starkville Police Department (662-323-4134), the Meridian Police Department (601-484-6839), the Mississippi Highway Patrol (662-323-5314), the Oktibbeha County Sheriff's Office (662-323-2421), or the local law enforcement agency in their jurisdiction.

HEALTH RISKS

MSU recognizes and encourages its students, faculty, and staff to recognize that the use, misuse, and abuse of alcohol and other drugs, both legal and illegal, can have serious consequences to health and well-being. Health risks include such problems as behavior changes, impaired judgment and coordination, damage to the liver and brain, respiratory difficulties, insomnia, loss or increase of appetite, illusions and hallucinations, relaxed inhibitions, convulsions, coma, and possible death.

Alcohol and other drugs can lead to psychological and/or physiological dependence and addiction. Information on some of the health risks associated with alcohol is summarized below. More information is available from the Department of Health Promotion and Wellness (<https://www.health.msstate.edu/health/index.php>).

Alcohol is a central nervous system depressant that can impair coordination, inhibitions, self-control, memory, judgment, and reflexes. Large quantities may produce staggering, slurred speech, mood changes, unconsciousness, and possibly death. Prolonged use can damage many organs of the body including the heart, liver, stomach, and pancreas.

Marijuana can increase heart rate, interfere with sexual development, may cause a reduction in male fertility and disrupt the female menstrual cycle. It can increase the risk of disease/damage to the respiratory system, impair hand-eye coordination and other essential functions needed to operate a motor vehicle safely. It can also impair the immune system. Cocaine can cause feelings of depression, inability, impatience and pessimism. It can also cause severe weight loss, anxiety, hallucinations, increased heart rate and blood pressure. Cocaine has caused death by convulsion, failure of the respiratory system, and heart attack.

"Club drugs" such as MDMA (Ecstasy), GHB, LSD, Rohypnol, Ketamine and Methamphetamine can cause serious health problems and possibly death. Many of these drugs are tasteless and odorless. The chemicals, drug sources and pharmacological agents used to manufacture these drugs often vary, making it difficult to determine all of the effects, symptoms and health risks associated with them. Confusion, depression, impaired motor function, amnesia, psychotic behavior, cardiac failure, and permanent neurological and organ damage are some known effects associated with the use of these drugs.

Over-the-counter and prescription drugs can also cause drug tolerance, dependence, and addiction. The potential for misuse and abuse is increased with these drugs as they are more easily obtainable and are safer in terms of ingredients and manufacturing. Misuse and abuse occurs when the user does not follow usage instructions, related to dosage and frequency, and when the drugs are used for self-medication without medical supervision.

Interactions between various drugs, legal and illegal, also may have serious consequences. Various combinations of drugs may work at cross purposes within the body, and the combined effects of two or more drugs may be more potent than the effect of a single drug.

ALCOHOL AND DRUG PROGRAMMING

Mississippi State University has a program of education designed to help all members of the university community avoid involvement with illegal drugs. Education programs:

1. Provide a system of accurate, current information exchange for students, faculty, and staff on the health risks and symptoms of drug use.
2. Promote and support institutional activity programming that discourages substance abuse.
3. Establish collaborative relationships between community groups, agencies, and the institution for education, treatment, and referral.
4. Provide training programs for students, faculty, and staff to enable them to detect problems related to drug use and to refer persons with these problems to appropriate sources for assistance.
5. Include information about drugs for students and family members in the student orientation programs. The use of prescription and over-the-counter drugs will be addressed.
6. Support and encourage faculty in incorporating education about drugs into the curriculum, where appropriate.
7. Develop a coordinated effort across campus for drug-related education, treatment, and referral.

Educational programs take a number of different formats and range from displays and presentations to lectures and interactive assessments. The following programs occurred or were available during the 2015-16 and 2016-17 academic years.

ALCOHOL & DRUG DISPLAYS		
NAME	DATE	TOPIC
Prescription Drugs	02/16/2017	Prescription drug facts (what is abuse/misuse, effects of prescription stimulants, sedatives, and pain killers, addiction)

ALCOHOL & DRUG PRESENTATIONS/PROGRAMS		
NAME	DATE	TOPIC
Alcohol and Sexual Assault	01/18/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors) and its role in sexual assault
Alcohol and Sexual Assault	01/18/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors) and its role in sexual assault
Alcohol/Drug Programs at MSU	01/23/2017	Overview of MSU's approach to alcohol and other drug education, prevention, and intervention
Alcohol/Drug Programs at MSU	01/23/2017	Overview of MSU's approach to alcohol and other drug education, prevention, and intervention
Alcohol-What you need to know	01/24/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors)

Alcohol-What you need to know	01/24/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors)	Alcohol Awareness	03/02/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors)
Alcohol-What you need to know	01/24/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors)	Alcohol and Suicide Prevention	03/04/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors) and Suicide prevention
Alcohol-What you need to know	01/24/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors)	Safe Spring Break	03/07/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors)
What's your Anti-Drug?	01/25/2017	Social media event for National Drugs and Alcohol Facts Week 2017 - students shared a selfie with their anti-drug written on a piece of paper	Alcohol	03/20/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors)
Alcohol Presentation	02/02/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors)	Alcohol Program	03/20/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors)
Wellness Wednesday - Alcohol	02/08/2019	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors)	Alcohol	03/21/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors)
Alcohol	02/12/2019	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors)	What's your Anti-Drug?	03/21/2017	Alcohol facts highlighting motivators to abstain from abusive substance behaviors
Marijuana 101	02/28/2017	Marijuana facts (components of marijuana, effects, legality, social norm stats)	Wellness Wednesday - Alcohol	03/22/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors)
Alcohol and Drugs	02/28/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors)	Alcohol	03/22/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors)

Alcohol Program	03/22/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors)
I.D.E.A.L Women Alcohol-free Rave Party	04/04/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors)
Alcohol-What you need to know	04/21/2017	Alcohol facts (standard drink size, BAC, Intoxication rate factors, protective factors) presented as a Kahoot! Game; co-presenters were MSU student athletes
AOD Programs at MSU	05/11/2017	Overview of MSU's approach to alcohol and other drug education, prevention, and intervention
Alcohol: What you need to know	06/22/2017	Facts about alcohol and how it affects the body and mind
TIPS	06/23/2017	Training in Intervention Procedures - how to recognize intoxication and be an active bystander
TIPS	07/11/2017	Training in Intervention Procedures - how to recognize intoxication and be an active bystander
TIPS	07/19/2017	Training in Intervention Procedures - how to recognize intoxication and be an active bystander
Alcohol: What you need to know	07/20/2017	Facts about alcohol and how it affects the body and mind

TIPS Training	08/10/2017	Training in Intervention Procedures - how to recognize intoxication and be an active bystander
Drugs 101	08/17/2019	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects
Drugs 101	08/27/2019	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects
Drugs 101	08/28/2019	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects
Alcohol 101	08/28/2017	Alcohol facts and introduction to GAIN
Bystandard Intervention - Drugs	08/29/2017	How to be an active bystander (recognizing signs of substance abuse and how to respond)
Drugs 101	08/31/2019	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects
Bystandard Intervention - Drugs	08/31/2017	How to be an active bystander (recognizing signs of substance abuse and how to respond)
Bystandard Intervention - Drugs	08/31/2017	How to be an active bystander (recognizing signs of substance abuse and how to respond)
Prescription Drug Take Back	09/18/2017	Provided safe drop box for MSU community to dispose of unused or expired medication

Psychoactive Drugs	09/28/2017	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects
Alcohol and Other Drugs	10/02/2017	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects
Alcohol and Other Drugs	10/02/2017	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects
Alcohol and Other Drugs	10/03/2017	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects
Alcohol and Other Drugs	10/03/2017	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects
Level of Prevention AOD	10/16/2017	Primary, Secondary, and Tertiary prevention of substance use disorders
Level of Prevention AOD	10/16/2017	Primary, Secondary, and Tertiary prevention of substance use disorders
Alcohol 101	10/23/2017	Alcohol facts and introduction to GAIN
Water Pong Tourney	10/24/2017	Alcohol facts and introduction to GAIN
AOD and CRC	10/24/2017	Alcohol facts and introduction to GAIN and CRC
SoberRave	10/26/2017	Substance-free Rave at Perry cafeteria celebrating National Collegiate Alcohol Awareness Week

Finals Study Break	11/29/2017	ScreenU RX, stress-relief activities prior to final exams
Substance Use Prevention @ MSU	01/22/2018	Substance Use awareness, prevention, and intervention provided by MSU HPW
Buzz on Booze	01/22/2018	Alcohol facts and introduction to GAIN and ScreenU
Buzz on Booze	01/25/2018	Alcohol facts and introduction to GAIN and ScreenU
Buzz on Booze	01/25/2018	Alcohol facts and introduction to GAIN and ScreenU
Buzz on Booze	01/25/2018	Alcohol facts and introduction to GAIN and ScreenU
Buzz on Booze	01/25/2018	Alcohol facts and introduction to GAIN and ScreenU
Buzz on Booze plus requirements for exemption application	03/19/2018	Alcohol facts and introduction to GAIN and ScreenU, case study on alcohol and fraternities, bystander intervention
Adderall Presentation	04/12/2018	Facts about ADHD medication and dangers of misusing
Opioid/Stimulant Presentation	04/19/2018	Overview of prescription drug misuse and abuse and how to recognize signs of substance use disorder
Finals Study Break	04/25/2018	ScreenU RX, stress-relief activities prior to final exams

Substance Abuse Prevention Conference	07/14/2019	Substance Abuse Prevention Conference provided information about substance use disorders and the effects on the body/brain.
Dangers of Alcohol Misuse & Abuse	06/22/2018	Facts about alcohol and how it affects the body and mind
SPARK Presentation	07/15/2018	Overview of the 8 dimensions of wellness/risky behaviors/AOD
Dangers of Alcohol Misuse & Abuse	07/31/2018	Facts about alcohol and how it affects the body and mind
NAMI MS Presentation	08/08/2018	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects
GA Training	08/21/2018	Overview of substances GAIN Program, and initiatives
AOD Overview	09/05/2018	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects
Alcohol 101	09/05/2018	Alcohol facts and myths
AOD & GAIN Overview	09/10/2018	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects. Introduction to GAIN program
AOD & GAIN Overview	09/11/2018	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects. Introduction to GAIN program

AOD & GAIN Overview	09/12/2018	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects. Introduction to GAIN program
These Hands Don't Haze - Tabling	09/25/2018	These Hands Don't Haze buttons and information tabling
These Hands Don't Haze	09/25/2018	Showing of the Gordie film and have a Q&A session
AOD & GAIN Overview	09/27/2018	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects. Introduction to GAIN program
Psychoactive Drugs	09/27/2018	Overview of substances and their effects
AOD & GAIN Overview	09/27/2018	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects. Introduction to GAIN program
AOD & GAIN Overview	09/27/2018	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects. Introduction to GAIN program
Stand Up Presentation - Opioid Awareness	10/09/2018	Overview of opioids misused and abused by adults and college students
Substance Use Disorders & Mental Health	10/11/2018	AOD/Mental Health Presentation/ Table Setup
MSU National Take Back Day	10/18/2018	Provided safe drop box for MSU community to dispose of unused or expired medication

AOD Overview	11/07/2018	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects. Provided information about services and programs offered at HPW.
MS Coalition of Partners in Prevention Training	11/12-11/13	Training for coalition members on different topics
November Colloquia- Doctoral Students	11/16/2018	Overview of substances (alcohol, marijuana, prescription drugs, illicit drugs) and their effects. Provided information about services and programs offered at HPW.
Finals Study Break	12/05/2018	Healthy snacks, healthy ways to prepare for finals, and resources on campus. ScreenU RX, stress-relief activities prior to final exams

PROGRAM DESCRIPTIONS

Goal-Driven Alcohol/Drug Intervention Network (G.A.I.N.) - Alcohol

G.A.I.N. is the Health Promotion and Wellness department's motivational interviewing program for alcohol use. G.A.I.N. uses a harm reduction approach to alcohol abuse. The goal of G.A.I.N. is to reduce levels for alcohol consumption and negative consequences associated with moderate to high-risk drinking. It is a program designed for any student who wants to learn more about his/her drinking habits and how to avoid possible negative consequences. Participating in G.A.I.N. requires 2 appointments, with each lasting about 30 minutes. In the first appointment, students complete self-report measures about their alcohol use and what they perceive to be the use of other MSU students. The second appointment consists of an individualized motivational interviewing session conducted by a HPW staff member who has been trained in MI techniques. Students may refer themselves to this program, be referred by a campus entity, be required to complete the program as part of a court order, or may complete the program for class extra credit.

Goal-Driven Alcohol/Drug Intervention Network (G.A.I.N.) - Marijuana

In the fall of 2016, the MSU Dean of Students Office began referring students with marijuana sanctions to the HPW GAIN – Marijuana program. GAIN – Marijuana operates in a similar fashion to GAIN – Alcohol. Students complete an online assessment of their marijuana use and a readiness-to-change questionnaire. One week later, the student meets with the trained HPW staff to review the feedback report generated from their assessment as well as set goals to moderate their marijuana use. The goal of GAIN – Marijuana is to educate students on the effects of marijuana and help them address how marijuana is negatively affecting them. The program also provides realistic strategies to help them reduce and ultimately eliminate marijuana from their life.

Training for Intervention Procedures (TIPS) University

TIPS is a 2.5 hour program that helps students make sound choices when faced with difficult decisions about alcohol use. It provides students with the knowledge and confidence necessary to reduce high-risk drinking behavior among their peers. TIPS helps students learn decision-making skills and build confidence and interpersonal skills to intervene to prevent alcohol-related incidents. In Summer of 2015, the Department of Health Promotion and Wellness was requested to provide TIPS training to Residence Hall Directors and new athletes. Additionally, as the lead University in the MCPP, MSU hosted a TIPS Train the Trainer training for other faculty and staff of MSU and members of the MCPP.

Displays – Various Topics

The Health Promotion and Wellness department offers interactive tri-fold displays on various alcohol and drug-related topics throughout the academic year. High-traffic areas are chosen for display locations in order to reach the most students. Topics are selected based on their relevance; for example, Adderall displays typically occurred around the time of mid-terms and final exams.

Screen U Luncheon

Screen U is a web-based alcohol use screening tool that is brief and personalized to the resources available on the MSU campus. It can be used throughout campus to help raise awareness among students of their individual alcohol use and connect them with relevant resources on MSU's campus based on the responses they provide on the screening. The Luncheon introduced stakeholders throughout MSU and the surrounding community to Screen U.

“Alcohol: What You Need to Know” Presentation

This 30-minute presentation is designed to educate undergraduate students about responsible versus irresponsible alcohol consumption, consequences of irresponsible alcohol consumption, what is happening in the body during a “hangover,” the definition of a standard alcoholic drink, intoxication rate factors, signs of alcohol poisoning, and additional resources for further exploration of personal alcohol use and habits.

The “Alcohol: What You Need to Know” Presentation has been delivered to a widespread number of student groups, and

it has been adapted, added to, and tailored to fit the requested needs of each group. This presentation has been given to classes, Greek groups, residents, and Resident Advisors.

Marijuana 101 Presentation

This 30-minute presentation provides an introduction to cannabis including the legality of marijuana, the habitual nature of marijuana use, marijuana's effects on sleep, driving, and academics, and the components of marijuana (THC versus CBD). Lastly, the presentation provides social norming statistics of MSU students to help clarify perceptions MSU students have regarding cannabis use. In addition to the Marijuana 101 presentations that were provided in all Resident Zones and in multiple classrooms, HPW created Marijuana Fact vs. Myth posters and handbills to share with students.

What's Your Anti-Drug – January 25, 2017 – National Drug and Alcohol Facts Week

The "What's your anti-drug?" campaign was part of National Drug and Alcohol Facts Week sponsored by the National Institute on Drug Abuse, part of the National Institutes of Health. The MSU HPW Health Hut set up on the Drill Field on January 25 to give students information on alcohol and drug facts and an opportunity to share via social media what their anti-drug is. Students were given information on the MSU Counseling Services and HPW's GAIN and ScreenU programs. Over 175 students visited the Health Hut and received a "What's your anti-drug?" t-shirt for participating. Over 35 posts were tagged on social media with #msuantidrug reaching many friends of students to discourage drug abuse and misuse.

Protective Behaviors: Alcohol and Other Drugs – March 7 & 8, 2017 – Spring Break Expo

The Health Promotion and Wellness Department (HPW) – Alcohol and Other Drugs Team provided Mississippi State University (MSU) students with information and resources regarding protective factors for alcohol and other drug use and abuse during Spring Break. All students who stopped by the table received a handout with protective alcohol and other drug use and abuse factors, Spring Break safety tips, the standard alcoholic beverage drink sizes, blood alcohol content, legal drinking age in the United States, and who to call if the students need help. MSU HPW engaged students with the game "Spin the Wheel Alcohol and Other Drug Safety Trivia." MSU students also had the opportunity to participate in the activity that allows students to try on the "drunk goggles" and attempt to throw a Velcro ball at a target. The "drunk goggles" allow students to witness the negative impacts that alcohol consumption has on one's judgment and motor skills. After students had visited the MSU HPW Alcohol and Other Drugs table at the Safe Spring Break event, students gained a better understanding of the importance of well-being and chose healthier habits related to alcohol and other drugs.

Screen U Alcohol, Marijuana, and Prescription Drugs

Screen U is a web-based screening tool that is brief and personalized to the resources available on the MSU campus.

It is used throughout campus to help raise awareness among students of their individual alcohol, marijuana, and/or prescription drug use and connect them with relevant resources on MSU's campus based on the responses they provide on the screening. In the fall, ScreenU was incorporated into the IKnowMaroon series provided by The Student Success department for freshman. Students were given a 3-page document on alcohol information including the link to ScreenU to complete a personal, confidential screening.

Alcohol eCHECKUP TO GO

This is an online, science-based course designed to teach participants about the effects of alcohol on the body and mind, and to assist participants in making safer and healthier decisions in the future.

Marijuana 101

This is an online marijuana education course designed to teach participants about the effects of drugs on the body and mind, and to assist participants in making safer and healthier decisions in the future.

UNDER THE INFLUENCE

This is an online alcohol education course designed to teach participants about the effects of alcohol on the body and mind, and to assist participants in making safer and healthier decisions in the future.

These Hands Don't Haze

MSU HPW joined forces with Greek Life to host These Hands Don't Haze. 800 participants attended the event which included percentages from each chapter. Guest panelists: Nick Gordon, Lateshia Bulter, and Katymay Malone. Haze film screening.

Prescription Drug Take Back

MSU HPW joined forces with MSU Police Department, Greek Life, and Community Counseling Services of Columbus, MS to provide a drop box for the MSU community to dispose of unused or expired medications. 150 participants visited the Health Hut to receive information about prescription drug misuse/abuse. 100 participants completed the ScreenU RX online screening. 14 pounds of prescription medications were received.

Finals Study Break

The goal of Finals Study Break was to provide students with a stress-free environment to unwind and refuel prior to final exams. It took place the last day of classes in the Union Dawg House from 10-12PM. Free coffee, hot chocolate, and healthy snacks were provided. Active Minds provided "make your own" stress balls. Nutrition staff provided a safe caffeine consumption guide. AOD staff provided information on stimulant medications and ScreenU RX to dissuade students from resorting to misuse of prescription medications to aid in studying Chase Floyd, a CRC member, provided acoustic entertainment. Over 150 students participated.

COUNSELING AND TREATMENT

Mississippi State University provides information about drug counseling and rehabilitation services available to members of the university community. Persons who voluntarily avail themselves of university services shall be assured that applicable professional standards of confidentiality will be observed. Counseling and rehabilitation services include:

1. Training for professional staff and student staff on drug abuse information, intervention, and referral.
2. Education programs for students who have demonstrated abusive behavior with drugs.
3. Drug abuse assessments.
4. Individual and group counseling for students through Student Counseling Services.
5. Referral and follow-up for employees in collaboration with the appropriate HRM Generalist in the Department of Human Resources Management.
6. Campus self-help groups.
7. Consultation, information, and referral for students, staff, and faculty with drug problems.
8. Counseling services available for non-student employees and their family members are available through the University's Employee Assistance Program (EAP). Additional information on this program is available at hrm.msstate.edu/benefits/eap.

University Health Services approaches healthcare from a team-based holistic viewpoint. By integrating counseling, medical therapeutics, and healthy lifestyles, we encourage our students and patients to forestall those behaviors which lead to many of the chronic medical problems of society. By promptly addressing substance use and abuse, inactivity, poor dietary habits, poor social choices, as well as treating those acute problems that young adults face, we feel we are modeling a form of medical care that will become the standard of the future. More information can be found at health.msstate.edu.

University Health Services is comprised of the following:

The Longest Student Health Center (662-325-7539 or health.msstate.edu/healthcenter) – The health center has physicians on-staff and also includes a pharmacy, x-ray and laboratory facilities, physical therapy, an allergy clinic, and a nutritionist.

Health Promotion and Wellness (662-325-7545 or 662-325-2090 or health.msstate.edu/health/index.php) – The Department of Health Promotion and Wellness engages students through initiatives to promote complete mental, physical, and social well-being. The Department offers programs focusing on sexual assault prevention, intervention and recovery; relationship violence; alcohol and drug abuse; tobacco use cessation; general mental health and well-being; exercise and nutritional information; and sexual health. The Department also houses the Collegiate Recovery Community (recovery.msstate.edu).

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msstate.edu), which provides comprehensive support services for recovering students.

Student Counseling Services (662-325-2091 or health.msstate.edu/scs) – The Student Counseling Service provides individual and group counseling opportunities for students addressing wide ranging concerns. The center also houses the Victim Advocate Coordinator for victims of sexual assault.

DRUG AND ALCOHOL HOTLINE NUMBERS

LOCAL:

AA/Alanon Answering Service 433-4191 (24 Hours)
OCH

NATIONAL:

Alcohol and Drug Abuse 1-800-729-6686
American Council On Alcoholism 1-800-527-5344
Referral and Drug Information 1-800-662-4435

SMOKE FREE CAMPUS

Mississippi State University is a tobacco-free campus. MSU restricts smoking and the use of tobacco products (cigarettes, cigars, pipes, smokeless tobacco, e-cigarettes, snuff, and chewing tobacco) on University property. For more information, refer to OP 91.301 (policies.msstate.edu/policypdfs/91301.pdf). The policy also provides information about smoking cessation and support programs available to members of the MSU community who wish to quit smoking. For information on currently available programs, view the policy or visit smokefree.msstate.edu.

CRIME AWARENESS AND CAMPUS SECURITY

Crime statistics are provided as part of Mississippi State University's commitment to safety and security on campus and complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This information can be found at https://www.msstate.edu/sites/www.msstate.edu/files/2019-09/MSSState%20ASR_FR.pdf by selecting the current year's Annual Security Report and Annual Fire Safety Report.

STATE AND FEDERAL SANCTIONS

FEDERAL TRAFFICKING PENALTIES

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	<p>First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p>Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	5 kgs or more mixture	<p>First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p>Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p>2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		100 gm or more pure or 1 kg or more mixture	
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<p>First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>		
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	<p>First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p>Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>		
All other Schedule IV drugs	Any amount	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>		
Flunitrazepam (Schedule IV)	Other than 1 gram or more			
All Schedule V drugs	Any amount	<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>		

FEDERAL TRAFFICKING PENALTIES—MARIJUANA

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants;	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

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

TITLE 41. PUBLIC HEALTH
CHAPTER 29. POISONS, DRUGS AND OTHER CONTROLLED SUBSTANCES
ARTICLE 3. UNIFORM CONTROLLED SUBSTANCES LAW

§ 41-29-139. Prohibited acts; penalties

(a) *Transfer and possession with intent to transfer.* Except as authorized by this article, it is unlawful for any person knowingly or intentionally:

- (1) To sell, barter, transfer, manufacture, distribute, dispense or possess with intent to sell, barter, transfer, manufacture, distribute or dispense, a controlled substance; or
(2) To create, sell, barter, transfer, distribute, dispense or possess with intent to create, sell, barter, transfer, distribute or dispense, a counterfeit substance.

(b) *Punishment for transfer and possession with intent to transfer.* Except as otherwise provided in Section 41-29-142, any person who violates subsection (a) of this section shall be, if convicted, sentenced as follows:

(1) For controlled substances classified in Schedule I or II, as set out in Sections 41-29-113 and 41-29-115, other than marijuana or synthetic cannabinoids:

(A) If less than two (2) grams or ten (10) dosage units, by imprisonment for not more than eight (8) years or a fine of not more than Fifty Thousand Dollars (\$ 50,000.00), or both.

(B) If two (2) or more grams or ten (10) or more dosage units, but less than ten (10) grams or twenty (20) dosage units, by imprisonment for not less than three (3) years nor more than twenty (20) years or a fine of not more than Two Hundred Fifty Thousand Dollars (\$ 250,000.00), or both.

(C) If ten (10) or more grams or twenty (20) or more dosage units, but less than thirty (30) grams or forty (40) dosage units, by imprisonment for not less than five (5) years nor more than thirty (30) years or a fine of not more than Five Hundred Thousand Dollars (\$ 500,000.00), or both.

(2) (A) For marijuana:

1. If thirty (30) grams or less, by imprisonment for not more than three (3) years or a fine of not more than Three Thousand Dollars (\$ 3,000.00), or both;

2. If more than thirty (30) grams but less than two hundred fifty (250) grams, by imprisonment for not more than five (5) years or a fine of not more than Five Thousand Dollars (\$ 5,000.00), or both;

3. If two hundred fifty (250) or more grams but less than five hundred (500) grams, by imprisonment for not less than three (3) years nor more than ten (10) years or a fine of not more than Fifteen Thousand Dollars (\$ 15,000.00), or both;

4. If five hundred (500) or more grams but less than one (1) kilogram, by imprisonment for not less than five (5) years nor more than twenty (20) years or a fine of not more than Twenty Thousand Dollars (\$ 20,000.00), or both.

(B) For synthetic cannabinoids:

1. If ten (10) grams or less, by imprisonment for not more than three (3) years or a fine of not more than Three Thousand Dollars (\$ 3,000.00), or both;

2. If more than ten (10) grams but less than twenty (20) grams, by imprisonment for not more than five (5) years or a fine of not more than Five Thousand Dollars (\$ 5,000.00), or both;

3. If twenty (20) or more grams but less than forty (40) grams, by imprisonment for not less than three (3) years nor more than ten (10) years or a fine of not more than Fifteen Thousand Dollars (\$ 15,000.00), or both;

4. If forty (40) or more grams but less than two hundred (200) grams, by imprisonment for not less than five (5) years nor more than twenty (20) years or a fine of not more than Twenty Thousand Dollars (\$ 20,000.00), or both.

(3) For controlled substances classified in Schedules III and IV, as set out in Sections 41-29-117 and 41-29-119:

(A) If less than two (2) grams or ten (10) dosage units, by imprisonment for not more than five (5) years or a fine of not more than Five Thousand Dollars (\$ 5,000.00), or both;

(B) If two (2) or more grams or ten (10) or more dosage units, but less than ten (10) grams or twenty (20) dosage units, by imprisonment for not more than eight (8) years or a fine of not more than Fifty Thousand Dollars (\$ 50,000.00), or both;

(C) If ten (10) or more grams or twenty (20) or more dosage units, but less than thirty (30) grams or forty (40) dosage units, by imprisonment for not more than fifteen (15) years or a fine of not more than One Hundred Thousand Dollars (\$ 100,000.00), or both;

(D) If thirty (30) or more grams or forty (40) or more dosage units, but less than five hundred (500) grams or two thousand five hundred (2,500) dosage units, by imprisonment for not more than twenty (20) years or a fine of not more than Two Hundred Fifty Thousand Dollars (\$ 250,000.00), or both.

(4) For controlled substances classified in Schedule V, as set out in Section 41-29-121:

(A) If less than two (2) grams or ten (10) dosage units, by imprisonment for not more than one (1) year or a fine of not more than Five Thousand Dollars (\$ 5,000.00), or both;

(B) If two (2) or more grams or ten (10) or more dosage units, but less than ten (10) grams or twenty (20) dosage units, by imprisonment for not more than five (5) years or a fine of not more than Ten Thousand Dollars (\$ 10,000.00), or both;

(C) If ten (10) or more grams or twenty (20) or more dosage units, but less than thirty (30) grams or forty (40) dosage units, by imprisonment for not more than ten (10) years or a fine of not more than Twenty Thousand Dollars (\$ 20,000.00), or both;

(D) For thirty (30) or more grams or forty (40) or more dosage units, but less than five hundred (500) grams or two thousand five hundred (2,500) dosage units, by imprisonment for not more than fifteen (15) years or a fine of not more than Fifty Thousand Dollars (\$ 50,000.00), or both.

(c) *Simple possession.* It is unlawful for any person knowingly or intentionally to possess any controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this article. The penalties for any violation of this subsection (c) with respect to a controlled substance classified in Schedules I, II, III, IV or V, as set out in Section 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121, including marijuana or synthetic cannabinoids, shall be based on dosage unit as defined herein or the weight of the controlled substance as set forth herein as appropriate:

"Dosage unit (d.u.," means a tablet or capsule, or in the case of a liquid solution, one (1) milliliter. In the case of lysergic acid diethylamide (LSD) the term, "dosage unit" means a stamp, square, dot, microdot, tablet or capsule of a controlled substance.

For any controlled substance that does not fall within the definition of the term "dosage unit," the penalties shall be based upon the weight of the controlled substance.

The weight set forth refers to the entire weight of any mixture or substance containing a detectable amount of the controlled substance.

If a mixture or substance contains more than one (1) controlled substance, the weight of the mixture or substance is assigned to the controlled substance that results in the greater punishment.

A person shall be charged and sentenced as follows for a violation of this subsection with respect to:

- (1) A controlled substance classified in Schedule I or II, except marijuana and synthetic cannabinoids:
 - (A) If less than one-tenth (0.1) gram or two (2) dosage units, the violation is a misdemeanor and punishable by imprisonment for not more than one (1) year or a fine of not more than One Thousand Dollars (\$ 1,000.00), or both.
 - (B) If one-tenth (0.1) gram or more or two (2) or more dosage units, but less than two (2) grams or ten (10) dosage units, by imprisonment for not more than three (3) years or a fine of not more than Fifty Thousand Dollars (\$ 50,000.00), or both.
 - (C) If two (2) or more grams or ten (10) or more dosage units, but less than ten (10) grams or twenty (20) dosage units, by imprisonment for not more than eight (8) years or a fine of not more than Two Hundred Fifty Thousand Dollars (\$ 250,000.00), or both.
 - (D) If ten (10) or more grams or twenty (20) or more dosage units, but less than thirty (30) grams or forty (40) dosage units, by imprisonment for not less than three (3) years nor more than twenty (20) years or a fine of not more than Five Hundred Thousand Dollars (\$ 500,000.00), or both.

(2) (A) Marijuana and synthetic cannabinoids:

1. If thirty (30) grams or less of marijuana or ten (10) grams or less of synthetic cannabinoids, by a fine of not less than One Hundred Dollars (\$ 100.00) nor more than Two Hundred Fifty Dollars (\$ 250.00). The provisions of this paragraph (2)(A) may be enforceable by summons if the offender provides proof of identity satisfactory to the arresting officer and gives written promise to appear in court satisfactory to the arresting officer, as directed by the summons. A second conviction under this section within two (2) years is a misdemeanor punishable by a fine of Two Hundred Fifty Dollars (\$ 250.00), not more than sixty (60) days in the county jail, and mandatory participation in a drug education program approved by the Division of Alcohol and Drug Abuse of the State Department of Mental Health, unless the court enters a written finding that a drug education program is inappropriate. A third or subsequent conviction under this paragraph (2)(A) within two (2) years is a misdemeanor punishable by a fine of not less than Two Hundred Fifty Dollars (\$ 250.00) nor more than One Thousand Dollars (\$ 1,000.00) and confinement for not more than six (6) months in the county jail.

Upon a first or second conviction under this paragraph (2)(A), the courts shall forward a report of the conviction to the Mississippi Bureau of Narcotics which shall make and maintain a private, nonpublic record for a period not to exceed two (2) years from the date of conviction. The private, nonpublic record shall be solely for the use of the courts in determining the penalties which attach upon conviction under this paragraph (2)(A) and shall not constitute a criminal record for the purpose of private or administrative inquiry and the record of each conviction shall be expunged at the end of the period of two (2) years following the date of such conviction;

2. Additionally, a person who is the operator of a motor vehicle, who possesses on his person or knowingly keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers, more than one (1) gram, but not more than thirty (30) grams of marijuana or not more than ten (10) grams of synthetic cannabinoids is guilty of a misdemeanor and, upon conviction, may be fined not more than One Thousand Dollars (\$ 1,000.00) or confined for not more than ninety (90) days in the county jail, or both. For the purposes of this subsection, such area of the vehicle shall not include the trunk of the motor vehicle or the areas not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers;

(B) Marijuana:

1. If more than thirty (30) grams but less than two hundred fifty (250) grams, by a fine of not more than One Thousand Dollars (\$ 1,000.00), or confinement in the county jail for not more than one (1) year, or both; or by a fine of not more than Three Thousand Dollars (\$ 3,000.00), or imprisonment in the custody of the Department of Corrections for not more than three (3) years, or both;
2. If two hundred fifty (250) or more grams but less than five hundred (500) grams, by imprisonment for not less than two (2) years nor more than eight (8) years or by a fine of not more than Fifty Thousand Dollars (\$ 50,000.00), or both;
3. If five hundred (500) or more grams but less than one (1) kilogram, by imprisonment for not less than four (4) years nor more than sixteen (16) years or a fine of not more than Two Hundred Fifty Thousand Dollars (\$ 250,000.00), or both;
4. If one (1) kilogram or more but less than five (5) kilograms, by imprisonment for not less than six (6) years nor more than twenty-four (24) years or a fine of not more than Five Hundred Thousand Dollars (\$ 500,000.00), or both;
5. If five (5) kilograms or more, by imprisonment for not less than ten (10) years nor more than thirty (30) years or a fine of not more than One Million Dollars (\$ 1,000,000.00), or both.

(C) Synthetic cannabinoids:

1. If more than ten (10) grams but less than twenty (20) grams, by a fine of not more than One Thousand Dollars (\$ 1,000.00), or confinement in the county jail for not more than one (1) year, or both; or by a fine of not more than Three Thousand Dollars (\$ 3,000.00), or imprisonment in the custody of the Department of Corrections for not more than three (3) years, or both;
2. If twenty (20) or more grams but less than forty (40) grams, by imprisonment for not less than two (2) years nor more than eight (8) years or by a fine of not more than Fifty Thousand Dollars (\$ 50,000.00), or both;
3. If forty (40) or more grams but less than two hundred (200) grams, by imprisonment for not less than four (4) years nor more than sixteen (16) years or a fine of not more than Two Hundred Fifty Thousand Dollars (\$ 250,000.00), or both;
4. If two hundred (200) or more grams, by imprisonment for not less than six (6) years nor more than twenty-four (24) years or a fine of not more than Five Hundred Thousand Dollars (\$ 500,000.00), or both.

(3) A controlled substance classified in Schedule III, IV or V as set out in Sections 41-29-117 through 41-29-121, upon conviction, may be punished as follows:

- (A) If less than fifty (50) grams or less than one hundred (100) dosage units, the offense is a misdemeanor and punishable by not more than one (1) year or a fine of not more than One Thousand Dollars (\$ 1,000.00), or both.
- (B) If fifty (50) or more grams or one hundred (100) or more dosage units, but less than one hundred fifty (150) grams or five hundred (500) dosage units, by imprisonment for not less than one (1) year nor more than four (4) years or a fine of not more than Ten Thousand Dollars (\$ 10,000.00), or both.
- (C) If one hundred fifty (150) or more grams or five hundred (500) or more dosage units, but less than three hundred (300) grams or one thousand (1,000) dosage units, by imprisonment for not less than two (2) years nor more than eight (8) years or a fine of not more than Fifty Thousand Dollars (\$ 50,000.00), or both.
- (D) If three hundred (300) or more grams or one thousand (1,000) or more dosage units, but less than five hundred (500) grams or two thousand five hundred (2,500) dosage units, by imprisonment for not less than four (4) years nor more than sixteen (16) years or a fine of not more than Two Hundred Fifty Thousand Dollars (\$ 250,000.00), or both.

(d) *Paraphernalia.* (1) It is unlawful for a person who is not authorized by the State Board of Medical Licensure, State Board of Pharmacy, or other lawful authority to use, or to possess with intent to use, paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Law. Any person who violates this subsection (d)(1) is guilty of a misdemeanor and, upon conviction, may be confined in the county jail for not more than six (6) months, or fined not more than Five Hundred Dollars (\$ 500.00), or both; however, no person shall be charged with a violation of this subsection when such person is also charged with the possession of thirty (30) grams or less of marijuana under subsection (c)(2)(A) of this section.

(2) It is unlawful for any person to deliver, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process,

prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Law. Except as provided in subsection (d)(3), a person who violates this subsection (d)(2) is guilty of a misdemeanor and, upon conviction, may be confined in the county jail for not more than six (6) months, or fined not more than Five Hundred Dollars (\$ 500.00), or both.

(3) Any person eighteen (18) years of age or over who violates subsection (d)(2) of this section by delivering or selling paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his junior is guilty of a misdemeanor and, upon conviction, may be confined in the county jail for not more than one (1) year, or fined not more than One Thousand Dollars (\$ 1,000.00), or both.

(4) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as paraphernalia. Any person who violates this subsection is guilty of a misdemeanor and, upon conviction, may be confined in the county jail for not more than six (6) months, or fined not more than Five Hundred Dollars (\$ 500.00), or both.

(e) It shall be unlawful for any physician practicing medicine in this state to prescribe, dispense or administer any amphetamine or amphetamine-like anorectics and/or central nervous system stimulants classified in Schedule II, pursuant to Section 41-29-115, for the exclusive treatment of obesity, weight control or weight loss. Any person who violates this subsection, upon conviction, is guilty of a misdemeanor and may be confined for a period not to exceed six (6) months, or fined not more than One Thousand Dollars (\$ 1,000.00), or both.

(f) *Trafficking.* (1) Any person trafficking in controlled substances shall be guilty of a felony and, upon conviction, shall be imprisoned for a term of not less than ten (10) years nor more than forty (40) years and shall be fined not less than Five Thousand Dollars (\$ 5,000.00) nor more than One Million Dollars (\$ 1,000,000.00). The ten-year mandatory sentence shall not be reduced or suspended. The person shall not be eligible for probation or parole, the provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

(2) "Trafficking in controlled substances" as used herein means:

(A) A violation of subsection (a) of this section involving thirty (30) or more grams or forty (40) or more dosage units of a Schedule I or II controlled substance except marijuana and synthetic cannabinoids;

(B) A violation of subsection (a) of this section involving five hundred (500) or more grams or two thousand five hundred (2,500) or more dosage units of a Schedule III, IV or V controlled substance;

(C) A violation of subsection (c) of this section involving thirty (30) or more grams or forty (40) or more dosage units of a Schedule I or II controlled substance except marijuana and synthetic cannabinoids;

(D) A violation of subsection (c) of this section involving five hundred (500) or more grams or two thousand five hundred (2,500) or more dosage units of a Schedule III, IV or V controlled substance; or

(E) A violation of subsection (a) of this section involving one (1) kilogram or more of marijuana or two hundred (200) grams or more of synthetic cannabinoids.

(g) *Aggravated trafficking.* Any person trafficking in Schedule I or II controlled substances, except marijuana and synthetic cannabinoids, of two hundred (200) grams or more shall be guilty of aggravated trafficking and, upon conviction, shall be sentenced to a term of not less than twenty-five (25) years nor more than life in prison and shall be fined not less than Five Thousand Dollars (\$ 5,000.00) nor more than One Million Dollars (\$ 1,000,000.00). The twenty-five-year sentence shall be a mandatory sentence and shall not be reduced or suspended. The person shall not be eligible for probation or parole, the provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

(h) *Sentence mitigation.* (1) Notwithstanding any provision of this section, a person who has been convicted of an offense under this section that requires the judge to impose a prison sentence which cannot be suspended or reduced and is ineligible for probation or parole may, at the discretion of the court, receive a sentence of imprisonment that is no less than twenty-five percent (25%) of the sentence prescribed by the applicable statute. In considering whether to apply the departure from the sentence prescribed, the court shall conclude that:

(A) The offender was not a leader of the criminal enterprise;

(B) The offender did not use violence or a weapon during the crime;

(C) The offense did not result in a death or serious bodily injury of a person not a party to the criminal enterprise; and

(D) The interests of justice are not served by the imposition of the prescribed mandatory sentence.

The court may also consider whether information and assistance were furnished to a law enforcement agency, or its designee, which, in the opinion of the trial judge, objectively should or would have aided in the arrest or prosecution of others who violate this subsection. The accused shall have adequate opportunity to develop and make a record of all information and assistance so furnished.

(2) If the court reduces the prescribed sentence pursuant to this subsection, it must specify on the record the circumstances warranting the departure.

§ 41-29-140. Fines and penalties; violation of Section 41-29-139

(a) Except as otherwise authorized by the Uniform Controlled Substances Law, it is unlawful for any person to:

(1) Knowingly or intentionally receive or expend funds which he knows to be derived from the commission of a felony offense under the provisions of Section 41-29-139; or

(2) Finance or invest funds which he knows to be intended to further the commission of a felony under the provisions of Section 41-29-139.

(b) Any person who violates subsection (a) of this section is guilty of a felony and, upon conviction, may be sentenced to the custody of the State Department of Corrections for not more than five (5) years or fined not more than One Million Dollars (\$ 1,000,000.00), or both.

§ 41-29-141. Prohibited acts B; penalties

It is unlawful for any person:

(1) Who is subject to Section 41-29-125 to distribute or dispense a controlled substance in violation of Section 41-29-137;

(2) Who is a registrant under Section 41-29-125 to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;

(3) To refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this article;

(4) To refuse a lawful entry into any premises for any inspection authorized by this article; or

(5) Knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this article for the purpose of using these substances, or which is used for keeping or selling them in violation of this article.

Any person who violates this section shall, with respect to such violation, be subject to a civil penalty payable to the State of Mississippi of not more than Twenty-five

Thousand Dollars (\$ 25,000.00).

In addition to the civil penalty provided in the preceding paragraph, any person who knowingly or intentionally violates this section shall be guilty of a crime and upon conviction thereof may be confined for a period of not more than one (1) year or fined not more than One Thousand Dollars (\$ 1,000.00), or both.

§ 41-29-142. Enhanced penalties for sale, etc. of controlled substances in, on or within specified distances of schools, churches and certain other buildings

(1) Except as provided in subsection (f) of Section 41-29-139 or in subsection (2) of this section, any person who violates or conspires to violate Section 41-29-139(a)(1), Mississippi Code of 1972, by selling, bartering, transferring, manufacturing, distributing, dispensing or possessing with intent to sell, barter, transfer, manufacture, distribute or dispense, a controlled substance, in or on, or within one thousand five hundred (1,500) feet of, a building or outbuilding which is all or part of a public or private elementary, vocational or secondary school, or any church, public park, ballpark, public gymnasium, youth center or movie theater or within one thousand (1,000) feet of, the real property comprising such public or private elementary, vocational or secondary school, or any church, public park, ballpark, public gymnasium, youth center or movie theater shall, upon conviction thereof, be punished by the term of imprisonment or a fine, or both, of that authorized by Section 41-29-139(b) and, in the discretion of the court, may be punished by a term of imprisonment or a fine, or both, of up to twice that authorized by Section 41-29-139(b).

(2) Except as otherwise provided in subsection (f) of Section 41-29-139, any person who violates or conspires to violate Section 41-29-139(a)(1), Mississippi Code of 1972, by selling, bartering, transferring, manufacturing, distributing, dispensing or possessing with intent to sell, barter, transfer, manufacture, distribute or dispense, a controlled substance, in or on, or within one thousand five hundred (1,500) feet of, a building or outbuilding which is all or part of a public or private elementary, vocational or secondary school, or any church, public park, ballpark, public gymnasium, youth center or movie theater or within one thousand (1,000) feet of, the real property comprising such public or private elementary, vocational or secondary school, or any church, public park, ballpark, public gymnasium, youth center or movie theater after a prior conviction under subsection (1) of this section has become final, shall, upon conviction thereof, be punished by a term of imprisonment of not less than three (3) years and not more than life, and in the discretion of the court, may be punished by a term of imprisonment of up to three (3) times that authorized by Section 41-29-139(b), for a first offense, or a fine of up to three (3) times that authorized by Section 41-29-139(b), for a first offense, or both.

§ 41-29-143. Prohibited acts C; penalties

It is unlawful for any person knowingly or intentionally:

(1) To distribute as a registrant a controlled substance classified in Schedule I or II, as set out in Sections 41-29-113 and 41-29-115, except pursuant to an order form as required by Section 41-29-135;

(2) To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person.

(3) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this article, or any record required to be kept by this article; or

(4) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

Any person who violates this section is guilty of a crime and upon conviction may be confined for not more than one (1) year or fined not more than One Thousand Dollars (\$ 1,000.00) or both.

§ 41-29-144. Acquiring or obtaining possession of controlled substance, legend drug or prescription by misrepresentation, fraud and the like; penalty.

(1) It is unlawful for any person knowingly or intentionally to acquire or obtain possession or attempt to acquire or obtain possession of a controlled substance or a legend drug by larceny, embezzlement, misrepresentation, fraud, forgery, deception or subterfuge.

(2) It is unlawful for any person knowingly or intentionally to possess, sell, deliver, transfer or attempt to possess, sell, deliver or transfer a false, fraudulent or forged prescription of a practitioner.

(3) Any person who violates this section is guilty of a crime and upon conviction shall be confined for not less than one (1) year nor more than five (5) years and fined not more than One Thousand Dollars (\$ 1,000.00), or both.

§ 41-29-145. Distribution to persons under age twenty-one

Any person twenty-one (21) years of age or over who violates subsections (a) and (b) of Section 41-29-139 with reference to a controlled substance listed in Schedules I, II, III, IV and V as set out in Sections 41-29-113 through 41-29-121, inclusive, to a person under twenty-one (21) years of age may be punished by the fine authorized by Section 41-29-139, or by a term of imprisonment or confinement up to twice that authorized by said Section 41-29-139, or both, or he may be punished as provided in Section 41-29-142.

§ 41-29-146. False representation of prescription or legend drug; penalty

(1) It shall be unlawful for any person to sell, produce, manufacture or possess with the intent to sell, produce, manufacture, distribute or dispense any substance which is falsely represented to be a prescription or legend drug or a controlled substance.

(2) The provisions of this section shall not apply to a law enforcement officer acting in the course and scope of his employment or to a medical practitioner, pharmacist or other person authorized to dispense or administer controlled substances.

(3) Any person who violates this section shall, upon conviction, be guilty of a felony and may be punished by confinement in the custody of the Department of Corrections for not more than five (5) years or by a fine of not more than Five Thousand Dollars (\$ 5,000.00), or both.

§ 41-29-147. Second and subsequent offenses

Except as otherwise provided in Section 41-29-142, any person convicted of a second or subsequent offense under this article may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.

For purposes of this section, an offense is considered a second or subsequent offense, if, prior to his conviction of the offense, the offender has at any time been convicted under this article or under any statute of the United States or of any state relating to narcotic drugs, marihuana, depressant, stimulant or hallucinogenic drugs.