

Sanctions for Possession and/or Distribution

State of Oregon Sanctions

Alcohol

- Minor in possession-any attempt to purchase by a person under 21 years is a violation (up to \$250 fine)
- Providing liquor to a minor-Class A misdemeanor (up to 1 year in prison and a fine, plus restitution and community service). Mandatory minimums:
 - First conviction - \$350
 - Second conviction - \$1000
 - Third or subsequent conviction - \$1000 and 30 days

For the purposes of the Oregon DUII statutes, for a person under 21 years of age, any amount of alcohol in the blood constitutes being under the influence of intoxicating liquor (class A misdemeanor, penalty of up to 1 year and \$2,500 fine and suspension and/or revocation of driving privileges).

Illicit drugs

In Oregon, penalties for possession and distribution are determined by the controlled Substance Schedule upon which the drug appears. Examples from the drug schedules appear below. (Note: Most drugs appear on the same federal and state schedule.)

Schedule I Heroin, LSD, Marijuana, Peyote, Mescaline, Psilocybin

Schedule II Opium, Cocaine, Methamphetamine

Schedule III Amphetamine, Depressants, PCP

Schedule IV Various prescription drugs

Schedule V Other less dangerous prescription drugs and small amounts of certain drugs.

Marijuana

- Delivery for consideration (selling, dealing, or bartering)-Class B felony (up to 10 years and up to \$100,000 fine, plus twice the value of any resulting gain of property or money).
- Delivery not for consideration (less than 1 oz)-Class A misdemeanor (up to 1 year and up to \$2500).
- Delivery not for consideration (less than 5 grams.)-violation (fine of at least \$500, but not more than \$1000).
- Unlawful Possession (less than 1 oz.)-violation (fine of \$500-\$1000, plus twice the value of any resulting gain of property or money).
- Unlawful Possession (more than 1 oz.)-Class B felony (up to 10 years and up to \$100,000 fine, plus twice the value of any resulting gain of property or money).

Schedule I Drugs

- Manufacture or distribution (except marijuana)-Class A felony (up to 20 years and up to \$100,000 fine, plus twice the value of any resulting gain of property or money).
- Unlawful Possession-Class B felony (up to 10 years and up to \$100,000 fine, plus twice the value of any resulting gain of property or money).

Schedule II Drugs

- Manufacture or distribution-Class B felony (up to 10 years and up to \$100,000 fine, plus twice the value of any resulting gain of property or money).
- Unlawful possession-Class C felony (up to 5 years and up to \$100,000 fine, plus twice the value of any resulting gain of property or money).

Schedule III Drugs

- Manufacture or distribution-Class C felony (up to 5 years and up to \$100,000 fine, plus twice the value of any resulting gain of property or money).
- Unlawful Possession-Class A misdemeanor (up to 1 year and up to \$2500 fine, plus twice the value of any resulting gain of property or money).

Schedule IV Drugs

- Manufacture or distribution-Class B misdemeanor (up to 6 months and up to \$1000 fine, plus twice the value of any resulting gain of property or money).
- Unlawful Possession-Class C misdemeanor (up to 30 days and up to \$500 fine, plus twice the value of any resulting gain of property or money).

Schedule V Drugs

- Manufacture or distribution-Class C misdemeanor (30 days and up to \$500, plus twice the value of any resulting gain of property or money).
- Unlawful Possession-violation (\$250 fine, plus twice the value of any resulting gain of property or money).
- It is unlawful for a person to manufacture or deliver a schedule 1, 2, or 3 controlled substance within 1,000 feet of the real property comprising a public or private elementary, vocational or secondary school attended by minors (class A felony, penalty of up to 20 years and \$100,000 fine).
- In addition, the court may order the defendant to pay the cost of prosecution, and the defendant's vehicle used in the crime may be forfeited to the state. Finally, the defendant may forfeit any property used in the crime to the county in which the crime occurred.

Federal Sanctions

The federal system establishes sanctions for possession and distribution of controlled substances, based on the schedule of the drug and the amount involved. However, in addition, the statutory sanctions for possession and distribution are subject to the "Sentencing Guidelines for U.S. Courts." Imposition of the guidelines may lead to higher offense levels and, thus, stricter penalties than otherwise indicated. Courts must make adjustments in the offense level for victim-related considerations, defendant's role in the offense, multiple counts, obstruction and acceptance of responsibility. Finally, the guidelines establish sentences for each offense based on the defendant's criminal history. Federal penal sanctions range from: Manufacture, distribution or trafficking of large amounts of heroin, cocaine, PCP, methamphetamine, Schedule I and II hallucinogens, marijuana, hashish, or any of their derivatives (30 years to life, regardless of the defendant's criminal history) to Possession of any Schedule III-V drug if defendant has lowest level or criminal history (0-4 months). Further, if serious injury or death results from the crime, minimums of up to 10 years (serious injury) and 20 years (death), plus fines of up to \$4,000,000 may be added. These penalties may be doubled for defendants with past felony drug convictions. Finally, penal sanctions in the federal system are "real time", with reductions in sentences only for good behavior.

Health Risks Associated with Use or Abuse

Tobacco and Nicotine

Smokers are more likely than nonsmokers to contract heart disease. Lung, larynx, esophageal, bladder, pancreatic, and kidney cancers also strike smokers at increased rates. Thirty percent of cancer deaths are linked to smoking. Chronic obstructive lung diseases, such as emphysema and chronic bronchitis, are 10 times more likely to occur among smokers than among nonsmokers. Smoking during pregnancy also poses risks, such as spontaneous abortion, pre-term birth, and low birth weights. Fetal and infant deaths are more likely to occur when the pregnant woman is a smoker. Nicotine is both psychologically and physically addictive.

Alcohol

Low doses significantly impair the judgment and coordination needed to operate vehicles. Small amounts can also lower inhibitions. Moderate to high doses cause marked impairments in higher mental functions, and loss of memory and the ability to learn and remember information. High doses cause respiratory depression and death. Long-term consumption, particularly when combined with poor nutrition, can also lead to dependence and permanent damage to vital organs such as the brain and the liver. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation.

Cannabis

(Marijuana, Hashish, Hashish Oil, Tetrahydrocannabinol)

Physical effects of cannabis include increased heart rate, bloodshot eyes, dry mouth and throat, and increased appetite. Use of cannabis may impair or reduce short-term memory and comprehension, alter sense of time, reduce ability to perform tasks requiring concentration and coordination, and impair driving ability. Motivation and cognition may be altered, making the acquisition of new information difficult. Marijuana, hashish, THC, etc., can also produce paranoia and psychosis. Long term use may result in possible lung damage, reduced sperm count and sperm motility, and may affect ovulation cycles. Cannabis can also be psychologically addictive.

Inhalants

(Nitrous Oxide, Amyl Nitrite, Butyl Nitrite, Chlorohydrocarbons, Hydrocarbons)

Immediate effects of inhalants include nausea, sneezing, coughing, nosebleeds, fatigue, lack of coordination, and loss of appetite. Solvents and aerosol sprays also decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrite cause rapid pulse, headaches, and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain damage. Deeply inhaling vapors, or using large amounts over a short time, may result in disorientation, violent behavior, unconsciousness, or death. High concentrations of inhalants can cause suffocation by displacing oxygen in lungs. Longterm use can cause weight loss, fatigue, electrolyte imbalance, muscle fatigue, and permanent damage to the nervous system.

Cocaine (Crack)

Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature. Occasional use can cause nasal irritation; chronic use can ulcerate the mucous membrane of the nose. Crack or freebase rock is extremely addictive. Physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite,

tactile hallucinations, paranoia, and seizures. The use of cocaine can cause death by cardiac arrest or respiratory failure.

Stimulants

(Amphetamines, Methamphetamines, Crank, Ice)

Stimulants cause increased heart and respiratory rates, elevated blood pressure, dilated pupils, and decreased appetite. Users may experience sweating, headache, blurred vision, dizziness, sleeplessness, and anxiety. Extremely high doses can cause rapid or irregular heartbeat, tremors, loss of coordination, and physical collapse. Amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure. In addition to physical effects, feelings of restlessness, anxiety, and moodiness can result. Use of large amounts over a long period of time can cause amphetamine psychosis that includes hallucinations, delusions, and paranoia. The use of amphetamines can cause physical and psychological dependence.

Depressants

(Barbiturates, Methaqualone, Tranquilizers)

Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering gait, and altered perception. Large doses can cause respiratory depression, coma, and death. Combination of depressants and alcohol can multiply effects of the drugs, thereby multiplying risks. Babies born to mothers who abuse depressants during pregnancy may be physically dependent on the drugs and show withdrawal symptoms shortly after birth. Birth defects and behavioral problems may also result. The use of depressants can cause both physical and psychological dependence.

Hallucinogens

(PCP, LSD, Mescaline, Peyote, Psilocybin)

Phencyclidine (PCP) interrupts the functions of the neocortex, the section of the brain that controls intellect and instinct. PCP blocks pain receptors, and users can have violent PCP episodes resulting in self-inflicted injuries. Lysergic acid diethylamide (LSD), mescaline, and psilocybin cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness, and tremors.

Narcotics

(Heroin, Methadone, Codeine, Morphine, Meperidine, Opium)

Narcotics initially produce a feeling of euphoria that often is followed by drowsiness, nausea, and vomiting. Users may experience constricted pupils, watery eyes and itching. Overdoses may produce respiratory depression, clammy skin, convulsions, coma and death. Addiction in pregnant women can lead to premature, stillborn, or addicted infants who experience severe withdrawal symptoms. Use of narcotics can cause physical and psychological dependence.

Designer Drugs

(Analog of Fenatyl, Analog of Meperidine, MDMA, Ecstasy Analog of PCP)

Many "designer drugs" are related to amphetamines and depressants and have mild stimulant and depressant properties. Use can produce severe neurochemical damage to the brain. Narcotic analogs can cause symptoms such as those seen in Parkinson's disease: uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage. Analog of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating, and faintness. Psychological effects include anxiety, depression, and paranoia. Analog of PCP cause illusions, hallucinations, and impaired perception.

Anabolic Steroids

Steroid users subject themselves to more than 70 side effects, ranging in severity from acne to liver cancer, including psychological as well as physical reactions. The liver and cardio-vascular and reproductive systems are most seriously affected by use. In males, use can cause withered testicles, sterility, and impotence. In females, irreversible masculine traits can develop along with breast reduction and sterility. Psychological effects in both sexes include very aggressive behavior, known as "road rage", and depression. While some side affects appear quickly, others, such as heart attacks and strokes, may not show up for years.

References

- U.S. Dept. of Education (1989). What Works: Schools Without Drugs. (Rockville, MD: National Clearinghouse for Alcohol and Drug Information, 1989), pp 61-72.
- National Institute on Drug Abuse, NIDA Capsules, (Rockville, MD: Press Office of the National Institute on Drug Abuse, 1986).