

Focus Personal Training Institute

Drug Abuse & Alcohol Prevention Program (DAAPP)

2023

Drug-Free Campus Guidelines

Policy Statement

The United States Department of Education has issued regulations for the implementation of the provisions of the “Drug-Free Schools and Communities Act Amendments of 1989” (Public Law 101-226). These regulations require FPTI to distribute annually to each student and employee information regarding the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school property or as part of its campus activities.

FPTI's standards of conduct with respect to alcohol and drug abuse are described herein, along with the health risks associated with substance abuse. We have also attempted to outline the various assistance programs available at the school and other places in the New York City area where individuals can seek help and treatment.

These guidelines are reviewed by FPTI on an annual basis to determine the effectiveness of the program and consistency of sanction enforcement, in order to identify and implement any necessary changes.

Policy Distribution

All students receive a Drug and Alcohol Abuse Prevention handout during their student orientation and a detailed review of the policy, including standards of conduct and sanctions, is then completed during the student orientation. Students verify that they have received a copy and read the policy by signing the policy signature page.

School employees receive a copy of FPTI's Drug and Alcohol Abuse Prevention Policy via FPTI's employee handbook, which is required for all employees to read and sign, acknowledging they have received said policy. Furthermore, all employees must review the school's Drug Abuse & Alcohol Prevention Program (DAAPP). Employees then must verify that they have received a copy and read the policy by signing off on the policy signature page.

FPTI certifies that it has a drug and alcohol abuse awareness program in operation that is accessible to any officer, employee, or student at the school. As per Federally Mandated policy on this matter, FPTI's Drug and Alcohol program is distributed annually to all students, faculty, and staff.

Standards of Conduct

FPTI is committed to a culture free of illegal drug or alcohol use, misuse and abuse of prescription drugs and/or alcohol abuse. As a school committed to the study health and fitness, we believe that the foundation of our effort in this area is built on three tiers:

1. Providing educational resources to students and employees about the medical and legal perils of substance abuse;
2. Providing personal attention and counseling resources to any student or employee who may seek or require help with substance related problems;
3. The implementation of a consistent and objective disciplinary process for students and employees.

Though FPTI is committed to helping students and employees confront issues of drug and alcohol abuse, the institution in no way tolerates illegal activity or any other harmful conduct that is influenced by drugs or alcohol. The school prohibits the unlawful possession, use or distribution of illegal drugs or alcohol on its property or as part of its activities. FPTI will cooperate fully with law enforcement agencies and will apply appropriate internal disciplinary processes should a student or an employee

violate criminal statutes regarding illegal drugs or possession or sale of alcohol. A student or employee who violates the alcohol and other drug policy is subject both to the institution's sanctions and to criminal sanctions provided by federal, state, and local law.

The school will apply the proper procedural safeguards and will determine those disciplinary sanctions that may be relevant to one's status as a student or employee of FPTI. Standards of conduct and processes are described more fully in the documents listed below:

1. FPTI Student Code of Conduct, as stated in the Student Policy Catalog- Applicable to all students
2. Employee Handbook - For all school employees

Faculty, staff, and students may obtain copies of relevant documents from the school's Directors.

Legal Sanctions for Marijuana and other Controlled Substances

The unlawful possession, use, or distribution of illicit drugs and alcohol is punishable by sanctions imposed by the United States Government and by the State of New York. These sanctions can include imprisonment, fines, assigned community service, and loss of federal student financial aid eligibility.

New York State Sanctions for Possession of Marijuana

(See NYS Penal Law Section 221.05)

- 1st offense; a fine of no more than \$100;
- 2nd offense; a fine of no more than \$200;
- 3rd offense; a fine of no more than \$250 and/or 15 days imprisonment

New York State Sanctions for Criminal Possession and Sale of Marijuana

(See NYS Penal Law Article 221)

(Degree depends upon amount of substance seized)

- 5th Degree-Class B Misdemeanor; imprisonment up to 3 months
- 4th Degree-Class A Misdemeanor; imprisonment up to 1 year
- 3rd Degree-Class E Felony; imprisonment up to 4 years
- 2nd Degree-Class D Felony; imprisonment up to 7 years
- 1st Degree-Class C Felony; imprisonment up to 15 years

New York State Sanctions for Possession and Sale of Controlled Substances:

(See NYS Penal Law Article 220)

- "Controlled substance" means any substance listed in schedule I, II, III, IV or V of section thirty-three hundred six of the public health law other than marijuana, but including concentrated cannabis as defined in paragraph (a) of subdivision four of section 3302 of such law. This includes, but is not limited to: methamphetamine, heroin, cocaine, PCP, LSD, Fentanyl, and Fentanyl analogue.

New York State Sanctions for Criminal Possession and Sale of Controlled Substances

(Degree depends upon substance, amount of substance, age of purchaser and prior record)

- 7th Degree-Class A Misdemeanor; imprisonment up to 1 year
- 5th Degree-Class D Felony; imprisonment up to 7 years
- 4th Degree-Class C Felony; imprisonment up to 15 years
- 3rd Degree-Class B Felony; up to 25 years imprisonment
- 2nd Degree-Class A-II Felony; up to life imprisonment

- 1st Degree-Class A-1 Felony; up to life imprisonment

New York General Obligations Law

Compensation for Injury or Damage Caused by the Intoxication of a Person, Under 21 (GOL Section 11-100)

1. Any person who shall be injured in person, property, means of support, or otherwise, by reason of the intoxication or impairment of ability of any person under the age of 21 years, whether resulting in his death or not, shall have a right of action to recover actual damages against any person who knowingly causes such intoxication or impairment of ability by unlawfully furnishing to or unlawfully assisting in procuring alcoholic beverages for such person with knowledge or reasonable cause to believe that such person was under the age of 21 years.
2. In case of death of either party, the action or right of action established by the provisions of this section shall survive to or against his or her executor or administrator, and the amount so recovered by either a husband, wife, or child shall be his or her sole and separate property.
3. Such action may be brought in any court of competent jurisdiction.
4. In any case where parents shall be entitled to such damages, either of such parents may bring an action therefore; but that recovery by either one of such parties shall constitute a bar to suit brought by the other.

Compensation for Injury Caused by the Illegal Sale of Intoxicating Liquor: (GOL Section 11-101)

1. Any person who shall be injured in person, property, means of support, or otherwise by any intoxicated person, or by reason of the intoxication of any person, whether resulting in his death or not, shall have a right of action against any person who shall, by unlawful selling to or unlawfully assisting in procuring
2. liquor for such intoxicated person, have caused or contributed to such intoxication; and in any such action such person shall have a right to recover actual and exemplary damages.
3. In case of the death of either party, the action given by this section shall survive to or against his or her executor or administrator, and the amount so recovered by either a husband, wife, or child shall be his or her sole and separate property.
4. Such action may also be brought in any court of competent jurisdiction.

In any case where parents shall be entitled to such damages, either the father or mother may sue alone therefore, but recovery by one of such parties shall constitute a bar to suit brought by the other.

New York Statutes Regarding Alcohol and Persons Under the Age of Twenty-One

Several New York statutes address the issue of alcohol use by persons under the age of twenty-one. Under the **New York State Alcohol Beverage Control Law**, a person may not sell or provide alcohol to a person under age 21. (ABC Law § 65(1)).

Unlawfully Dealing with a Child

Under NYS Penal Law, the crime of **Unlawfully Dealing with a Child in the First Degree** prohibits providing alcohol to a person under 21. (Penal Law § 260.20(2)). It is no defense that the child acted as the agent or representative of another person, or that the defendant dealt with the child as such. The statute permits giving alcohol "where the tasting or imbibing of alcoholic beverages is required in courses that are part of the required curriculum." Additionally, the Penal Law ban does not apply to the parent or guardian of the minor. (Penal Law § 260.20(2); see also, ABC Law § 65(5)).

A related offense, **Unlawfully Dealing with a Child in the Second Degree**, pertains to a person under age 16 who is present in an establishment where alcohol is provided. This section contains an exception if the child is accompanied by a parent, guardian or an authorized adult. (Penal Law § 260.21(1)(a). See also, ABC Law § 100(2-b)(a)).

The Alcohol Beverage Control Law allows for suspension of an individual's driver license for attempting to purchase or obtain alcoholic beverages using false identification/proof of age. (ABC Law § 65-b(5)).

Endangering the Welfare of a Child

Providing alcohol to a person under the age of twenty-one when such provision is likely to result in injury or other risk to the welfare of the minor may constitute another crime, **Endangering the Welfare of a Child**. Penal Law § 260.10. The mere presence of a minor at a party where alcohol is served is insufficient. Any person who drives under the influence of alcohol with children as passenger may also be prosecuted for EWOC.

Driving by Persons Under the Age of Twenty-One

New York State has a "zero tolerance" policy for persons under age 21 who drive while under the influence of alcohol. Even if not charged under the DWI or DWAI statutes, a minor with a .02 - .07% B.A.C. faces an administrative hearing and sanctions. (V & T Law §§ 1192-a, 1194-a).

The statute also authorizes judges to immediately suspend at arraignment the junior driver license or learner permit of a person under age 18 who is charged with DWAI or DWI, even without a blood alcohol reading. Courts are also required to notify parents or guardians if a youth fails to appear on a DWI or DWAI charge. (V & T Law § 1193(2)(e),(f)).

Unlawful Possession of Alcohol

The Alcohol Beverage Control Law also prohibits possession with intent to consume alcohol by persons under the age of twenty-one. (ABC Law § 65-c). The ABC statute does not authorize arrest and sets a maximum punishment of no more than 30 hours of "community service".

Civil Liability

New York law provides a cause of action for personal or property damage resulting from intoxication or impairment of a person under 21. (Gen Obl L §11-100).

Unlawful Possession of an Alcoholic Beverage with the Intent to Consume by Persons under the Age of 21 Years

(ABC Law Section 65-c)

1. Except as hereinafter provided, no person under the age of 21 years shall possess any alcoholic beverage, as defined in this chapter, with the intent to consume such beverage.
2. A person under the age of 21 years may possess any alcoholic beverage with the intent to consume if the alcoholic beverage is given:

- a. to a person who is a student in a curriculum licensed or registered by the state education department, and the student is required to taste or imbibe alcoholic beverages in courses which are part of the required curriculum provided such alcoholic beverages are used only for instructional purposes during class conducted pursuant to such curriculum; or
 - b. to the person under 21 years of age by that person's parent or guardian.
3. Any person who unlawfully possesses an alcoholic beverage with intent to consume may be summoned before and examined by a court having jurisdiction of that charge; provided, however, that nothing contained herein shall authorize, or be construed to authorize, a peace officer as defined in subdivision thirty-three of section 1.20 of the criminal procedure law or a police officer as defined in subdivision thirty-four of section 1.20 of such law to arrest a person who unlawfully possesses an alcoholic beverage with the intent to consume. If a determination is made sustaining such charge the court may impose a fine not exceeding \$50 and/or completion of an alcohol awareness program and/or appropriate amount of community service not to exceed 30 hours.
4. No such determination shall operate as a disqualification of any such person subsequently to hold public office, public employment, or as a forfeiture of any right or privilege to receive any license granted by public authority; and no such person shall be denominated a criminal by reason of such determination, nor shall such determination be deemed a conviction.
5. Whenever a peace officer as defined in subdivision thirty-three of section 1.20 of the criminal procedure law or police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law shall observe a person under 21 years of age openly in possession of an alcoholic beverage, with the intent to consume such beverage in violation of this section, said officer may seize the beverage, and shall deliver it to the custody of his or her department.
6. Any alcoholic beverage seized in violation of this section is hereby declared a nuisance. The official to whom the beverage is delivered shall, no earlier than three days following the return date for initial appearance on the summons, dispose of or destroy the alcoholic beverage seized or cause it to be disposed of or destroyed. Any person claiming ownership of an alcoholic beverage seized under this section may, on the initial return date of the summons or earlier on five days' notice to the official or departmental in possession of the beverage, apply to the court for return of that beverage. The court may order the beverage returned if it is determined that the return of the beverage would be in the interest of justice or that the beverage was improperly seized.

Driving While Intoxicated (DWI) and the Zero Tolerance Law in New York

1. Driving while intoxicated (DWI), as determined by a blood alcohol content of .08 or higher is a misdemeanor punishable by up to a year imprisonment and/or a \$1,000 fine for a first offense plus six months license revocation; a second or subsequent offense is a felony. Driving while impaired by alcohol (DWAI, not necessarily legally intoxicated, but with a relevant level of blood alcohol content of at least .05) is also a violation, punishable by up to 15 days imprisonment and/or a \$500 fine plus a 90-day license suspension. Repeated offenses result in more serious penalties.

2. Blood alcohol content (BAC) is the percentage of alcohol in your blood and is usually determined by a chemical test of breath, blood or urine. A BAC of more than .05 percent is legal evidence that you are impaired, and a BAC of .08 percent or higher is evidence of intoxication.
3. Under the state's Zero Tolerance law, it is a violation for a person under age 21 to drive with any measurable BAC (.02 to .07). After a finding of violation is determined at a DMV hearing, the driver's license will be suspended for six months. The driver will then have to pay a \$100 suspension termination fee and a \$125 civil penalty to be re-licensed. For a second Zero Tolerance violation, the driver's license will be revoked for at least one year or until the driver reaches age 21, whichever is longer.
4. Fines and other sanctions may be imposed by local municipalities prohibiting consumption or possession of open containers in public places or private property without the owner's permission.

Clean Indoor Air Act (CIAA)

Enacted in 1989 and last amended in October 2017, the Clean Indoor Air Act (CIAA), Public Health Law, Article 13-E, prohibits the smoking of tobacco (i.e., cigarettes, cigars, pipe or any other matter or substance containing tobacco) in nearly all indoor and certain outdoor public and work places.

Effective November 22, 2017, the law also applies to vaping, which is the use of electronic cigarettes and similar devices.

Use and Possession of E-Cigarettes and/or Vaporizers/other Devices that may contain or dispose drugs

Effective July 25, 2017, legislation (S.750 / A.611), bans the use of electronic cigarettes on all public and private school grounds in New York State.

The use of e-cigarettes, vaporizers, and/or any other products that may typically contain nicotine but are then used for illegal drug use has also become an epidemic in the United States. The use and/or possession of e-cigarettes, vaporizers, and/or any other products that may typically contain nicotine but can be utilized for illegal drug use are strictly prohibited on school grounds and at school events.

Paraphernalia such as e-cigarettes, vaporizers, and/or any other products that may typically contain nicotine but can be utilized for illegal drug use shall be seized by the School. The School reserves the right to give such paraphernalia to law enforcement, as it deems necessary and appropriate.

Institutional Sanctions- e-cigarettes and/or vaporizers used for illegal drugs

Students who use and/or possess e-cigarettes, vaporizers, and/or any other products that may typically contain nicotine but can be utilized for illegal drug use shall be subject to disciplinary action. Sanctions against students include, but are not limited to, disciplinary expulsion, suspension, and/or probation. When appropriate, school sanctions may be entered into permanent records. Parents of dependent students will be notified of pending charges or subsequent decisions.

Liquid Nicotine Sales and Packaging

New York State prohibits the sale of liquid nicotine to minors under the age of 18 and under the age of 21 in New York City. Any student other the age of 21 found to be in possession of liquid nicotine is subject legal or institutional sanctions.

Legal Sanctions Involving Alcohol in New York State

All students, as well as employees, are expected to have knowledge of the applicable provisions of the New York State Alcoholic Beverage Control Law (ABC Law) and the New York State General Obligations Law (GOL).

Institutional Sanctions – Alcohol

Sanctions against students include, but are not limited to, disciplinary expulsion, suspension, and / or probation. When appropriate, school sanctions may be entered into permanent records. Parents of dependent students will be notified of pending charges or subsequent decisions.

The following sanctions will be imposed on a student in violation of the policy regarding use, possession or being under the influence of alcohol:

- **First Infraction** – The student and a School Director or other appointed Campus Security Authority will have a counseling session, which will be documented and become part of the student’s permanent record. The student will be placed on administrative probation and advised to voluntarily seek professional counseling. Students who believe they have a chemical dependency or substance abuse problem and who want help can learn about many helpful resources from a School Director.
- **Second Infraction** – The student will be dismissed from the program.

Student Use of Alcoholic Beverages:

The unlawful manufacturing, distribution, possession or use of illegal drugs or other controlled substances and the unauthorized use of alcohol by students on school property and by the School employees at work is prohibited.

Student clubs and organizations may petition a School Director in advance of a planned event for the use of beer or wine at a “duly authorized function.” School organizations must adhere to stringent guidelines that comply with New York State Alcoholic Beverage Control Law prohibiting the sale, delivery, or providing of alcoholic beverages to people under the age of 21. In addition, School functions that have received permission to serve alcoholic beverages must provide adequate supervision for distribution and consumption. Any person found to have violated the School policy on alcohol and drug use is subject to discipline.

The legal age for drinking alcohol in New York is 21. As stated earlier, it is against the law in New York to sell or give away alcohol to anyone under the age of 21. The possession or use of illegal drugs is a crime in the State of New York. Anyone found on school property may be dismissed from the school, in addition to facing criminal charges and arrest.

Institutional Sanctions- Illicit Drugs

The following sanctions will be imposed on a student in violation of the policy regarding unlawful manufacture, distribution, dispensation, possession, sale or use of illicit drugs:

- **First Infraction-** Immediate dismissal from the program and referral to the proper authorities for prosecution.

FPTI reserves the right, in extreme cases, to immediately dismiss any student in violation of the Drug and Alcohol Prevention Policy, the above outlined procedure notwithstanding. Furthermore, reasonable suspicion may be established by any combination of a student's appearance, body odor, or behavior; an accident; a physical and/or verbal altercation; or possession of drugs and/or alcohol.

Institutional Sanctions- Additional

Employee Sanctions:

School employees who violate the school's standards of conduct are subject to disciplinary action, including reprimand, suspension, or dismissal. The school may impose sanctions against any employee who violates Federal, State or local laws, or the standards of school conduct. Depending on the nature and severity of the violation, these sanctions can range from warnings and/or mandatory referral for drug or alcohol rehabilitation to outright termination of employment.

Legal Sanctions

FPTI is required to include in its Drug and Alcohol Abuse Prevention Policy information regarding Local, State, and Federal legal sanctions. Students are encouraged to read this information carefully. Additionally, the school owners, Directors, faculty and staff will review the institution's Drug and Alcohol Abuse Prevention Policy at least once every two years to determine its effectiveness and to implement changes to the program as necessary.

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances

Marijuana (enormous amount)

1,000 kg or more mixture; 1,000 or more plants

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

Second Offense: Not less than 20 years, not more than life. If death or serious injury, mandatory life. Fine not more than \$20 million if an individual. \$75 million if other than an individual.

Marijuana (large amount)

100-999 kg mixture; 100-999 plants

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

Second Offense: Not less than 20 years, not more than life. If death or serious injury, mandatory life. Fine not more than \$8 million if an individual, \$50 million if other than an individual.

Marijuana (medium amount)

50-99 kg mixture or 50-99 plants

First Offense: Not more than 20 years. If death or serious injury, not less than 20 years, not more than life. Fine \$1 million if an individual, \$5 million if other than an individual.

Second Offense: Not more than 30 years. If death or serious injury, mandatory life. Fine \$2 million if an individual, \$10 million if other than an individual.

Marijuana (small amount)

Less than 50 kg mixture; 1-49 plants (does not include 50 or more marijuana plants regardless of weight)

First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million other than an individual.

Second Offense: Not more than 10 years. Fine \$500,000 if an individual, \$2 million if other than an individual.

Hashish

More than 10 kg

First Offense: Not more than 20 years. If death or serious injury, not less than 20 years, not more than life. Fine \$1 million if an individual. \$5 million if other than an individual.

Second Offense: Not more than 30 years. If death or serious injury, mandatory life. Fine \$2 million if an individual, \$10 million if other than an individual.

Hashish (small amount)

10 kg or less

First Offense: Not more than 5 years

Second Offense: Not more than 10 years. Fine \$500,000 if an individual, \$2 million if other than an individual.

Hashish Oil

More than 1 kg

First Offense: Not more than 20 years. If death or serious injury, not less than 20 years, not more than life. Fine \$1 million if an individual. \$5 million if other than an individual.

Second Offense: Not more than 30 years. If death or serious injury, mandatory life. Fine \$2 million if an individual, \$10 million if other than an individual.

Hashish Oil (small amount)

1 kg or less: First Offense: Not more than 5 years

Second Offense: Not more than 10 years. Fine \$500,000 if an individual, \$2 million if other than an individual.

Federal and State Sanctions for the Unlawful Use of Alcohol and Drugs

Illicit Drugs

Both federal and New York State laws make it a criminal offense to manufacture, distribute, dispense, or possess with intent to manufacture, distribute, dispense, or simply possess a controlled substance, including marijuana (21 U.S.C. §801, *et seq.*; Penal Law, §§220, 221; New York State Public Health Law, §3306). The penalties imposed upon conviction for violation of these laws depend upon the particular offense and on aggravating factors such as the type and quantity of drugs in each offense. Sanctions range from monetary fines to imprisonment.

Federal Laws on Illicit Drugs

Simple possession of controlled substances can result in a one year prison term and a \$1,000 fine for first offenders found guilty in a federal court. Subsequent convictions can result in significantly greater penalties (21 U.S. C. 844(a)). A conviction for possession of a controlled substance that results in death or bodily injury can result in life imprisonment. A penalty of ten to sixteen years in prison can be the result of a conviction for possession of more than five grams of cocaine (U.S.S.G.S. 2D2.1 (b) (1)).

Denial of Federal Aid (20 USC 1091)

Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal

grants, loans, federal work study programs, and more. Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved substance abuse rehabilitation program.

Federal penalties are similar to those assessed by New York State. : A variety of criminal penalties may result from the misuse of alcoholic beverages:

- In New York, if you give or sell an alcoholic beverage to a person less than 21 years old, you are committing a Class A misdemeanor, punishable by up to 1 year in jail and a possible \$1,000 fine. New York State Penal Law §260.20 (2).
- Appearing in public under the influence of narcotics or a drug other than alcohol to the degree that one may endanger oneself or other persons or property, or annoy persons in one’s vicinity, is a violation, punishable by a fine and imprisonment up to 15 days as per New York State Penal Law §240.40.

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

Substance/Quantity	Penalty
Any Amount Of Other Schedule I & II Substances	First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. more than Life. Fine \$1 million if an individual, \$5 million if not an individual.
Any Drug Product Containing Gamma Hydroxybutyric Acid	Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment
Flunitrazepam (Schedule IV) 1 Gram	Fine \$2 million if an individual, \$10 million if not an individual.
Any Amount Of Other Schedule III Drugs	First Offense: Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. 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.
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Any Amount Of All Schedule V Drugs	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

State of New York Laws on Illicit Drugs

The New York Penal Code (New York State Penal Law §§220.00-220.21) identifies six levels of criminal possession of controlled substances and marijuana, respectively. First-degree possession of a controlled substance is a class A-1 felony (§220.21); criminal possession of the same is a class A misdemeanor. Separately, first-degree possession of marijuana (weighing more than ten pounds in the aggregate) is a class C felony (New York State Penal Law §221.00), while possession alone is a violation.

In addition to controlled substances and marijuana, possession of precursors of controlled substances, precursors of methamphetamines, hypodermic instruments, and methamphetamine manufacturing material may also violate the law.

A defendant convicted of a class A-1 felony may be sentenced to a term of 8 to 20 years imprisonment or a fine of \$100,000. Convictions of class B to class E felonies range from sentences of a minimum of one year to a maximum of 1.5 to 9 years or fines ranging from \$15,000 to \$30,000 for class B and class C felonies.

Unlawful possession of marijuana is a violation and is subject to imprisonment of no more than 15 days or a fine in an amount less than \$250.

Prevention Treatment and Support Services

Descriptions of Drug and Alcohol statutes in New York:

- [Summary of NYS Controlled Substances Statutes](#)

Links to Information about Drug and Alcohol addiction, abuse, and recovery:

- [National Institutes of Health - Facts About Addiction](#)
- [NYS Office of Alcoholism and Substance Abuse Services](#)

Local New York agencies available for persons suffering from addiction:

- [Referral Network for NYC Rehab Centers/Agencies](#)

Additional Treatment Resources- Direct Contact

- **National Drug and Alcohol Treatment Referral Services:**
800-662-4357
- **Alcoholism Council of Greater New York:**
800-56-SOBER
- **New York Center for Addiction:**
212-966-9537
- **Alcoholics Anonymous**
718-520-5021
- **Al-Anon**
212-254-7230
212-260-0407
- **Focus on Recovery**
800-234-1253
- **NYS Drug Information Hotline**
800-522-5353
- **Children of Alcoholics**
800-359-COAF (359-2623)
- **Stop Smoking Hotline**
800-ACS-2345 (227-2345)
- **Marijuana Hotline**
888-MARIJUA
888-627-4582
- **Relapse Hotline**
800-735-2773

Health Risks

The following briefly summarizes health risks and symptoms associated with the use of alcohol and other drugs. It is important to note that individuals experience alcohol and drugs in different ways based on physical tolerance, body size and gender, and on a variety of other physical and psychological factors.

Alcohol:

Alcohol consumption causes a number of changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasingly the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety

of aggressive acts. Moderate to high doses of alcohol cause marked impairments in higher mental functions severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Long-term consumption of large quantities of alcohol can also lead to permanent damage to vital organs such as the brain and the liver. Mothers who drink during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation.

Cigarettes and other Nicotine Products:

In 1989, the U.S. Surgeon General issued a report that concluded that cigarettes and other forms of tobacco, such as cigars, pipe tobacco and chewing tobacco, are addictive and that nicotine is the drug in tobacco that causes addiction. In addition, the report determined that smoking was a major cause of stroke and the third leading cause of death in the United States. Nicotine is both a stimulant and a sedative to the central nervous system. Nicotine is absorbed readily from tobacco smoke in the lungs, and it does not matter whether the tobacco smoke is from cigarettes, cigars, or pipes, Nicotine also is absorbed readily when tobacco is chewed.

Pulmonary Illness Associated with Black Market Vaping Products

The New York State Department of Health (NYSDOH) has received numerous reports from New York State physicians of severe pulmonary (lung-related) illness among patients ranging from 14 to 69 years of age who were using at least one vape product prior to becoming ill.

Laboratory test results show very high levels of vitamin E acetate in nearly all cannabis-containing samples analyzed by New York State's Wadsworth Laboratory as part of this investigation. At least one vitamin E acetate containing vape product has been linked to nearly every patient that has submitted a product for testing.

Anyone using vape products and experiencing symptoms including shortness of breath, cough, chest pain, fever, nausea or vomiting should contact their health care provider immediately. Health care providers should report possible cases to their local poison control center (1-800-222-1222).

People should never use products purchased "off the street" because they may contain unknown and harmful ingredients. Cannabis-containing products are not legally available in New York State for recreational use.

Prescription Medications:

Prescription drugs that are abused or used for non-medical reasons can alter brain activity and lead to dependence. Commonly abused classes of prescription drugs include opioids (often prescribed in the treatment of pain), central nervous system depressants (often prescribed to treat anxiety and sleep disorders), and stimulants (prescribed to treat narcolepsy, ADHD, and obesity). Long-term use of opioids or central nervous system depressants can lead to physical dependence and addiction. Taken in high doses, stimulants can lead to compulsive use, paranoia, dangerously high body temperatures and irregular heartbeat.

Marijuana:

Marijuana use can lead to a number of long term and short term physical and psychological effects. Marijuana use leads to a substantial increase in the heart rate, impairs short term memory and comprehension and motivation can be altered.

Amphetamines:

Amphetamines, methamphetamines, or other stimulants can cause increased heart rate and respiratory rates, elevated blood pressure, and dilated pupils. Larger doses cause rapid or irregular heartbeat, tremors, and physical collapse. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, high fever, heart failure and death. An individual using amphetamines might begin to lose weight, have the sweats, and appear restless, anxious, moody, and unable to focus. Extended use may produce psychosis, including hallucinations, delusions and paranoia.

Steroids (anabolic):

Anabolic steroids are human-made substances related to male sex hormones. Some athletes abuse anabolic steroids to enhance performance. Abuse of anabolic steroids can lead to serious health problems, some of which are irreversible. Short term side effects include depression, hallucinations, paranoia, severe mood swings and aggressive behavior. Major side effects also can include liver tumors and cancer, jaundice, high blood pressure, kidney tumors, severe acne and trembling. In males side effects may include shrinking of the testicles and breast development. In females, side effects may include growth of facial hair, menstrual changes and deepened voice. In teenagers, growth may be halted prematurely and permanently.

Biennial Review

The Drug Free Schools and Campuses Regulations (34 CFR, Part 86) of the Drug-Free Schools and Communities Act (DFSCA) require FPTI to certify it has adopted and implemented programs to prevent the abuse of alcohol and use or distribution of illicit drugs both by students and employees both on the premises and as part of any activities. At a minimum FPTI must annually distribute the following in writing to all students and employees:

- Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees
- A description of the legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol
- A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students.
- A clear statement that the institution will impose sanctions on students and employees and a description of those sanctions up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

The law further requires that the institution conduct a biennial review of its program with the following objectives:

- Determine the effectiveness of the policy and implement changes to the program, if needed.
 - Ensure that the sanctions developed are enforced consistently.
- The biennial review must also include a determination as to:
- The number of drug- and alcohol-related violations and fatalities occurring on the campus or as part of their activities that are reported to campus officials; and
 - The number and type of sanctions the school imposes on employees as a result of such violations or fatalities.

The school acknowledges a legal obligation to conduct a biennial review of compliance with the Drug-Free Schools and Communities Act and authorized an administrative review to be conducted to determine if the school fulfills the requirements of the Federal regulations.

Biennial Review Committee

The School Directors will be on the Biennial Review Committee.

Materials Reviewed:

- The Higher Education Amendments of 1998 (P.L. 105-244) and the Drug-Free Schools and Communities Act Amendments of 1989 (P.L.101-226)
- Previous Biennial Review reports, if applicable
- FPTI's Alcohol and Drug Policy documents distributed to all faculty, students and staff.
- NY State laws regarding drug and alcohol abuse.
- Summary of alcohol and other drug-free programming/events sponsored by the school.

Summary:

In 2023, the Biennial Review Committee has conducted a comprehensive study of FPTI's Drug Abuse & Alcohol Prevention Policy (DAAPP). The school has developed a successful approach to address alcohol and other drug issues on campus. We will continue to develop, evaluate, assess and pursue the best practices for the school to create a safe and healthy environment for our students, faculty, and staff.

DRUG ABUSE & ALCOHOL PREVENTION POLICY

I _____ have received a copy of FPTI's Drug Abuse & Alcohol Prevention Policy (DAAPP). I understand that if I am a drug or alcohol offender, I will be dismissed from the school immediately. Possession, distribution, or illegal use of alcohol or illicit substances will bring immediate termination from the school and may result in legal criminal charges and arrest.

Signature

Date

Print Name