**Drug-Free Schools and Communities Act [EDGAR Part 86]**

**Suggested Idaho Drug and Alcohol Abuse Prevention Program Template**

**YOUR UNIVERSITY/COLLEGE ANNUAL POLICY NOTIFICATION/DISTRIBUTION**

As a requirement of the Drug Free Schools and Communities Act regulations, **YOUR UNIVERSITY/COLLEGE** will disseminate the below policy/information to all students, staff, and faculty on an annual basis through **INCLUDE ALL METHODS OF DISTRIBUTION**. This process is formally conducted by **DESCRIBE YOUR DISSEMINATION PROCESS HERE**. Questions concerning this policy and/or alcohol and other drug programs, interventions and policies may be directed to **INDIVIDUAL IN CHARGE OF DRUG-FREE SCHOOLS AND COMMUNITIES COMPLIANCE/AOD PREVENTION PROGRAMS** at **INDIVIDUAL’S E-MAIL** and **INDIVIDUAL’S PHONE NUMBER**.

**Standards of Conduct**

As an academic community, **UNIVERSITY/COLLEGE** is committed to providing an environment in which learning and scholarship can flourish. The unlawful possession or use of illicit drugs, or the abuse of those which may otherwise be legally possessed, seriously affects the **UNIVERSITY/COLLEGE** environment, as well as the individual potential of our students and staff. Accordingly, **UNIVERSITY/COLLEGE** prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students or employees on campus and at institution-related activities. **INSERT ANY ADDITIONAL STANDARDS OF CONDUCT IF APPLICABLE, E.G., DRY HALLS FOR STUDENTS OF LEGAL DRINKING AGE.**

**UNIVERSITY/COLLEGE** **POLICIES GOVERNING DRUG AND ALCOHOL USE BY STUDENTS CAN BE FOUND AT (INSERT POLICY); POLICIES GOVERNING DRUG AND ALCOHOL USE BY EMPLOYEES CAN BE FOUND AT (INSERT POLICY)**. The **UNIVERSITY/COLLEGE** can, and will, impose disciplinary sanctions for violations of the above policies. In addition to **UNIVERSITY/COLLEGE** sanctions, individuals are also subject to applicable city ordinances and state and federal laws. The use of, or addiction to, alcohol or other controlled substances is not considered an excuse for violations of the **STUDENT CONDUCT CODE OR STAFF EXPECTATIONS**, and will not be a mitigating factor in the application of appropriate disciplinary sanctions for such violations.

The **UNIVERSITY/COLLEGE** strongly encourages students and staff members to voluntarily obtain assistance for dependency or abuse problems before such behavior results in an arrest and/or disciplinary action which might result in their separation from the institution. Help is available both on campus and within the community for students and staff members who are dependent on, or who abuse, alcohol or other drugs **(Link to Resource section below)**. **YOUR UNIVERSITY/COLLEGE COUNSELING CENTER** (**COUNSELING CENTER PHONE NUMBER**), **YOUR UNIVERSITY/COLLEGE EMPLOYEE ASSISTANCE PROGRAM** (**YOUR UNIVERSITY EMPLOYEE ASSISTANCE PROGRAM PHONE NUMBER**), and other professional agencies are available to offer assistance and will maintain the confidentiality of persons seeking help for personal dependency and will not report them to institutional or state authorities. In addition, **YOUR INSTITUTION’S DEPARTMENT OVERSEEING ALCOHOL AND OTHER DRUG PREVENTION** provides educational and awareness programming, information, and assistance.

**UNIVERSITY/COLLEGE Sanctions - Students**

Students who violate the **UNIVERSITY/COLLEGE’s** drug and alcohol policies will face disciplinary sanctions ranging from **LISTING OF SANCTIONS ADMINISTERED AT YOUR INSTITUTION FOR ALCOHOL OFFENSES – THESE SHOULD BE INCLUDED IN TABLE FOR COMMONLY IMPOSED SANCTIONS,** and referral for prosecution.

Students whose use of alcohol or drugs results in harm or the threat of harm to themselves or others, or to property, regardless of the location of the incident, may face disciplinary action by the **UNIVERSITY/COLLEGE** up to and including expulsion.

Testingfor the presence of illegal substances may be a condition of any probationary status imposed by the **UNIVERSITY/COLLEGE** for violations of policy.Testing for illegal drugs shall be performed using **DESCRIBE YOUR DRUG TESTING PROCEDURES/PROTOCOLS HERE IF APPLICABLE** **(example: a urine sample collected with a chain-of-custody and will include testing for the following substances: cocaine, marijuana, opiates, amphetamines, methamphetamines, and phencyclidines. All drug testing will include review by a qualified Medical Review Officer (MRO) and an "MRO Positive" result will be considered a positive result).** **Any student with a positive result, as described above, may face disciplinary action by the UNIVERSITY/COLLEGE up to and including expulsion.**

**Commonly Imposed Student Disciplinary Sanctions For Drug and Alcohol Policy Violations:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Policy Violation** | **Typical Monetary Sanction - 1st Offense** | **Other Typical Sanctions - 1st Offense** | **Typical Sanctions –** **2nd Offense** |
| **UNDERAGE POSSESSION OF ALCOHOL** | **$50** | **ALCOHOL EDUCATION PROGRAM** | **PARENTAL NOTIFICATION IF UNDER 21, MONETARY SANCTION, POSSIBLE DISCIPLINARY PROBATION.** |
| **OPEN ALCOHOL IN A PUBLIC AREA** | **$50** | **ALCOHOL EDUCATION PROGRAM** | **MONETARY SANCTION, POSSIBLE DISCIPLINARY PROBATION.** |
| **POSSESSION OF KEGS** | **$100** | **ALCOHOL EDUCATION PROGRAM** | **PARENTAL NOTIFICATION IF UNDER 21, MONETARY SANCTION, POSSIBLE DISCIPLINARY PROBATION.** |
| **SINGLE INCIDENT OF POSSESSION OF MARIJUANA FOR PERSONAL USE** | **$150** | **DISCIPLINARY PROBATION, DRUG EDUCATION PROGRAM ON MARIJUANA & RANDOM DRUG TESTING** | **SUSPENSION** |
| **POSSESSION OF MORE THAN ONE OUNCE OF MARIJUANA** | **$150** | **SUSPENSION OR EXPULSION** | **SUSPENSION OR EXPULSION** |
| **POSSESSION OF ANY AMOUNT OF "HARD" DRUGS (COCAINE, PCP, ETC.)** |  | **SUSPENSION OR EXPULSION** | **SUSPENSION OR EXPULSION** |
| **CONVEYING MARIJUANA OR A CONTROLLED SUBSTANCE TO ANOTHER PERSON** |  | **SUSPENSION OR EXPULSION** | **SUSPENSION OR EXPULSION** |

As members of the **UNIVERSITY/COLLEGE** community, students are also subject to city ordinances and to state and federal law. Arrest and prosecution for alleged violations of criminal law or city ordinances may result from the same incident for which the **UNIVERSITY/COLLEGE** imposes disciplinary sanctions.

**UNIVERSITY/COLLEGE Sanctions - Employees**

Employees who violate the **UNIVERSITY/COLLEGE’s** drug and alcohol policies will be subject to appropriate sanctions, including **(DESCRIBE POSSIBLE SANCTIONS) possible required participation in an approved drug abuse assistance or rehabilitation program, and disciplinary action up to and including termination of employment under applicable regulations**, **UNIVERSITY/COLLEGE** policies, statues, employment contracts, or collective bargaining agreements, and referral for prosecution.

**Local Legal Sanctions for Drug and Alcohol Offenses**

Many local law enforcement agencies use Idaho State codes when charging for drug and alcohol-related offenses. In addition to State codes, cities may also utilize local ordinances to enforce these offenses. Below are specific local ordinances related to the proscription and sanctioning of drug and alcohol offenses.

***\*\*\*Insert the ordinance information below for all the cities you have campuses at as defined by the Clery Act\*\*\****

**Boise**

*Boise City Code 5-2-4: Public Intoxication:* Any person, who is in public and intoxicated at a level that presents a danger to others or creates a disturbance of the peace, shall be guilty of a misdemeanor and subject to a fine of up to $1,000 and/or imprisonment of up to six months in jail.

*Boise City Code 5-2-6: Disorderly Household or Premises:* It shall be unlawful for any person(s) to host a party, gathering or event on private property within any residential area of the city where a person under the age 21 years is in possession of, is consuming or is under the influence of an alcoholic beverage and the person(s) responsible for the party knew or reasonably should have known that the person in possession of, consuming or under the influence of an alcoholic beverage is under the age of 21. Violations of this code are a misdemeanor and subject to a fine of up to $1,000 and/or imprisonment of up to six months in jail. In addition, violators may be made to pay restitution for the cost of law enforcement and emergency responders.

*Boise City Code 5-2-10: Unlawful Consumption of or Possession of Alcoholic Beverages in Public Place:* Except as otherwise provided by license, permit or law, it shall be unlawful for any person:

1. To consume any alcoholic beverage in a public place within the City; or

2. To possess, in a public place within the City, any alcoholic beverage in any bottle, can or other receptacle which has been opened, or has a seal broken, or where the contents of which have been partially removed.

Exceptions: The provisions of this section shall not apply to the possession or consumption of any alcoholic beverage by a person who is at least 21 years of age when such possession or consumption occurs:

1. Within any private residence or upon the yard thereabout, or within any apartment, duplex, condominium, boarding house or other structure lawfully used as a permanent residence, or within any common area or area designated exclusively for and appurtenant to such residential occupancy;

2. Within an establishment, business place or other location properly licensed and permitted by the State, the County and the City for the consumption of any alcoholic beverage;

3. Within the area defined on exhibit A on file in the City and depicted on exhibit B on file in the City, between the hours of ten o'clock A.M. and ten o'clock P.M. on any day the Boise State University football team plays a home game at Boise State's football stadium against an NCAA opponent, or on any day the City hosts an NCAA bowl game at Boise State's football stadium; provided, that the alcoholic beverage is held in an opaque plastic container that is not labeled or branded by an alcohol manufacturer or distributor and that such possession or consumption does not occur on or in the Boise River. Should there be a conflict between the boundary description (exhibit A on file in the City) and the approximate boundary depiction (exhibit B on file in the City), the description contained in exhibit A on file in the City shall control.

4. Pursuant to a valid City special event permit issued by the City; provided that the alcoholic beverage is held in an opaque plastic container that is not labeled or branded by an alcohol manufacturer or distributor and that such possession or consumption does not occur on or in the Boise River.

5. The provisions of this section shall not apply to the possession of an open container or the consumption of beer or wine by a person who is at least 21 years of age, when such possession or consumption occurs while the person is a passenger within a vehicle operated by a company licensed by the City as a touring vehicle service.

Violations of this code are a misdemeanor and subject to a fine of up to $1,000 and/or imprisonment of up to six months in jail.

*Boise City Code 5-2-12: Intoxication by Inhalation of Intoxicants or Solvents:* It shall be unlawful for any person to become or attempt to become intoxicated by inhaling the fumes of gasoline, toluene or any other solvent or product containing any such solvent. Violations of this code are a misdemeanor and subject to a fine of up to $1,000 and/or imprisonment of up to six months in jail.

*Boise City Code 5-2-14: Possession of False Identification Card:* It shall be unlawful for any person who is under 21 years of age to display or have in his or her possession a driver's license, identification card, or any other written, printed or photographic evidence of age and identity which is fraudulent, reproduced, altered or not actually his or her own. A violation of this section shall be an infraction and subject to a fine of up to $100.

*Boise City Code 5-2-15: Minors; Purchase, Consumption or Possession of Alcohol:* Any person under 21 years of age who shall purchase, attempt to purchase, consume or otherwise possess any alcohol beverage, including any distilled spirits, beer or wine, shall be guilty of a misdemeanor. A misdemeanor conviction may result in a maximum sentence of 30 days in jail, a fine of up to $2,000, or both. Third and subsequent convictions may result in a maximum sentence of 60 days in jail, a fine of up to $3,000, or both. Driving privileges may also be suspended.

*Boise City Code 7-7A-6: Alcohol in Public Parks:* Alcoholic beverages other than beer and wine are prohibited in all Boise City parks and facilities unless the location is a licensed premises or alcoholic beverages other than beer or wine are specifically allowed by this Code. The possession of more than seven and one-half (7.5) gallons of beer and/or wine per person, group, or event shall require a permit from the department.

Exception: Alcoholic beverages are not prohibited within the Eighth Street corridor when the possession, sale, or consumption of alcoholic beverages occurs in conjunction with a validly licensed special event.

Possession And Consumption: Alcoholic beverages may be possessed and consumed by persons over the age of 21 years if such possession or consumption falls within one of the exceptions contained in subsection 5-2-10C of this Code, provided that such possession and consumption shall not occur in the following locations:

1. South of the Boise River Greenbelt running from east to west within Julia Davis Park;

2. Within the Richard and Annette Bloch Cancer Survivor Plaza;

3. Within Trevor's Trek Children's Cancer Pavilion.

Prohibited Parks And Areas: All alcoholic beverages, including beer and wine, are prohibited in the following Boise City parks, facilities, and areas:

1. Any street, parking lot, restroom, pathway, playground, swimming pool, youth community center, skate park, archery range, cemetery, bike skills facility, or youth sports complex, unless made specifically allowable by this section or by order of the Director.

2. Bernardine Quinn Riverside Park and Quinn's Pond, 3150 West Pleasanton Avenue.

3. Idaho Fallen Firefighter Memorial Park, 1775 West Shoreline Drive.

4. McAuley Park, 1650 West Resseguie Street.

5. Pioneer Community Center, 500 South Ash Street.

6. Shoreline Park, 1375 West Shoreline Drive.

7. Any park or area where alcohol is prohibited by Boise Parks and Recreation signage.

Restricted Parks And Areas: Beer and wine is allowed in the following Boise City parks and facilities with a beer and wine permit obtained from the department, and only during a department-scheduled reservation or a department-sponsored activity:

1. Boise Depot Platt Gardens, 2602 West Eastover Terrace.

2. Boise Urban Garden School, 2995 North Five Mile Road.

3. Borah Park, 801 South Aurora Drive.

4. Cecil D. Andrus Park, 601 West Jefferson Street.

5. C.W. Moore Park, 150 South 5th Street.

6. Dick Eardley Senior Center, 690 Robbins Road.

7. Esther Simplot Park, 625 North Whitewater Park Boulevard.

8. Idaho Ice World, 7072 South Eisenman Road.

9. Julia Davis Park, 700 South Capitol Boulevard.

10. Kathryn Albertson Park, 1001 Americana Boulevard.

11. Veterans Memorial Park, 930 North Veterans Memorial Parkway.

12. Jim Hall Foothills Learning Center, 3188 Sunset Peak Road.

Greenbelt Restrictions: Alcoholic beverages, including beer and wine, are generally prohibited on the Boise River Greenbelt and entrances thereto that are under the jurisdiction or control of the department, including the area within two hundred fifty feet (250') of the Boise River Greenbelt. Beer and wine is allowed within two hundred fifty feet (250') of the Boise River Greenbelt in the following Boise City parks with a beer and wine permit obtained from the department, and only during a department-scheduled reservation or a department-sponsored activity:

1. Ann Morrison Park, 1000 Americana Boulevard.

2. Julia Davis Park, 700 S. Capitol Boulevard.

3. Kristin Armstrong Municipal Park, 500 South Walnut Street.

4. Marianne Williams Park, 3451 East Barber Valley Drive.

5. Willow Lane Athletic Complex, 4623 West Willow Lane.

Violations of this section are guilty of a misdemeanor and subject to a fine of up to $1,000 and/or imprisonment of up to six months in jail.

*Boise City Code 7-7A-10: Parks and Greenbelt Smoking Prohibition:* Smoking tobacco or any other substance is prohibited in any public City park, except for the areas specifically declared open to smoking within Ann Morrison Park, Julia Davis Park, and City owned golf courses. Violations of this code are an infraction and punishable by a fine up to $100.

**Coeur D’Alene**

*Coeur D’Alene City Code 5.08.110: Sale of Beer to Minors*: It is unlawful for any person to sell beer within the Municipality to any person under the age of twenty one (21) years.

*Coeur D’Alene City Code 5.08.150: Sale to Intoxicated Persons Prohibited***:** It is unlawful for any person to sell beer to any intoxicated person.

*Coeur D’Alene City Code 5.08.160: Beer, Wine or Liquor Prohibitions Within the City; Exceptions:*

1. No person shall consume any beer, wine or other alcoholic beverage or possess an open container of or containing any beer, wine or other alcoholic beverage on any public property, including public streets and alleys, within the City, or at any other place in the City, including any motor vehicle moving or stationary, with the following exceptions:

 1. The premises of a private residence;

 2. Premises licensed for the sale of on site consumption of the particular type of alcoholic beverage involved;

 3. A certified forensic laboratory when the alcoholic beverage is possessed for evidentiary purposes and/or for testing and research purposes;

 4. A public law enforcement facility possessing alcoholic beverages for evidentiary purposes or for training purposes;

 5. Within the indoor premises of a private business when served free of charge to customers or patrons of the business in conjunction with a specific event then taking place inside the business premises;

 6. On a public sidewalk and/or other public right-of-way when such sidewalk or right-of-way is contiguous to a permitted outdoor eating facility, but only after issuance of and pursuant to the terms of a permit issued by the City Clerk. Criteria that must be met for a permit to issue shall be set forth by resolution of the City Council;

 7. On a public right-of-way when used on pedal bike(s) and/or nonmotorized recreational vehicles in which the passenger areas are separate from the driver areas, but only after issuance of and pursuant to the terms of a permit issued by the City Clerk. Criteria that must be met for a permit to issue shall be set forth by resolution of the City Council;

 8. Within the indoor premises of the Coeur d'Alene Public Library when served free of charge to patrons or event attendees in conjunction with a specific event hosted by the Coeur d'Alene Public Library Foundation, the Friends of the Coeur d'Alene Public Library or other associated library organizations, pursuant to rules and policies adopted by the Coeur d'Alene Library Board of Trustees for such events;

 9. On a public sidewalk or other public right-of-way when such sidewalk or right-of-way is being used for a permitted special event; provided, the consumption shall be for sample tasting only and the size of each sample of beer or wine shall not exceed one and one-half ounces, shall be dispensed by a licensed vintner, winery, brewery, distributor, or retailer for the purpose of promoting their products to the public or conducted as a tasting event, and shall take place in a specific identified tasting area in accordance with State law. Consumers shall remain in the tasting area until they have finished consuming the sample;

 10. As otherwise permitted by this Code.

B. Furthermore, no person shall possess any container, whether open or not, of or containing any beer, wine or other alcoholic beverage on public property, except at those public locations and under those conditions as set out in subsection A of this section or as otherwise permitted by this Code.

*Coeur D’Alene City Code 5.08.170: Beer; Limits on Areas of Sale:*

A. No persons shall sell beer to be consumed on the premises within three hundred feet (300') of any park, school or church, nor within six hundred feet (600') of any R-1, R-3, R-5, R-8 or R-12 Zone, nursing home or hospital except:

 1. This section does not apply to the sale of beer for consumption on the premises when such sales are incidental to the operation of an eating establishment. Applicants for new licenses must sign and submit an affidavit with their application committing to commence the operation of an eating establishment and to operate the business as a bona fide eating establishment meeting the requirements of this chapter; or

 2. Businesses located at least three hundred feet (300') from any park, school or church and at least six hundred feet (600') from any nursing homes or hospital may serve beer to be consumed on the premises within three hundred feet (300') of any R-1, R-3, R-5, R-8 or R-12 zoned property if they have the written consent of a majority of the owners of those residential properties protected by this section that are within six hundred feet (600') of the business; or

 3. This section does not apply to the area depicted below:

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B. Businesses which now lawfully sell beer within the prohibited area set forth in this section are exempt from the provisions of this section so long as they continue their operation. However, in the event any such business seeks to expand beyond twenty percent (20%) of the business's original floor space, they must comply with all requirements set forth in section [5.08.015](https://codelibrary.amlegal.com/codes/coeurdaleneid/latest/coeurdalene_id/0-0-0-1735#JD_5.08.015) of this chapter, including, but not limited to, this section. Should any such exempt business discontinue its operation for a period of six (6) months, it will no longer be exempt from the restrictions of this chapter.

*Coeur D’Alene City Code 9.25.020: Prohibited Acts Regarding the Over the Counter Sale of Pseudoephedrine:*

A. It shall be unlawful within the incorporated limits of the city for any retailer or employee thereof to knowingly sell, transfer, or otherwise furnish in a single transaction more than three (3) packages of any locally regulated pseudoephedrine product prepared for over the counter distribution.

B. The limits established in this section shall not apply to any quantity of pseudoephedrine product dispensed pursuant to a valid prescription.

*Coeur D’Alene City Code 9.25.040: Penalty:* Any person or entity violating the provisions of this chapter is guilty of a misdemeanor as provided in section [1.28.010](https://codelibrary.amlegal.com/codes/coeurdaleneid/latest/coeurdalene_id/0-0-0-263#JD_1.28.010) of this code.

**Idaho Falls**

*Idaho Falls City code 4-2-16: Restriction on Sales by Licensee:* No licensee or its employed agents, servants or bartenders shall sell, deliver or give away, or cause or permit to be sold, delivered, or given away, any liquor to:

A. Any person under the age of twenty-one (21) years, proof of which, for every resident of this State, shall be a valid driver's license, military identification card or an identification card issued by the Idaho Department of Transportation.

B. Any person actually or obviously intoxicated.

C. A habitual drunkard.

D. An interdicted person.

*Idaho Falls City Code 4-2-17: Sales to Disqualified Persons Under Age 21:*

A. Any person under the age of twenty-one (21) years who shall purchase, attempt to purchase, possess, serve, dispense, or consume alcohol shall be guilty of a misdemeanor provided, however, that any persons who are nineteen (19) years of age or older may sell, serve, possess and dispense alcohol in the course of their employment in any place, as defined by the Idaho Code , or other place where alcohol is lawfully present so long as such place is the place of employment for such person under twenty-one (21) years of age. No person under twenty-one (21) years of age may serve alcoholic beverages in an establishment that sells liquor by the drink or beer or wine to be consumed on the premises, unless that establishment is also a bona fide restaurant.

B. Any person who knowingly misrepresents his or her age or qualifications for the purpose of obtaining liquor from a licensee shall be guilty of a misdemeanor.

C. No person shall represent to any licensee, to any agent or employee of a licensee, or to any bartender that any other person is twenty-one (21) years or more of age, when in fact the other person is under the age of twenty-one (21) years, for the purpose of inducing such licensee, or the licensee's agent or employee, or a bartender to sell, deliver or give away any liquor to such other person.

D. No person shall purchase liquor for the purpose of delivering the same to any person under the age of twenty-one (21) years, nor shall such person sell, give away or deliver liquor to any person under the age of twenty-one (21) years.

E. It is unlawful for an employer to knowingly employ a person in violation of this Chapter. It shall be unlawful for any person to conspire with, or abet any person to violate any provision of this Chapter.

*Idaho Falls City Code 4-2-20: Persons Under Specified Ages Prohibited to be at Licensed Places:* No person under the age of twenty-one (21) years shall enter, remain in or loiter in or about any premises licensed for the sale of liquor by the drink at retail, or sale of beer for consumption on the premises, nor shall any licensee of either such place, or any person in charge of a licensed premises or on duty while employed by the licensee therein, permit or allow any person under such age to remain in or loiter in or about such place. Provided, however, it is lawful for persons who are musicians and singers eighteen (18) years of age or older, to enter and to remain in any place, as defined by the Idaho Code, but only during and in the course of their employment as musicians and singers. Provided further, that it is lawful for persons who are nineteen (19) years of age or older to sell, serve, possess or dispense liquor, beer or wine in the course of their employment in any place as defined by the Idaho Code, or in any other place where liquor, beer or wine are lawfully present, so long as such place is the place of employment for such person. However, the foregoing shall not permit the sale or distribution of any alcoholic beverages to any person under the ages specified for sale of alcoholic beverages.

*4-2-21: Exceptions:* Notwithstanding the preceding section, any person under the age of twenty-one (21) years may enter or be upon or within:

A. Any railroad observation or club car or any airplane of a commercial airline, notwithstanding that such premises may also be licensed for the sale of liquor by the drink or for the sale of beer for consumption on the premises or that alcoholic beverages, or beer, or both, are prepared, mixed or dispensed and served and consumed therein.

B. Any building, a part or portions of which are used as a licensed premises, provided such premises are separate or partitioned from the remainder of said building and access to such place through a doorway or doorways or other means of ingress can be controlled to prevent persons under twenty-one (21) years of age from entering therein.

C. Any baseball park, sports arena or fairgrounds, notwithstanding that such premises or any portion thereof may be licensed for the sale of beer for consumption on the premises or that beer is dispensed and served and consumed therein.

D. The premises of any licensed winery notwithstanding that such premise or any portion thereof may also be licensed for the sale of beer or wine for consumption on the premises or that wine is dispensed and served and consumed therein.

E. The licensed premises of a wine retailer, wholly owned and operated by a licensed winery which retails exclusively the products of that winery.

*Idaho Falls City code 4-2-22: Possession of Open Containers Prohibited:*

A. Any person who is in possession of an open container of liquor within the geographic limits of the City shall be guilty of a misdemeanor. (Ord. 3236, 01-31-19)

B. Notwithstanding the foregoing, nothing herein shall prohibit the possession of an open container of liquor:

1. Within a fully enclosed, privately-owned building or upon a private parking lot adjacent or appurtenant to such building provided such parking lot is located more than two hundred (200) feet away from the premises of any licensed liquor vendor. Such distance shall be measured at the shortest distance between the exterior boundaries of such parking lot and licensed premises.

2. Within any private residence or upon the yard thereabout, or within any apartment, duplex, condominium, boarding house or other structure lawfully used as a permanent residence, or within any common area or area designated exclusively for and appurtenant to such residential occupancy.

3. Within any area for which a liquor catering permit has been lawfully issued under the provisions of this Chapter.

4. Within any area included within or being a part of the premises at which a licensee is authorized to sell or dispense liquor by the drink under the provisions of this Chapter.

5. Within an area directly adjacent to a restaurant, at tables provided for dining, between the hours of 10:00 a.m. and 11:00 p.m. local time. “Restaurant” is defined as an eating establishment which offers for sale food to the public. A restaurant must also have the appropriate license to sell the type of alcohol they offer to the public, including an approved site plan as part of its State alcohol permit. If the adjacent area includes a public sidewalk, the size of the tables and seating must allow sufficient room for public ingress and egress, including being compliant with all ADA laws and regulations for sidewalk use under the City Code. All consumption of alcohol in this adjacent area must be done at the table, and the customer cannot carry the alcohol away from the table.

*1-4-1: Misdemeanor Penalty:* Whenever any act or omission constitutes a crime not constituting a felony or infraction and no specific penalty is stated in this Code, such crime shall be punishable by a fine not to exceed one thousand dollars ($1,000) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment for any single violation.

*1-4-2: Infractions:* Whenever any person commits an infraction and no specific penalty is provided for such act, such person shall be punishable by an infraction fine in an amount set from time to time by Resolution of the Council and authorized by Idaho Code, and no imprisonment may be imposed. (Ord. 2964, 8-14-2014)

**Lewiston**

*Lewiston City Code 6-6: Consumption and Open Container in Public Places:*  No person shall consume any beer, wine, liquor, or any other alcoholic beverage or have in his or her possession any open containers or receptacles containing any beer, wine, liquor, or any alcoholic beverage on any public parks, grounds, streets, alleys, sidewalks, or rights-of-way, or on privately owned parking lots open to the public within the city, or at any other place therein, unless pursuant to a valid license or permit issued pursuant to this chapter or Chapter 26 Article V of this code for parks.

*Lewiston City Code 6-8: Outdoor Consumption of Beer, Wine, or Liquor at a Licensed Retail Establishment Prohibited Except Within a Licensed Restaurant Patio or Bar Patio:*The outdoor consumption of beer, wine, or liquor purchased at an establishment with a retail beer on-premises license, wine-by-the-drink license, and/or liquor-by-the-drink license shall be prohibited; provided, however, that the on-site, outdoor consumption of beer, wine, or liquor may be permitted within a restaurant patio or bar patio or pursuant to an alcohol beverage catering permit issued by the city, meeting the criteria and conditions as provided hereafter and upon receiving approval from the city.

*Lewiston City Code 6-9: Penalty:* Unless otherwise provided by law, a person or entity found to be in violation of this chapter shall be guilty of a misdemeanor, subject to a fine not exceeding one thousand dollars ($1,000) or imprisonment in the Nez Perce County jail for not more than six (6) months, or both.

**Meridian**

*Meridian City Code 3-2-7:*

(1) *Open Container in Public:* It shall be unlawful for any person to consume any alcoholic beverage or to have in his or her possession any open container of any alcoholic beverage on any public property or property open to the public, including any street, sidewalk, alley, publicly accessible parking lot, or other public or private property open to the public; provided that consumption or possession of an open container of an alcoholic beverage may lawfully occur in such time, place, and manner duly licensed or permitted by the City and other operation of law.

(2) *Removal of Open Container From Licensed Premises:* It shall be unlawful for any person to remove an open container containing any alcoholic beverage from the premises of any business establishment which holds a beer, wine or liquor license. Violations of this code are a misdemeanor and subject to a fine of up to $1,000 and/or imprisonment of up to six months in jail.

*Meridian City Code 6-3-3: Disorderly Premises:* It is unlawful for any person(s) to host a party where a minor (someone under the age of 21) is in possession of, consuming, or under the influence of an alcoholic beverage and the host of the party knew or should have known that such person was a minor. Violations of this code are a misdemeanor and subject to a fine of up to $1,000 and/or imprisonment of up to six months in jail. In addition, violators may be made to pay restitution for the cost of law enforcement and emergency responders.

*Meridian City Code 13-2-6: Parks and Recreation Regulations:* The sale, provision, consumption and/or possession of alcohol in City parks is governed by City regulations set forth in Meridian City code 13-2-6. Violations of the provisions in this code range from infractions with fines up to $100, to misdemeanors which are subject to fines of up to $1,000 and/or imprisonment of up to six months in jail. City Code 13-2-6 also prohibits the use of tobacco products within City parks. Violations of the tobacco provisions of this ordinance are infractions subject to fines of $50.

**Moscow**

*Moscow City Code Title 10, Section 1-12:*

A. It shall be unlawful for any person to transport or have physical possession or control of any alcoholic or intoxicating beverage in an open or unsealed container of any kind on or in any public place or place to which the public has or is permitted to have access, including, but not limited to, any place, structure, or conveyance, except in accordance with specific regulations adopted by the Council by Resolution for events in the Moscow Central Business (CB) zoning district; in the Moscow Motor Business (MB) zoning district for any eating and/or drinking establishment located within the MB zone where business is adjacent to a public right-of-way of a street designated as a local street on the 2010 City of Moscow Functional Classification Map; in City Parks; pursuant to a Sidewalk Café license; or as otherwise authorized or permitted by City.

B. Exemption to Open Containers Prohibition.

This Ordinance shall not be in effect between the hours of 10:00 a.m. and 10:00 p.m. in any place located within 6th Street to the North, South Rayburn to the East and south, and Perimeter Drive to the West and South, on days when the University of Idaho has home football games, provided that any alcoholic beverage is held in an opaque plastic or paper container that is not labeled or branded by an alcohol manufacturer or distributor.”

*Moscow City Code Title 10, Section 1-23:*

A. Purpose. To provide breathable, clean, and smoke-free indoor air to protect the health of residents, visitors, employees, non-smokers, and patrons of a bar or a private club within the City by prohibiting smoking in a bar or a private club or within twenty feet (20’) of entrances or exits of a bar or a private club.

B. Offense.

 1. It shall be unlawful for any person to smoke, or for an owner, manager, bartender, server, or employee to allow another to smoke within a bar or private club or within twenty feet (20’) of entrances or exits of a bar or private club within the City, except in a Contiguous or Adjacent Outdoor Area.

 2. It shall be unlawful for any person to smoke within twenty feet (20’) of entrances or exits of any public place where smoking is prohibited by the Idaho Indoor Clean Air Act.

C. Definitions.

 1. Bar. Any indoor area open to the public operated primarily for the sale and service of alcoholic beverages for on-premises consumption and where the service of food is incidental to the consumption of such alcoholic beverages or no person under the age of twenty-one (21) years is permitted, except as otherwise provided by Idaho Code. Bar may include, but is not limited to, any part of a tavern, a restaurant, nightclub, cocktail lounge, and cabaret.

 2. Contiguous or Adjacent Outdoor Area. An unenclosed, outdoor area, owned, leased, occupied, and/or controlled by a bar or private club which is contiguous with or adjacent to such bar or private club and used for outdoor dining, gathering, or recreation and which does not allow smoke to enter into entrances, exits, windows or ventilation intakes of the bar or private club with which it is contiguous or adjacent and which can be entered only from an interior bar or private club entrance or exit and not from the main public entrance or exit of such bar or private club.

 3. Private Club. An organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for such organization’s purposes at all times; is operated primarily for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose; and for the exclusive use of such organization’s members and guests.

 4. Restaurant. An eating establishment including, but not limited to, a coffee shop, cafe, cafeteria, and private and public school cafeteria, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere.

 5. Smoking. The inhaling, exhaling or burning of tobacco or the carrying or possession of any lighted or heated cigar, cigarette, or pipe of any kind.

D. Administrative Procedure and Administrative Fine.

 In order to eliminate over-burdening the court system and as a convenience to the public, a person named on a notice of violation may pay the administrative fine (as established from time to time by Resolution of the Council) to the City within fourteen (14) days of the date of issuance of the notice of such violation.

E. Penalty.

 1. In the event an administrative fine is not paid within fourteen (14) days of the issuance of notice of the violation, a uniform citation alleging an ordinance violation shall be filed in the Magistrate Division of the Second Judicial District Court.

 2. Any person found in violation of this Section shall pay an infraction penalty in the amount set forth in a Resolution duly adopted by Council from time to time, up to and including such person’s third offense. Upon conviction for a fourth offense under this Section, any person found violating any of the provisions of this Section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished pursuant to this Code and the Idaho Code.

*Moscow City Code Title 10, Section 13-1:* It shall be unlawful for any person to inhale, breathe or drink any compound, liquid, chemical, or any other substance known as glue, adhesive, cement, mucilage, dope, or any other material or substance or combination thereof with the intent of becoming intoxicated, elated, dazed, irrational, or in any other manner changing, distorting or disturbing the eyesight, thinking process, balance, or coordination of such person. For the purpose of this Chapter, any such condition so induced shall be deemed an intoxicated condition.

**Pocatello**

*Pocatello City Code: 9.12.030: Consuming Beer and Liquor on the Public Streets:*

Every person who consumes beer or intoxicating liquor in public view while standing, sitting or traveling upon any public street in the city shall be guilty of a misdemeanor.

*Pocatello City Code: 9.12.035: Possession, Consumption and Transportation of Open Alcoholic Beverages and Intoxicating Inhalants:*

Possession, consumption and transportation of open alcoholic beverages and intoxicating inhalants is prohibited on the public areas and rights of way within the city.

1. It is unlawful for any person to consume any of the following: beer, wine, other alcoholic beverage or liquor, or any liquid or solid, patented or not, containing alcohol, spirits, or wine, and susceptible of being consumed by human beings for beverage purposes containing more than four percent (4%) of alcohol by weight, while present, either on foot or by other means of locomotion, on any of the public rights of way or public areas of the city. Public areas shall include parking areas and lots, sidewalks, building traffic areas, loading and unloading areas, alleys, public easements, roadways along canals, rivers and ditches, rights of way for public utilities and railroads, school grounds, parking areas along and adjacent to public streets and similar such areas of public use.
2. It is unlawful for any person to breathe, inhale or drink any compound, liquid, chemical or other substance containing toluol, hexane, trichlorethylene, acetone, toluene, ethyl acetate, methylethyl ketone, tricholoathane, isopropanol methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, pentachlorophenol, petroleum ether, benzene, ethylene dichloride, or any other toxic or intoxicating substance while present on the public areas or public rights of way within the city, as the same are set out hereinabove, whether on foot or by other means of locomotion.
3. It is unlawful for any person to break open, or allow to be broken or opened, any container of beer, wine or other alcoholic beverage; or to possess any container of beer, wine or alcoholic beverage whose lid or cap is not securely fastened or, in the case of canned beverages, whose top has been popped open, while the person is present, either on foot or by other means of locomotion, upon the public streets or public areas of the city as the same are set out hereinabove.
4. Exceptions for consumption during special events may be requested from the sponsoring agency at the office of the city clerk at least seventy two (72) hours prior to the event and the city clerk is hereby authorized to review the request and issue or deny a permit therefor.

*Pocatello City Code: 12.36.050: Alcoholic Beverages in Public Parks*

1. It is unlawful for any person to sell, consume or have in possession, custody or control any liquor/spirits or other alcoholic beverage within any Municipal park.
2. It is unlawful for any person to sell, consume or have in possession, custody or control any beer or wine within any Municipal park, subject to the following exceptions:
	1. Specified areas within Ross Park, Bonneville Park, Raymond Park, Centennial Park, Sister City Park, OK Ward Park, Alameda Park, Ammon Park, and the Fort Hall Replica shall be available for beer/wine consumption only. A special permit shall be required, as provided in section [12.36.060](https://codelibrary.amlegal.com/codes/pocatelloid/latest/pocatello_id/0-0-0-4275#JD_12.36.060) of this chapter.
	2. Sale by licensed vendors and consumption or possession of canned beer, draft beer and wine by the drink shall be allowed at Tydeman/Optimist Fields, Bill Durham Memorial Field at Halliwell Park, and portions of NOP Park set forth in exhibit A attached to an ordinance dated May 17, 1979, only during City sponsored league play and/or tournaments, Amateur Softball Association (ASA) sanctioned games and tournaments, or other approved uses, at the discretion of the Parks and Recreation Director, and only upon issuance of a special permit as provided in section [12.36.060](https://codelibrary.amlegal.com/codes/pocatelloid/latest/pocatello_id/0-0-0-4275#JD_12.36.060) of this chapter.
	3. Sale by licensed vendors and consumption or possession of canned beer, draft beer, and wine by the drink shall be allowed at Watkins Rainbow Park during adult softball games held therein.
	4. Sale by licensed vendors and consumption or possession of canned beer, draft beer and wine by the drink shall be allowed at the Brick Thompson Horseshoe Complex located on the lower level of Ross Park solely during association sanctioned horseshoe pitching tournaments as well as in other areas of Ross Park in association with annual community wide special events, at the discretion of the Parks and Recreation Director.
3. This prohibition against sale, consumption or possession of beer or other alcoholic beverages shall not apply to Municipally owned golf courses.
4. The Municipal parks shall be properly posted to inform the public of these regulations.

**Twin Falls**

*Twin Falls City Code: 3-7-9: Minors, Sales Restricted:*

A. Controlling Sale To Minors: It shall be unlawful for any person to sell beer to any person under the age of twenty one (21) years. It shall be unlawful for any minor under the age of twenty one (21) years to frequent, loiter in or about or patronize any beer dispensary and it shall likewise be unlawful for any owner of any such beer dispensary or his employee to permit any such minor under twenty one (21) years of age to frequent, loiter in or be employed in such beer dispensary.

B. Procuring For Or Purchase, Consuming Or Possessing Beer Prohibited: It shall be unlawful for any person to procure beer for any person under twenty one (21) years of age or for any person under twenty one (21) years of age to purchase, attempt to purchase or otherwise procure or to consume or to possess beer. This subsection does not apply to possession by a person under the age of twenty one (21) years making a delivery of beer pursuant to the order of his parents or pursuant to his employment, or when said person under the age of twenty one (21) years is in a private residence accompanied by his parent or guardian and with such parent's or guardian's consent.

C. False Representation Of Age Prohibited: No person under the age twenty one (21) years shall by any means represent to any person licensed to sell beer at retail or to any agent or employee of such retail licensee, that he is twenty one (21) or more years of age for the purpose of inducing such retail licensee, his agent or employee, to sell, serve or dispense beer to him.

No person shall by any means represent to any such retail licensee, his agent or employee, that any other person is twenty one (21) or more years of age when in fact such other person is under the age of twenty one (21) years, for the purpose of inducing such retail licensee, his agent or employee, to sell, serve or dispense beer to such other person.

*Twin Falls City Code: 3-7-12: Keg Beer in the City Parks:*

The use of keg beer in city parks shall be on a permit basis only. Such permit may be issued upon the deposit of fifty dollars ($50.00). This deposit is refundable and shall be refunded unless it is determined by the superintendent of parks that city property was littered or damaged as a result of activity related to the keg beer, in which case the deposit shall be considered payment to the city for repairing and/or cleaning up the city property. It shall be unlawful for any person to possess or use keg beer in city parks without a permit.

*Twin Falls City Code: 3-8-9: Possession:*

No person may, while operating or riding in or upon a motor vehicle upon a public highway in this city, have in his possession any wine in an open or unsealed container of any kind.

*Twin Falls City Code: 3-8-10: Misrepresentation of Age:*

A. No person under the age of twenty one (21) years may purchase, consume or possess wine.

B. No person shall give, sell or deliver wine to any person under the age of twenty one (21) years.

C. No person under the age of twenty one (21) years shall by any means represent to any retailer or distributor or to any agent or employee of such retailer or distributor that he is twenty one (21) years or more of age for the purpose of inducing such retailer or distributor or his agent or employee to sell, serve or dispense wine to such person.

D. No person shall, by any means, represent to any retailer or distributor or the agent or employee of such retailer or distributor that any other person is twenty one (21) years of age, when in fact such other person is under the age of twenty one (21) years, for the purpose of inducing such retailer or distributor or the agent or employee of such retailer or distributor to sell, serve or dispense wine to such other person.

*Twin Falls City Code: 3-9-8: Unlawful Practices:*

A. It shall be unlawful and punishable as herein provided for any person to sell, deliver or give away, or cause or permit to be sold, delivered or given away any liquor to:

 1. Any person under the age of twenty one (21) years.

 2. Any person actually, apparently or obviously intoxicated.

 3. A habitual drunkard.

 4. An interdicted person as defined by the laws of the state.

B. Any person under the age of twenty one (21) years or other persons who, and any person who shall aid or abet such person to knowingly misrepresent his qualifications for the purpose of obtaining liquor from any licensee shall upon conviction thereof, be guilty of a misdemeanor.

C. It shall be unlawful for any licensee to sell, keep for sale, dispense or give away or otherwise dispose of any liquor in the original container or otherwise than by retail sale by the drink.

D. It shall be unlawful for any person to keep or maintain any room or premises in or upon which liquor is received or kept, whether owned by such person or by another, or to which liquor is brought for consumption therein by the public or by members of any club, corporated or unincorporated, or a corporation or association unless such person and the premises are licensed under this chapter.

E. It shall be unlawful for any licensee to sell, give away, vend or deliver any liquor in any way or manner or device except upon the licensed premises.

*Twin Falls City Code: 6-2-3: Disorderly Conduct, Houses:*

A. Disorderly Conduct: Every person who wilfully causes loud or unusual noise or engages in tumultuous or offensive conduct or threatens, traduces, quarrels, challenges to fight, or who does anything offensive to the senses or dangerous to or disturbs the peace or quiet of any person, persons or neighborhood, shall be guilty of disorderly conduct and upon conviction shall be guilty of a misdemeanor.

B. Public Intoxication: Every person, who is in public and intoxicated at a level that presents a danger to others or creates a disturbance of the peace, shall be guilty of a misdemeanor.

C. Fighting: Every person who intentionally, knowingly, or recklessly fights with another person in a public place, shall be guilty of a misdemeanor.

D. Public Urination: Every person who excretes human waste, including urine or feces, upon the ground, into a body of water, or upon anything attached or setting upon said surfaces, except for toilet facilities used as receptacles for human waste, shall be guilty of a misdemeanor.

E. Disorderly House: No person shall keep a disorderly house or place of business or shall permit or suffer any drunkenness, fighting, quarreling, unlawful games or riotous or disorderly conduct or breach of the peace in any house, place or building owned, kept, used or occupied by him.

*Twin Falls City Code: 6-2-5: Minors; Tobacco, Intoxicants:*

A. Tobacco To Minors: No person shall sell or give away, directly or indirectly, any tobacco to any person under the age of eighteen (18) years.

B. Liquor Or Beer To Minors: No person shall sell or give or in any way supply any vinous, malt or spirituous liquors to any minor.

*Twin Falls City Code: 6-2-6: Intoxicants:*

A. No person shall have in his possession or on his person while occupying, riding in, riding on, or driving a motor vehicle whether upon a highway, street, or bridge or upon public property or private property open to public use, excluding public parks, any bottle, can, or other receptacle which is open, has been opened or the seal of which has been broken, and which contains any alcoholic beverage. The transportation of an alcoholic beverage in a vehicle outside of the passenger compartment shall not be a violation of this section.

B. No person shall drink any alcoholic beverage in any motor vehicle when such vehicle is traveling upon a highway, street, or bridge or upon public property or private property open to public use.

C. It shall be unlawful for any person to use, possess with the intent to inhale, or be under the influence of, inhalants. It shall be unlawful for any person to possess with intent to use, paraphernalia for the inhalation of inhalants. It shall be unlawful for any person to be present in a place where he/she knows inhalants are used or are being held for use. For the purposes of this section, the term "inhalants" means anything capable of causing a condition of intoxication or impairment as a result of the inhalation of its smoke, fumes or vapors.

*Twin Falls City Code: 8-3-7: Behavior in Parks:*

No person in a park shall:

A. Intoxicating Beverages: Possess or consume any alcohol or intoxicating beverage where posted signs prohibit such possession or consumption, or be under the influence of any intoxicating beverage.

E. Loitering And Boisterousness: Engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any unlawful conduct or criminal activity or in any way commit a violation or breach of the peace.

F. Glass Containers: Bring to the park or have in his possession while in the park any glass bottle or other glass beverage container.

*Twin Falls City Code: 8-3-10: Penalty:*

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding three hundred dollars ($300.00) or be imprisoned in the county jail for a period not exceeding six (6) months, or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

**State of Idaho Legal Sanctions for Alcohol Offenses**

The abuse or illegal possession of alcohol is proscribed under Idaho Law. A person must be 21 years of age or older in Idaho in order to lawfully purchase, possess, or consume an alcoholic beverage. There are also local laws prohibiting public intoxication or possession of alcohol by a person under 21 years of age. Below are specific State of Idaho criminal statutes proscribing the illegal abuse or possession of alcohol.

*IC 49-1426: Pedestrians Under the Influence of Alcohol or Drugs:* It is a misdemeanor for pedestrians who are under the influence of alcohol or any drug to a degree which renders them a hazard to walk or be upon a highway, except on a sidewalk.

*IC 49-2446:* *Fraudulent Misrepresentation:* Any person that fraudulently misrepresents his age to a dispenser of alcohol faces misdemeanor penalties and possible loss of driving privileges for 90 days.

*IC 23-602: Unlawful Manufacture, Traffic in, Transportation, and Possession of Alcohol Beverage:* Unless otherwise specified, any person who shall have in possession, manufacture, transport, purchase, sell, or dispose of any alcohol beverage shall be guilty of a misdemeanor. A second or subsequent violation shall be punished by a fine between $300 and $1,000, a sentence between 3 months and 1 year in jail, or both.

*IC 23-603:* *Dispensing to a Person Under the Age of Twenty-One Years:* Any person that gives or sells alcohol to a minor (under 21 years of age) shall be guilty of a misdemeanor, fined an amount between $500 and $1,000, imprisoned in county jail up to 1 year, or both. A second violation shall constitute a misdemeanor punished by a fine amount between $1,000 and $2,000, imprisonment in county jail up to 1 year, or both.

*IC 23-604: Minors - Purchase, Consumption or Possession Prohibited:* Any person under 21 years of age who shall purchase, attempt to purchase, or otherwise consume or possess any alcohol beverage, including any distilled spirits, beer or wine, shall be guilty of an infraction upon a first violation and shall be guilty of a misdemeanor upon a subsequent conviction.

*IC 23-605: Dispensing to Drunk:* Any person who sells, gives, or dispenses any alcohol beverage, including any distilled spirits, beer or wine, to another person who is intoxicated or apparently intoxicated shall be guilty of a misdemeanor.

*IC 18-1502:* *Beer, Wine or Other Alcohol Age Violations:* Unless otherwise specified, any person violating age violations pertaining to the possession, use, procurement, or sale of alcohol is guilty of a misdemeanor. If the conduct constitutes an infraction under this code, the maximum fine issued will be $300. A misdemeanor conviction may result in a maximum sentence of 30 days in jail, a fine of up to $2,000, or both. Third and subsequent convictions may result in a maximum sentence of 60 days in jail, a fine of up to $3,000, or both. For violators under the age of 21, driving privileges will be suspended for a period not to exceed one year, and an alcohol evaluation and treatment may also be required.

*IC 18-8002:* *Tests of Driver for Alcohol Concentration, Presence of Drugs or Other Intoxicating Substances - Penalty and Suspension Upon Refusal of Tests :* Any person who drives in the State of Idaho shall be deemed to have given his consent to an alcohol test. If the driver refuses to submit to the test, they are subject to: (1) a $250 fine; (2) suspension of their driver’s license for one year for the first refusal, and two years for a second refusal within ten years; and (3) requirement to install an interlock ignition device on all vehicles owned for one year.

*IC 18-8002A: Tests of Driver for Alcohol Concentration, Presence of Drugs or Other Intoxicating Substances - Penalty and Suspension Upon Failure of Tests:* If a person fails to pass evidentiary testing for alcohol or other intoxicating substances, they are subject to: (1) suspension of their driver’s license for 90 days for the first failure, and for one year for a second failure within five years; and (2) requirement to install an interlock ignition device on all vehicles owned for one year.

*IC 18-8004A: Penalties - Persons Under 21 With Less Than 0.08 Alcohol Concentration:* Any person under the age of 21 found guilty of driving under the influence with less than a .08 BAC for the first time is guilty of a misdemeanor and may be: (1) fined an amount not to exceed $1,000; (2) shall have his driving privileges suspended for one year; and (3) shall be required to undergo an alcohol evaluation. A person found guilty of a second offense is guilty of a misdemeanor and may be sentenced to: (1) between 5 and 30 days in jail; (2) be fined an amount between $500 and $2,000; (3) have driving privileges suspended for one to two years; (4) may only drive a vehicle equipped with a functioning interlock ignition installed for one year following the license suspension period; and (5) shall be required to undergo an alcohol evaluation. A person found guilty of a third offense is guilty of a misdemeanor and may be sentenced to: (1) between 10 days and 6 months in jail; (2) be fined an amount between $1,000 and $2,000; (3) have driving privileges suspended for a mandatory period of one year, or until the person turns 21, whichever is greater; (4) may only drive a vehicle equipped with a functioning interlock ignition installed for one year following the license suspension period; and (5) shall be required to undergo an alcohol evaluation.

*IC 18-8005:* *Penalties - Driving Under the Influence:* Any person found guilty of driving under the influence for the first time is guilty of a misdemeanor and may be sentenced to: (1) up to six months of jail; (2) may be fined up to $1,000 dollars; (3) may have his driving privileges suspended for 180 days; and (4) at the owners expense, have a State-approved ignition interlock system installed on all cars driven by the person for one year. Any person found guilty of driving under the influence for a second time within 10 years is guilty of a misdemeanor shall be sentenced to: (1) not less than 10 days in jail, the first 48 of which must be consecutive, up to one year; (2) may be fined to an amount not to exceed $2,000; (3) shall have his driving privileges suspended for one year; and (4) may only drive a vehicle equipped with a functioning interlock ignition installed for one year following the mandatory license suspension period. Any person found guilty of driving under the influence for a third time within ten years is guilty of a felony and shall be sentenced to: (1) custody of the State Board of Correction for a period not to exceed 10 years; (2) may be fined an amount not to exceed $5,000; (3) shall have his driving privileges suspended for a minimum of one year, up to four years; and (4) may only drive a vehicle equipped with a functioning interlock ignition installed for one year following the license suspension period.

*IC 18-8004C: Penalties - Excessive Alcohol Concentration:* Any person found guilty of driving under the influence with a BAC of at least .20 is guilty of a misdemeanor and shall be sentenced to: (1) between 10 days and 1 year in jail; (2) may be fined an amount not to exceed $2,000; and (3) shall have driving privileges suspended for one year. Any person found guilty of a second offense within five years is guilty of a felony and shall be sentenced to: (1) the custody of the State Board of Correction for a period not to exceed five years; (2) may be fined an amount not to exceed $5,000; (3) shall have driving privileges suspended between one and five years; and (4) may only drive a vehicle equipped with a functioning interlock ignition installed for one year following the license suspension period.

*IC 18-8006: Penalties - Aggravated Driving While Under the Influence of Alcohol, Drugs or Any Other Intoxicating Substances:* Any person causing great bodily harm, permanent disability or permanent disfigurement while driving under the influence is guilty of a felony and may be sentenced to: (1) a jail sentence ranging from 30 days to five years; (2) may be fined an amount not to exceed $5,000 dollars; and (3) shall have his driving privileges suspended for a minimum of one year up to a maximum of five years.

*IC 23-505: Transportation of Alcoholic Beverages*

1. Alcohol lawfully purchased may be transported, but no person shall break open, or allow to be broken or opened, any container of alcohol, or use, or allow to be drunk, or used any alcohol therein while the same is being transported. Provided however, that an unsealed alcoholic beverage container may be transported in an enclosed trunk compartment or behind the last upright seat of a vehicle which has no trunk compartment.

2. No person in a motor vehicle, while the vehicle is on a public highway or the right-of-way of a public highway may drink or possess any open beverage containing alcohol, unless such person is a passenger in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or in the living quarters of a recreational vehicle. Violations of this section is a misdemeanor for the individual in actual physical control of the vehicle, and an infraction for other individuals violating this section.

*IC 49-335:* *Disqualifications and Penalties - Commercial Driver’s License:* Any person who operates a commercial vehicle and holds a Class A, B, or C license is disqualified from operating a commercial vehicle for not less than one year if: (1) operating a commercial vehicle under the influence of alcohol; and (2) operating a commercial vehicle while one's blood alcohol is 0.04 or more; and (3) any person who operates a commercial vehicle and refuses to submit to a test to determine the driver's alcohol concentration.

**State of Idaho Legal Sanctions for Drug Offenses**

The unlawful use, possession, and distribution of illicit drugs is prohibited under Title 37, Chapter 27 of the Idaho State Statutes. Applicable sanctions emanating from the above referenced statutes are summarized in the chart below.

|  |  |  |  |
| --- | --- | --- | --- |
| **Violation** | **Drug Category** | **Classification** | **Penalty** |
| Manufacture, deliver or possess with the intent to manufacture or deliver, a controlled substance | Narcotic drug classified in Schedule I or controlled substance classified in Schedule II | Felony | Prison term not exceeding life; fine not exceeding $25,000 |
| Any other controlled substance which is a non narcotic drug classified in Schedule I, or a controlled substance classified in Schedule III | Felony | Prison term not exceeding 5 years; fine not exceeding $15,000 |
| Schedule IV | Felony | Prison term not exceeding 3 years; fine not exceeding $10,000 |
| Schedules V and VI | Misdemeanor | Prison term not exceeding 1 year; fine not exceeding $5,000 |
| Unlawful possession of a controlled substance | Narcotic drug classified in Schedule I or controlled substance classified in Schedule II | Felony | Prison term not exceeding 7 years; fine not exceeding $15,000 |
| LSD | Felony | Prison term not exceeding 3 years; fine not exceeding $5,000 |
| Schedule I (except LSD) or Schedules III, IV, V and VI | Misdemeanor | Prison term not exceeding 1 year; fine not exceeding $1,000 |
| Marijuana - greater than 3 ounces | Felony | Prison term not exceeding 5 years; fine not exceeding $10,000 |
| Marijuana – 3 ounces or less | Misdemeanor | Prison term not exceeding 1 year; fine not exceeding $1,000 |
| Trafficking in marijuana (manufacturing, delivering, bringing into the State, or possessing 1 pound or more of marijuana or 25 or more plants) |  | Felony | Mandatory prison term or 1 to 15 years; mandatory fine of $5,000 to $50,000, depending on amount possessed; second conviction doubles penalty |
| Trafficking in cocaine (manufacturing, delivering, bringing into the State, or possessing 28 grams or more) |  | Felony | Mandatory prison term of 3 years to life; mandatory fine of $10,000 to $100,000, depending on the amount possessed; second conviction doubles penalty |
| Trafficking in methamphetamine (manufacturing, delivering, bringing into the State, or possessing 28 grams or more) |  | Felony | Mandatory prison term of 3 years to life; mandatory fine of $10,000 to $100,000, depending on the amount possessed; second conviction doubles penalty |
| Trafficking in heroin (manufacturing, delivering, bringing into the State, or possessing 2 grams or more of marijuana |  | Felony | Mandatory prison term of 3 years to life; mandatory fine of $10,000 to $100,000, depending on the amount possessed; second conviction doubles penalty |

**Federal Legal Sanctions**

The unlawful possession, use, or distribution of alcohol and illicit drugs is prohibited by federal law. Strict penalties are enforced for convictions, including mandatory prison terms for many offenses. The following information is an overview of federal penalties for convictions.

**Federal Penalties for Alcohol Offenses**

*18 U.S.C. 1952:* Anyone who travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with the intent to: (a) distribute the proceeds of any unlawful activity; or (b) commit any crime of violence to further any unlawful activity; or (c) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment or carrying on, of any unlawful activity, may be subject to the following penalties: individuals found guilty of conduct related to paragraphs (a) or (c) may be fined up to $10,000, and/or imprisoned for up to five years. Individuals found guilty of conduct related to paragraph (b) may be fined up to $10,000, and/or imprisoned for up to 20 years. If death results from the conduct, imprisonment may be for any period of years up to life in prison. For the purposes of this paragraph, “unlawful activity” includes any business enterprise involving liquor on which the Federal excise tax has not been paid.

**Federal Drug Trafficking Penalties**

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction as seen in the charts below. If death or serious bodily injury result from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces mandatory life sentence and fines ranging up to $8 million.





*20 U.S.C. 1091:* 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 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 drug rehabilitation program.

*21 U.S.C. 845(a):* Persons convicted on federal charges of drug trafficking within 1,000 feet of a university face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

**Federal Drug Possession Penalties**

*21 U.S.C. 844(a):* 1st Conviction: May be sentenced to a term of imprisonment of not more than 1 year, and shall be fined a minimum of $1,000, or both. After 1 prior drug conviction: Shall be sentenced to a term of imprisonment for not less than 15 days but not more than 2 years, and shall be fined a minimum of $2,500. After 2 or more prior drug convictions: Shall be sentenced to a term of imprisonment for not less than 90 days but not more than 3 years, and shall be fined a minimum of $5,000. Special sentencing provisions for possession of crack cocaine: Shall be imprisoned not less than 5 years and not more than 20 years, and fined a minimum of $1,000 if: (a) 1st conviction and the amount of crack possessed exceeds 5 grams; or (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams; or (c) 3rd or subsequent possession and the amount of crack possessed exceeds 1 gram.

*21 U.S.C. 853(a)(2) and 881 (a)(7):* Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment.

*21 U.S.C. 881(a)(4):* Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

*21 U.S.C. 853a:* Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

*18 U.S.C. 922(g):* Ineligible to receive or purchase a firearm.

*Miscellaneous:* Revocation of certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

**Health Risks of Commonly Abused Substances**

|  |  |  |  |
| --- | --- | --- | --- |
| **Substance** | **Nicknames/Slang Terms** | **Short Term****Effects** | **Long Term Effects** |
| Alcohol | Booze, juice, sauce, moonshine, hooch, draft, suds, liquid bread | Slurred speech, drowsiness,headaches,impaired judgment, decreased perception and coordination, distorted vision and hearing,vomiting,breathing difficulties, unconsciousness, coma,blackouts, | Toxic psychosis, physical dependence, neurological and liver damage, fetal alcohol syndrome, vitamin B1 deficiency, sexual problems, cancer, physical dependence |
| Amphetamines | Uppers, speed, meth, crack, crystal, ice, pep pills | Increased heart rate, increased blood pressure, dry mouth, loss of appetite, restlessness, irritability, anxiety | Delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis, physical dependence |
| Barbiturates and Tranquilizers | Barbs, bluebirds, blues, yellow jackets, red devils, roofies, rohypnol, ruffies, tranqs, mickey, flying v's  | Slurred speech, muscle relaxation, dizziness, decreased motor control | Severe withdrawal symptoms, possible convulsions, toxic psychosis, depression, physical dependence |
| Benzodiazepines | Benzos, downers | Drowsiness, confusion, impaired coordination, decreased reflexes | Profound sedation, respiratory depression, coma, physical dependence |
| Cocaine | Coke, crack, snow, powder, blow, rock | Loss of appetiteincreased blood pressure and heart rate, contracted blood vessels, nausea,hyper-stimulation anxiety, paranoia, increased hostilityIncreased rate of breathing, muscle spasms and convulsions.dilated pupilsdisturbed sleep,  | Depression, weight loss, high blood pressure, seizure, heart attack, stroke, hypertension, hallucinations, psychosis, chronic cough, nasal passage injury, kidney, liver and lung damage |
| Gamma Hydroxy Butyrate | GHB, liquid B, liquid X, liquid ecstasy, G, Georgia homeboy, grievous bodily harm  | Euphoria, decreased inhibitions, drowsiness, sleep, decreased body temperature, decreased heart rate, decreased blood pressure | Memory loss, depression, severe withdrawal symptoms, physical dependence, psychological dependence  |
| Heroin | H, junk, smack, horse, skag  | Euphoria, flushing of the skin, dry mouth, “heavy” arms and legs, slowed breathing, muscular weakness | Constipation, loss of appetite, lethargy, weakening of the immune system,respiratory (breathing) illnesses, muscular weakness, partial paralysis, coma, physical dependence, psychological dependence |
| Ketamine | K, super K, special K | Dream-like states, hallucinations, impaired attention and memory, delirium, impaired motor function, high blood pressure, depression | Urinary tract and bladder problems, abdominal pain, major convulsions, muscle rigidity, increased confusion, increased depression, physical dependence, psychological dependence |
| LSD | Acid, stamps, dots, blotter, A-bombs | Dilated pupils, change in body temperature, blood pressure and heart rate, sweating, chills, loss of appetite, decreased sleep, tremors, changes in visual acuity, mood changes | May intensify existing psychosis, panic reactions, can interfere with psychological adjustment and social functioning, insomnia, physical dependence, psychological dependence  |
| MDMA | Ecstasy, XTC, adam, X, rolls, pills | Impaired judgment, confusion, confusion, blurred vision, teeth clenching, depression, anxiety, paranoia, sleep problems, muscle tension  | Same as LSD, sleeplessness, nausea, confusion, increased blood pressure, sweating, depression, anxiety, memory loss kidney failure, cardiovascular problems, convulsionsdeath, physical dependence, psychological dependence |
| Marijuana/Cannabis | Pot, grass, dope, weed, joint, bud, reefer, doobie, roach | Sensory distortion, poor coordination of movementslowed reaction time,panic, anxiety | Bronchitis, conjunctivas, lethargy, shortened attention span, suppressed immune system, personality changes, cancer, psychological dependence, physical dependence possible for some |
| Mescaline | Peyote cactus | Nausea, vomiting, anxiety, delirium, hallucinations, increased heart rate, blood pressure, and body temperature,  | Lasting physical and mental trauma, intensified existing psychosis, psychological dependence |
| Morphine/Opiates | M, morf, duramorph, Miss Emma, monkey, roxanol, white stuff | Euphoria, increased body temperature, dry mouth, “heavy” feeling in arms and legs | Constipation, loss of appetitecollapsed veins, heart infections, liver disease, depressed respiration, pneumonia and other pulmonary complications, physical dependence, psychological dependence |
| PCP | Crystal, tea, angel dust, embalming fluid, killer weed, rocket fuel, supergrass, wack, ozone | Shallow breathing, flushing, profuse sweating, numbness in arms and legs, decreased muscular coordination, nausea, vomiting, blurred vision, delusions, paranoia, disordered thinking | Memory loss, difficulties with speech and thinking, depression, weight loss, psychotic behavior, violent acts, psychosis, physical dependence, psychological dependence |
| Psilocybin | Mushrooms, magic mushrooms, shrooms, caps, psilocybin & psilocyn | Nausea, distorted perceptions, nervousness, paranoia,  | Confusion, memory loss, shortened attention span, flashbacks may intensify existing psychosis,  |
| Steroids | Roids, juice  | Increased lean muscle mass, increased strength, acne, oily skin, excess hair growth, high blood pressure | Cholesterol imbalance, anger management problems, masculinization or women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage, psychological dependence |

**Counseling and Treatment**

Short term alcohol and other drug counseling is available on campus to students through **YOUR UNIVERSITY/COLLEGE STUDENT COUNSELING CENTER** (**YOUR UNIVERSITY/COLLEGE STUDENT COUNSELING CENTER PHONE NUMBER**). Students may be referred through the Counseling Center to other treatment programs for more intensive treatment. Through **YOUR INSTITUTION’S** Human Resources department, **YOUR INSTITUTION’S EMPLOYEE ASSISTANCE PROGRAM** offers employees additional education and counseling, as well as appropriate referrals. Within **YOUR COMMUNITY/TOWN/CITY**, the following substance abuse counseling agencies exist: AGENCY 1 (AGENCY PHONE NUMBER), AGENCY 2 (AGENCY PHONE NUMBER), … These agencies provide a variety of services which may include **PROVIDE SUMMARY OF SERVICES AVAILABLE (E.G. INTAKE/EVALUATION, SOCIAL SETTING DETOXIFICATION, INTENSIVE RESIDENTIAL PROGRAM, CHEMICAL DEPENDENCY PROGRAMS, ADOLESCENT AND ADULT OUTPATIENT SERVICES, DUI EVALUATIONS AND REMEDIAL EDUCATION - \*\*\*IF YOUR INSTITUTION DOES NOT OFFER COUNSELING, TREATMENT, REHABILITATION OR RE-ENTRY PROGRAMS ON CAMPUS, YOU MUST INCLUDE OFF CAMPUS RESOURCES THAT OFFER THEM\*\*\*).** Interested individuals are encouraged to contact each agency for additional information regarding specific services and costs.

**Prevention and Education**

Through the **LIST OFFICES AND DEPARTMENTS (PHONE NUMBERS AND WEB URLS)**, who provide the primary leadership for alcohol and other drug prevention and education, a variety of prevention and education programs are offered, including, **SUMMARIZE PREVENTION AND EDUCATION PROGRAMS, GROUPS AND ANY COMMUNITY PROGRAMS AND INTERVENTIONS COMMONLY ADMINISTERED ON YOUR CAMPUS.** **IF YOU HAVE A CAMPUS/COMMUNITY ALCOHOL AND OTHER DRUG COALITION, LIST HERE.**

**ON-CAMPUS RESOURCES – alphabetical order, make applicable to your campus**

|  |  |
| --- | --- |
| **YOUR UNIVERSITY/COLLEGE** Counseling Center | (208) 123-4567, http://www. |
| **YOUR UNIVERSITY/COLLEGE** Health Education/Promotion Center | (208) 123-4567, http://www. |
| **YOUR UNIVERSITY/COLLEGE** Health Service | (208) 123-4567, http://www. |
| **YOUR UNIVERSITY/COLLEGE** Office of Student Standards | (208) 123-4567, http://www.  |
| **YOUR UNIVERSITY/COLLEGE** Police Department | (208) 123-4567, http://www. |
| **YOUR UNIVERSITY/COLLEGE** Student Legal Services | (208) 123-4567, http://www. |
| **YOUR UNIVERSITY/COLLEGE** Vice-President of Student Affairs | (208) 123-4567, http://www. |
| **YOUR UNIVERSITY/COLLEGE** Employee Assistance Program | (208) 123-4567 http://www. |

**OFF-CAMPUS RESOURCES – alphabetical order, make applicable to your campus**

**\*\*\*Must provide off-campus resource information for: counseling, treatment, rehabilitation or re-entry programs IF YOUR INSTITUTION DOES NOT PROVIDE ONE OF THOSE PROGRAMS ON-CAMPUS\*\*\***

|  |  |
| --- | --- |
| ABC Counseling Service – Listing of Services | Phonehttp://www. |
| DEF Counseling Service – Listing of Services | Phonehttp://www. |
| Local Police Department – Emergency | 911 |
| Local Police Department – Non - Emergency | Phonehttp://www. |
| County Sheriff’s Office – Emergency | 911 |
| County Sheriff’s Office – Non-Emergency | Phonehttp://www. |
| Your County State’s Attorney’s Office | Phonehttp://www. |
| XYZ Counseling Services | Phonehttp://www. |

**Distribution and Review**

As mandated by the Drug-Free Schools and Communities Act, the **UNIVERSITY/COLLEGE’s** drug and alcohol abuse prevention program information is distributed to all students, staff and faculty on an annual basis. During every **EVEN/ODD** year, a biennial review of the drug and alcohol abuse prevention program is conducted. The purpose of the review is to determine the effectiveness of the **UNIVERSITY/COLLEGE’s** drug and alcohol abuse prevention program, implement changes to the program as needed and ensure disciplinary sanctions are consistently enforced. For more information concerning current programs, interventions and policies, contact **INDIVIDUAL IN CHARGE OF DRUG-FREE SCHOOLS AND COMMUNITIES COMPLIANCE/AOD PREVENTION PROGRAMS** at **INDIVIDUAL’S E-MAIL** and **INDIVIDUAL’S PHONE NUMBER.**

In accordance with Americans with Disabilities Act of 1990, no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of the **UNIVERSITY/COLLEGE**. Further, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the **UNIVERSITY/COLLEGE** or be subjected to discrimination by the **UNIVERSITY/COLLEGE**.