

Access Careers is committed to creating for its students, faculty and staff an environment in which the misuse of alcohol and drugs is minimized, which encourages moderation, safety and individual accountability, and which provides an atmosphere free of coercion and peer pressure to misuse alcoholic beverages ("alcohol"), prescription medication, or use unlawful drugs. Access Careers strongly supports educational and treatment programs as the most effective means to help reduce and prevent alcohol and drug abuse. At the same time, the School prohibits the misuse or unlawful possession or distribution of alcohol and prescription medications, as well as, unlawful possession, use, or distribution of illicit drugs by students, faculty members, or staff members while on School property or while participating in School-sponsored activities or conducting School business off-premises.

In developing this policy, we acknowledge that we cannot guarantee that policies or laws concerning the use of alcohol, medications, or illegal substance use will be observed by everyone at the School. Instead, we must also rely on the judgment of students, faculty and staff to be mindful of the health, safety and well-being of themselves, and of their friends and guests, by observing the laws and policies contained in this statement.

Access Careers confirms its compliance with the Drug Free Schools and Communities Act and is committed to maintaining a campus that promotes an atmosphere which is free of both alcohol and drugs.

Access Careers has set forth in this guide the legal penalties under Federal law for the illegal possession or distribution of drugs and alcohol, as well as, the range of school sanctions that can be imposed for violation of the school's policies regarding substance abuse. Any student or employee of Access Careers must comply with these guidelines or be subject to termination.

The United States Department of Education has issued regulations for the implementation of the provisions of the "Drug-Free Schools and Communities Act Amendments of 1989" (Public law 101-226).

DISTRIBUTION OF ACCESS CAREER'S DRUG & ALCOHOL PREVENTION POLICY:

Students receive notification of the Drug and Alcohol Abuse Prevention Policy during the admission process. Employees are notified that a policy is in place upon hire and that it is available any time to read in the Employee Handbook which is available in the front office.

STANDARDS OF CONDUCT:

It is Access Careers's policy to prohibit both students and employees the unlawful manufacture, distribution, dispensing, possession or use of illicit drugs and alcohol anywhere on the campus or as part of any Access Careers activity. The unlawful possession, use, or distribution of illicit drugs on School premises or at School activities are strictly prohibited. The unlawful possession, misuse or distribution of prescription medication is also prohibited. The sale, service, possession, and consumption of alcoholic beverages on School premises or at related School activities must comply fully with all applicable laws.

The school will cooperate fully with law enforcement agencies and will apply appropriate internal disciplinary processes should a student or an employee violate criminal statutes with regard to illegal drugs or possession or sale of alcohol.

REPORTING AN INCIDENT:

If a student or employee needs to report an incident please speak directly to the Campus Director or contact The Director or Recruitment Mr. Steven Weistein.

DRUG ABUSE POLICY:

It is the policy of Access Careers that any person found to be in possession of, under the influence of, using, selling, offering for sale, or trading drugs or alcohol (whether or not for monetary gain) on our campus may be subject to disciplinary action up to and including dismissal from school.

HEALTH RISKS ASSOCIATED WITH ALCOHOL & ILLICIT DRUG USE

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

Alcohol:

Alcohol consumption causes a number of changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasingly the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts. Moderate to high doses of alcohol cause marked impairments in higher mental functions severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Long-term consumption of large quantities of alcohol can also lead to permanent damage to vital organs such as the brain and the liver. Mothers who drink during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than others of developing alcohol related problems.

Cigarettes and other Nicotine Products:

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

In addition to nicotine, cigarette smoke is primarily composed of a dozen gases (mainly carbon monoxide) and tar. The tar in a cigarette, which varies from about 15 mg for a regular cigarette to 7 mg in a low-tar cigarette, exposes the user to a high expectancy rate of lung cancer, emphysema, and bronchial disorders. The carbon monoxide in the smoke increases the chance of cardiovascular diseases. The Environmental Protection Agency has concluded that secondhand smoke causes lung cancer in adults and greatly increases the risk of respiratory illnesses in children and sudden infant death.

Prescription Medications:

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

Marijuana:

Marijuana use can lead to a number of long term and short term physical and psychological effects. Marijuana use leads to a substantial increase in the heart rate, impairs short term memory and comprehension and motivation can be altered. It can produce paranoia and psychosis. Smoking marijuana damages the lungs and pulmonary system. Marijuana contains more cancer causing agents than tobacco. It also lowers male sex hormones, suppresses ovulation, and causes changes in the menstrual cycle. Short-term effects include memory and learning problems, distorted perception and difficulty thinking and solving problems.

Cocaine and Crack:

Health risks may include changes in body temperature and blood pressure as well as heart and breathing rates. Even small amounts may cause the body to exceed its own limits, sometimes resulting in death. Snorting cocaine may severely damage nasal tissue and the septum. Smoking cocaine may damage the lungs. Someone using cocaine may experience muscle twitching, panic reactions, anxiety, numbness in hands and feet, loss of weight, a period of hyperactivity followed by a crash, a runny or bleeding nose, and depression. Other symptoms of cocaine use may include nausea, vomiting, insomnia, tremors, and convulsions. Chronic users may become paranoid and/or experience hallucinations.

Barbiturates:

In small doses, barbiturates produce calmness, relaxed muscles, and lowered anxiety. Larger doses cause slurred speech, staggering gait, and altered perception. Very large doses or doses taken in combination with other central nervous system depressants (e.g., alcohol) may cause respiratory depression, coma and even death. A person who uses barbiturates may have poor muscle control, appear drowsy or drunk, become confused, irritable, or inattentive, or have slowed reactions.

Amphetamines:

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

Hallucinogens:

PCP, or angel dust, interrupts the part of the brain that controls the intellect and keeps instincts in check. PCP blocks pain receptors. Violent episodes, including self-inflicted injuries, are not uncommon. Chronic users report memory loss and speech difficulty. Very large doses produce convulsions, coma, heart and lung failure, or ruptured blood vessels in the brain. LSD, mescaline, peyote, etc. cause dilated pupils, elevated body temperature, increased heart rate and blood pressure, and tremors. Someone under the influence of PCP might appear moody, aggressive, or violent. Sleeplessness, confusion, anxiety, and panic, and may report perceptual distortions. Flashbacks may occur.

Steroids (anabolic):

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

Narcotics:

Because narcotics are generally injected, the use of contaminated needles may result in the contraction of many different diseases, including AIDS and hepatitis. Symptoms of overdose include shallow breathing, clammy skin, convulsions, and coma and may result in death. Some signs of narcotic use are euphoria, drowsiness, constricted pupils, and nausea. Other symptoms include itchy skin, needle or "track" marks on the arms and legs, nodding, lack of sex drive and appetite, sweating, cramps and nausea when withdrawing from the drug.

The following are summaries provided by the federal government of the health risks associated with illicit drug use and alcohol abuse. These are an overview and each individual will experience impact of the drug or alcoholic beverage in a different way given his or her physical and psychological characteristics.

HEALTH ISSUES RELATED TO ALCOHOL USE

Alcoholic consumption causes a number of marked changes in behavior. Even low doses significantly impair judgment and reduce the coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses, which differ greatly for different people, can cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Alcohol misuse and abuse, including excessive or "binge" drinking, can

seriously affect academic, athletic, and work performance while leading to behaviors that are destructive, violent, or asocial. In particular, recent studies have revealed a strong relationship between alcohol consumption and instances of wrongful or inappropriate sexual behaviors. Studies show that people who consume large amounts of alcohol, or binge drink, are more likely to struggle with mental health problems. Alcohol misuse or abuse can be a contributory factor in some mental illnesses, such as depression. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

HEALTH ISSUES RELATED TO DRUG USE

While adverse health effects may vary depending on the substance, most drugs can produce one or more of the following reactions: headache, nausea, dizziness, anxiety, damage to organs, addiction, and, in extreme cases, death. Interactions between drugs and alcohol can be especially extreme. Moreover, the use of drugs can result in asocial or violent behaviors and can have a severe negative effect on personal development, schoolwork, and job performance.

HEALTH ISSUES RELATED TO PRESCRIPTION DRUG MISUSE

It is unhealthy and unsafe to take prescription drugs outside of the purpose for which it was prescribed. Some prescription medicines can be addictive, especially stimulants, painkillers, and sedatives/anti-anxiety medications. Self-medication is very dangerous and only your prescribing practitioner can decide how much of a medication you should take - this means taking the right amount at the right time, as well as adhering to the expiration date and disposing of pills appropriately.

SCHOOL SANCTIONS

It is the school policy to discourage all violations of Federal, State, or local laws by any member of the school community. In addition to possible prosecution and punishment by civil authorities, a student or employee violating any law will be subject to sanctions imposed by the school found below:

Students:

Illicit Drugs- If a student is found to use, sell, or transport illicit drugs, there will be zero tolerance and the student will be dismissed immediately.

Alcohol-First Infraction - If a student is found to use alcohol while on campus or during a school activity, the student will be suspended.

Second Infraction - If a student is found to be in possession of alcohol while on campus or in connection with any school activity, the student will be dismissed immediately.

Employees:

If an employee is found to use, sell, or transport illicit drugs or if an employee is found to be in possession of, or under the influence of alcohol on campus or in connection with any school activity, there will be zero tolerance and the employee will be dismissed immediately.

Financial Aid:

In general, a student who has been convicted of any offense under federal or state law involving the possession or sale of a controlled substance during a period of enrollment for which he or she is receiving Federal student aid *will not* be eligible to receive any grant, loan, or work assistance under this applicable federal law during the period beginning on the date of such conviction and ending after the interval specified in the following table:

Student Ineligibility for Grants, Loans, or Work Assistance

For <i>possession</i> of a controlled substance, ineligibility period is:		For <i>sale</i> of a controlled substance, ineligibility period is:	
First conviction	1 year	First conviction	2 years
Second conviction	2 years	Second conviction	Indefinite
Third conviction	Indefinite		

CRIMINAL SANCTIONS

The unlawful possession, use or distribution of illicit drugs and alcohol is punished by harsh sanctions by the State of New York and by the United States Government.

Where illicit drugs are involved, the seriousness of the offense and the penalty imposed upon conviction usually depends upon the individual and the amount of the drug held or sold. For example, in New York State the criminal possession of four or more ounces of cocaine is a Class A-1 felony, punishable by a minimum of 15 to 25 years, and a maximum of life in prison. Fines of up to \$100,000 may also be imposed. The sale of two or more ounces of cocaine will be similarly treated. The criminal possession of more than eight ounces of marijuana is a Class E felony, punishable by up to two years in prison and a fine of up to \$5,000 as is the sale of more than 25 grams of marijuana. *It is important to be aware that, in New York, even giving or sharing drugs, including marijuana, is treated as a sale.*

A person need not be in actual physical possession of a controlled substance to be guilty of a crime. The unlawful presence of a controlled substance in an automobile, for instance, is presumptive evidence of knowing possession of each passenger unless the substance is concealed on the person of one of the occupants. Similarly, the presence of certain substances, including marijuana, in open view in a room under circumstances demonstrating intent to prepare the substance for sale is presumptive evidence of knowing possession of anyone in close proximity.

Criminal penalties may also result from the misuse of alcoholic beverages. In New York, if one gives or sells an alcoholic beverage to a person under 21 years of age, the person commits a Class A misdemeanor, punishable by up to one year in jail and a \$1,000 fine. The sale of any kind of alcoholic beverage without a license or permit is also a misdemeanor punishable by a fine, a jail term, or both. Persons under the age of 21 are prohibited from possessing alcoholic beverages with intent to consume them. Each violation is punishable by a \$50 fine. The beverages may also be seized and destroyed by appropriate internal or external authorities. An individual can be fined up to \$100 and/or required to perform community service and/or required to complete an alcohol awareness program if he or she is under 21 and presents a falsified proof of age when attempting to purchase alcoholic beverages. A person can have a driver's license suspended between 90 - 180 days if he or she is under 21 and uses a driver's license to try to purchase alcohol illegally.

These are only examples of the criminal penalties that can be assessed against a person for the illegal possession, use, and distribution of alcoholic beverages and drugs. Further information regarding Federal penalties can be found on the webat: <http://www.justice.gov/dea/druginfo/ftp3.shtml>.

It is the School's policy to discourage violations of federal, state, and local law by its employees and students. Where appropriate, the School may refer employees and students who violate such laws for prosecution by the relevant governmental authorities and will cooperate fully with such authorities.

COUNSELING & SUPPORT PROGRAMS

If a student or employee is in need of assistance for drug or alcohol abuse the numbers provided below are available for assistance:

Alcoholics Anonymous – 212.870.3400

Adult Children of Alcoholics – 310.534.1815

National Drug Information Treatment and Referral Hotline – 800.662-HELP

National Association of State Alcohol/Drug Abuse Directors – 202.293.0090

National Clearinghouse for Alcohol and Drug Information – 800.729.6686

National Council on Alcoholism and Drug Dependence – 800.NCA.CALL

Alcoholism Council of Greater New York: 800-56-SOBER

New York Center for Addiction 212-966-9537

LEGAL REQUIREMENTS RELATED TO ALCOHOLIC BEVERAGES

New York State law provides that:

1. Alcoholic beverages shall not be provided under any circumstances by any licensed server to any person under the age of 21 or to anyone who is disorderly, visibly intoxicated, or known to be a habitual drunkard.
2. No person under 21 years of age may misrepresent her/his age for the purpose of obtaining alcoholic beverages, nor may a person assist another in such a misrepresentation.
3. Proof of age must include presentation of a valid American or Canadian driver's license or no driver identification card, a valid passport, or a valid identification card issued by the United States Armed Forces. No person under 21 years of age shall provide false or written evidence of age for the purpose of attempting to purchase alcoholic beverages.
4. No person under the age of 21 may possess any alcoholic beverage with the intent to consume it.
5. Actions or situations that involve forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization are prohibited.
6. Alcoholic beverages may not be served where money changes hands (sale of drinks, admission charged, donations solicited, etc.) without the appropriate license or permit.
7. Events that involve money changing hands require a Temporary Beer and Wine Permit issued by the New York State Alcoholic Beverage Control Board. (This includes 'free' events provided by an organization that charges a membership fee).
8. In premises that hold a New York State Liquor License (limited areas, contact Events Management), all individuals and groups must adhere to the provisions of the license. No unauthorized alcohol may be brought into such areas.
9. In unlicensed premises, beer or wine may be sold or dispensed only if a Temporary Beer and Wine Permit issued by the New York State Alcoholic Beverage Control Board is obtained. Hard liquor is not permitted at any events.
10. Appropriate posted warnings about the effects of alcohol during pregnancy must appear at all events where alcohol is served.

Violation of these New York laws may subject the violator to legal penalties that range from confiscation of the beverage by a police officer to suspension of one's driver's license to fine or imprisonment. Moreover, within the School the illegal or wrongful possession, provision, or consumption of alcohol will lead to proceedings in accordance with the procedures of the respective school or administrative unit, which can include the requirement for the student to receive psychological or medical assessment and/or counseling and appropriate treatment. Disciplinary action may result in suspension or expulsion or the referral of violators for criminal prosecution. Employees should also note that they may not report to work or be at work while under the influence of alcohol or other substances.

Federal Sanctions:

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. Second Offense: Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
II	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	
Substance/Quantity		Penalty		
Any Amount Of Other Schedule I & II Substances		First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Any Drug Product Containing Gamma Hydroxybutyric Acid Flunitrazepam (Schedule IV) 1 Gram or less				
Any Amount Of Other Schedule III Drugs		First Offense: Not more than 10 yrs. If death or serious bodily injury, not more that 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
Any Amount Of All Schedule V Drugs		First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

Chart was obtained from <http://www.dea.gov/druginfo/ftp3.shtml> (September 22, 2015)

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	<p>First Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p>Second Offense: Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants	<p>First Offense: Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p>Second Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.</p>
Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants	<p>First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p> <p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
Hashish More than 10 kilograms	
Hashish Oil More than 1 kilogram	
Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
1 to 49 marijuana plants	
Hashish 10 kilograms or less	
Hashish Oil 1 kilogram or less	

Chart was obtained from <http://www.dea.gov/druginfo/ftp3.shtml> (September 22, 2015)

New York State Sanctions:

NYS Penal Law Controlled Substances Offenses	Specifics	Sentence
§ 220.03 Criminal possession of a controlled substance (7 th degree).	Knowingly and unlawfully possessing a controlled substance (any substance listed in §3306 of the NYS Public Health Law other than marihuana, but including concentrated cannabis as defined in §3302 of NYS Penal Law Article 220).	Class A misdemeanor: imprisonment up to one year.
§ 220.06 Criminal possession of a controlled substance (5 th degree).	Knowingly and unlawfully possessing: a controlled substance with intent to sell it; or one or more preparations, compounds, mixtures or substances containing a narcotic preparation (aggregate weight of ½ oz or more); or phencyclidine (50 mg or more); or one or more preparations, compounds, mixtures or substances containing concentrated cannabis (aggregate weight of ¼ oz ounce or more); or cocaine (500 mg or more); or ketamine (more than 1,000 mg); or ketamine, and has previously been convicted of possession or the attempt to commit possession of ketamine in any amount; or one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid (aggregate weight of 28 g or more).	Class D felony: imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.
§ 220.09 Criminal possession of a controlled substance (4 th degree).	Knowingly and unlawfully possessing: one or more preparations, compounds, mixtures or substances containing a narcotic drug (an aggregate weight of 1/8 oz or more); or one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (an aggregate weight of ½ oz or more); or one or more preparations, compounds, mixtures or substances containing a narcotic preparation (an aggregate weight of 2 oz or more); or a stimulant (1 g or more); or lysergic acid diethylamide (1 mg or more); or a hallucinogen (25 mg or more); or a hallucinogenic substance (1 g or more); or a dangerous depressant (10 oz or more); or a depressant (2 lbs or more); or one or more preparations, compounds, mixtures or substances containing concentrated cannabis (an aggregate weight of 1 oz or more); or phencyclidine (250 mg or more); or methadone 360 mg or more); or phencyclidine (50 mg or more) with intent to sell it and has previously been convicted of an offense defined in § 220 or the attempt or conspiracy to commit any such offense); or ketamine (4,000 mg or more); or one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid (aggregate weight of 200 g or more).	Class C felony: imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.

<p>§ 220.16 Criminal possession of a controlled substance (3rd degree).</p>	<p>Knowingly and unlawfully possessing: a narcotic drug with intent to sell it; or a stimulant, hallucinogen, hallucinogenic substance, or lysergic acid diethylamide, with intent to sell it and has previously been convicted of an offense defined in § 220 or the attempt or conspiracy to commit any such offense; or a stimulant (1 g or more) with intent to sell it; or lysergic acid diethylamide (1 mg or more) with intent to sell it; or a hallucinogen (25 mg or more) with intent to sell it; or a hallucinogenic substance (1 g or more) with intent to sell it; or one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (1/8 oz or more) with intent to sell it; or a stimulant (5 g or more); or lysergic acid diethylamide (5 mg or more); or a hallucinogen (125 mg or more); or a hallucinogenic substance (5 g or more); or one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of ½ oz or more); or phencyclidine (1250 mg or more).</p>	<p>Class B felony: imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2nd time offender: imprisonment for 3 ½ to 12 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.</p>
<p>§ 220.18 Criminal possession of a controlled substance (2nd degree).</p>	<p>Knowingly and unlawfully possessing: one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of 4 oz or more); or one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (aggregate weight of 2 oz or more); or a stimulant (10 g or more); or lysergic acid diethylamide (25 mg or more); or a hallucinogen (625 mg or more); or a hallucinogenic substance (25 g or more); or methadone (2850mg or more).</p>	<p>Class A-II felony: imprisonment 3 to 10 years. For a 2nd time offender, imprisonment for 6 to 14 years (may be sentenced to lifetime probation). For a 2nd time offender previously convicted of a violent felony: imprisonment for 8 to 17 years.</p>
<p>§ 220.21 Criminal possession of a controlled substance (1st degree).</p>	<p>Knowingly and unlawfully possessing: one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of 8 oz or more); or methadone (5760 mg or more).</p>	<p>Class A-I felony: imprisonment for 8 to 20 years. For a 2nd time offender: imprisonment for 12 to 24 years. For a 2nd time offender previously convicted of a violent felony, imprisonment for 15 to 30 years.</p>
<p>§ 220.25 Criminal possession of a controlled substance (presumption).</p>	<p>The presence of a controlled substance in an automobile, other than a public omnibus, is presumptive evidence of knowing possession by each and every person in the automobile at the time the substance was found (see §220.25 for exceptions). The presence of a narcotic drug, narcotic preparation, marijuana or phencyclidine in open view in a room, other than a public place, under circumstances evincing an intent to unlawfully mix, compound, package or otherwise prepare for sale such substance is presumptive evidence of knowing possession thereof by each and every person in close proximity to such controlled substance at the time such controlled substance was found (see §220.25 for exceptions).</p>	
<p>§ 220.31 Criminal sale of a controlled substance (5th degree).</p>	<p>Knowingly and unlawfully selling a controlled substance (any substance listed in schedule I, II, III, IV or V of §3306 of the NYS Public Health Law other than marijuana, but including concentrated cannabis as defined in paragraph (a) of subdivision four of §3302 of NYS Penal Law Article 220).</p>	<p>Class D felony: imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.</p>
<p>§ 220.34 Criminal sale of a controlled substance (4th degree).</p>	<p>Knowingly and unlawfully selling: a narcotic preparation; or a dangerous depressant (10 oz or more) or a depressant (2 lbs or more); or concentrated cannabis as defined in §3302 of the NYS Public Health Law; or phencyclidine (50 mg or more); or methadone; or phencyclidine (any amount) and previously convicted of an offense defined in this article or the attempt or conspiracy to commit any such offense; or ketamine (4,000 mg or more); or a controlled substance in violation of section 220.31, when such sale takes place upon school grounds; or the grounds of an educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds; or one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid (28 g or more), as defined in §3306 of the NYS Public Health Law.</p>	<p>Class C felony: imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.</p>

<p>§ 220.39 Criminal sale of a controlled substance (3rd degree).</p>	<p>Knowingly and unlawfully selling: a narcotic drug; or a stimulant, hallucinogen, hallucinogenic substance, or lysergic acid diethylamide (and previously convicted of an offense defined in §220 or the attempt or conspiracy to commit any such offense; or a stimulant (1 g or more); or lysergic acid diethylamide (1 mg or more); or a hallucinogen (25 mg or more); or a hallucinogenic substance (1 g or more); or one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (aggregate weight of 1/8 oz or more); or phencyclidine (250 mg or more); or a narcotic preparation to a person less than 21 years old.</p>	<p>Class B felony: imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2nd time offender: imprisonment for 3 ½ to 12 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.</p>
<p>§ 220.41 Criminal sale of a controlled substance (2nd degree).</p>	<p>Knowingly and unlawfully selling: one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of ½ oz or more); or one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (aggregate weight of ½ oz or more); or a stimulant (5 g or more); or lysergic acid diethylamide (5 mg or more); or a hallucinogen (125 mg or more); or a hallucinogenic substance (5 g or more); or methadone (360 mg or more).</p>	<p>Class A-I felony: imprisonment for 8 to 20 years. For a 2nd time offender: imprisonment for 12 to 24 years. For a 2nd time offender previously convicted of a violent felony, imprisonment for 15 to 30 years.</p>
<p>§ 220.43 Criminal sale of a controlled substance (1st degree).</p>	<p>Knowingly and unlawfully selling: one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of 2 oz or more); or methadone (2880 mg or more).</p>	<p>Class A-II felony: imprisonment 3 to 10 years. For a 2nd time offender, imprisonment for 6 to 14 years (may be sentenced to lifetime probation). For a 2nd time offender previously convicted of a violent felony: imprisonment for 8 to 17 years.</p>
<p>§ 220.44 Criminal sale of a controlled substance in or near school grounds.</p>	<p>Knowingly and unlawfully selling: a controlled substance in violation of any one of subdivisions 1– 6-a of §220.34, when such sale takes place upon school grounds; or a controlled substance in violation of any one of subdivisions 1– 8 of §220.39, when such sale takes place upon school grounds; or a controlled substance in violation of any one of subdivisions 1– 6 of §220.34, when such sale takes place upon the grounds of an educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds; or a controlled substance in violation of any one of subdivisions 1–8 of §220.39, when such sale takes place upon the grounds of an educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds.</p>	<p>Class B felony: imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2nd time offender: imprisonment for 3 ½ to 12 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.</p>
<p>§ 220.45 Criminally possessing a hypodermic instrument.</p>	<p>Knowingly and unlawfully possessing or selling a hypodermic syringe or hypodermic needle.</p>	<p>Class A misdemeanor: imprisonment up to one year.</p>
<p>§ 220.46 Criminal injection of a narcotic drug.</p>	<p>Knowingly and unlawfully possessing a narcotic drug and intentionally injecting, by means of a hypodermic syringe or hypodermic needle, all or any portion of that drug into the body of another person with the latter's consent.</p>	<p>Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.</p>
<p>§ 220.50 Criminally using drug paraphernalia (2nd degree).</p>	<p>Knowingly possessing or selling: diluent, dilutants or adulterants, including but not limited to, any of the following: quinine hydrochloride, mannitol, mannite, lactose or dextrose, adapted for the dilution of narcotic drugs or stimulants under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for purposes of unlawfully mixing, compounding, or otherwise preparing any narcotic drug or stimulant; or gelatine capsules, glassine envelopes, vials, capsules or any other material suitable for the packaging of individual quantities of narcotic drugs or stimulants under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for the purpose of unlawfully manufacturing, packaging or dispensing of any narcotic drug or stimulant; or scales and balances used or designed for the purpose of weighing or measuring controlled substances, under circumstances evincing an intent to use, or under circumstances evincing</p>	<p>Class A misdemeanor: imprisonment up to one year.</p>

	knowledge that some person intends to use, the same for purpose of unlawfully manufacturing, packaging or dispensing of any narcotic drug or stimulant	
§ 220.55 Criminally using drug paraphernalia (1st degree).	Committing the crime of criminally using drug paraphernalia in the second degree and having previously been convicted of criminally using drug paraphernalia in the 2 nd degree.	Class D felony: imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.
§ 220.60 Criminal possession of precursors of controlled substances.	Possessing and at the same time intending to unlawfully manufacture: a controlled substance; or carbamide (urea) and propanedioc and malonic acid or its derivatives; or ergot or an ergot derivative and diethylamine or dimethylformamide or diethylamide; or phenylacetone (1-phenyl-2 propanone) and hydroxylamine or ammonia or formamide or benzaldehyde or nitroethane or methylamine; or pentazocine and methylodide; or phenylacetone nitrile and dichlorodiethyl methylamine or dichlorodiethyl benzylamine; or diphenylacetone nitrile and dimethylaminoisopropyl chloride; or piperidine and cyclohexanone and bromobenzene and lithium or magnesium; or 2, 5-dimethoxy benzaldehyde and nitroethane and a reducing agent.	Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.
§ 220.65 Criminal sale of a prescription for a controlled substance.	When, being a practitioner, as that term is defined in §3302 of the NYS Public Health Law, knowingly and unlawfully selling a prescription for a controlled substance.	Class C felony: imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.
§ 220.70 Criminal possession of methamphetamine manufacturing material (2nd degree).	Possessing a precursor, a chemical reagent or a solvent with the intent to use or knowing another intends to use such precursor, chemical reagent, or solvent to unlawfully produce, prepare or manufacture methamphetamine.	Class A misdemeanor: imprisonment up to one year.
§ 220.71 Criminal possession of methamphetamine manufacturing material (1st degree).	Committing the offense of criminal possession of methamphetamine manufacturing material in the second degree, as defined in § 220.70, and has previously been convicted within the preceding 5 years of criminal possession of methamphetamine manufacturing material in the 2 nd degree or a violation of this section.	Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.
§ 220.72 Criminal possession of precursors of methamphetamine.	Possessing at the same time a precursor and a solvent or chemical reagent, with intent to use or knowing that another intends to use each such precursor, solvent or chemical reagent to unlawfully manufacture methamphetamine.	Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.

<p>§ 220.73 Unlawful manufacture of methamphetamine (3rd degree).</p>	<p>Possessing, with intent to use, or knowing that another intends to use each such product to unlawfully manufacture, prepare or produce methamphetamine two or more items of laboratory equipment and two or more precursors, chemical reagents or solvents in any combination; or one item of laboratory equipment and three or more precursors, chemical reagents or solvents in any combination; or a precursor: (a) mixed together with a chemical reagent or solvent; or (b) with two or more chemical reagents and/or solvents mixed together.</p>	<p>Class D felony: imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.</p>
<p>§ 220.74 Unlawful manufacture of methamphetamine (2nd degree).</p>	<p>Commits violation of § 220.73 in the presence of another person under the age of 16, provided, however, that the actor is at least 5 years older than such other person under the age of 16; or Commits violation of § 220.73 and has previously been convicted within the preceding 5 years of the offense of criminal possession of precursors of methamphetamine, criminal possession of methamphetamine manufacturing material in the 1st degree, unlawful disposal of methamphetamine laboratory material, unlawful manufacture of methamphetamine in the 3rd degree, the 2nd degree, or the 1st degree.</p>	<p>Class C felony: imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.</p>
<p>§ 220.75 Unlawful manufacture of methamphetamine (1st degree).</p>	<p>Commits the crime of unlawful manufacture of methamphetamine in the 2nd degree after having previously been convicted within the preceding 5 years of unlawful manufacture of methamphetamine in the 3rd degree unlawful manufacture of methamphetamine in the 2nd degree or unlawful manufacture of methamphetamine in the 1st degree.</p>	<p>Class B felony: imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2nd time offender: imprisonment for 3 ½ to 12 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.</p>
<p>§ 220.76 Unlawful disposal of methamphetamine laboratory material.</p>	<p>Knowingly disposing of, or possessing with intent to dispose of, hazardous or dangerous material under circumstances that create a substantial risk to human health or safety or a substantial danger to the environment.</p>	<p>Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.</p>
<p>NYS Penal Law Offenses Involving Marihuana</p>	<p style="text-align: center;">Specifics</p>	<p style="text-align: center;">Sentence</p>
<p>§ 221.05 Unlawful possession of marihuana.</p>	<p>Knowingly and unlawfully possessing marihuana is a violation.</p>	<p>A fine of up to \$100. A fine of up to \$200 if previously convicted of an offense defined in § 220 or § 221, committed within the 3 years immediately preceding such violation. A fine of up to \$250 or imprisonment up to 15 days or both if previously convicted of two such offenses committed during such period.</p>
<p>§ 221.10 Criminal possession of marihuana (5th degree).</p>	<p>Knowingly and unlawfully possessing marihuana in a public place, as defined in section 240.00 of this chapter, and such marihuana is burning or open to public view; or one or more preparations, compounds, mixtures or substances containing marihuana (aggregate weight of more than 25 g).</p>	<p>Class B misdemeanor: imprisonment up to three months.</p>
<p>§ 221.15 Criminal possession of marihuana (4th degree).</p>	<p>Knowingly and unlawfully possessing one or more preparations, compounds, mixtures or substances containing marihuana (aggregate weight of more than 2 oz).</p>	<p>Class A misdemeanor: imprisonment up to one year.</p>

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<p>§ 221.20 Criminal possession of marihuana (3rd degree).</p>	<p>Knowingly and unlawfully possessing one or more preparations, compounds, mixtures or substances containing marihuana (aggregate weight of more than 8 oz).</p>	<p>Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.</p>
<p>§ 221.25 Criminal possession of marihuana (2nd degree).</p>	<p>Knowingly and unlawfully possessing one or more preparations, compounds, mixtures or substances containing marihuana (aggregate weight of more than 16 oz).</p>	<p>Class D felony: imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.</p>
<p>§ 221.30 Criminal possession of marihuana (1st degree).</p>	<p>Knowingly and unlawfully possessing one or more preparations, compounds, mixtures or substances containing marihuana (aggregate weight of more than 10 lbs).</p>	<p>Class C felony: imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 3 ½ to 9 years.</p>
<p>§ 221.35 Criminal sale of marihuana (5th degree).</p>	<p>Knowingly and unlawfully selling, without consideration, one or more preparations, compounds, mixtures or substances containing marihuana (aggregate weight of 2 g or less); or one cigarette containing marihuana.</p>	<p>Class B misdemeanor: imprisonment up to three months.</p>
<p>§ 221.40 Criminal sale of marihuana (4th degree).</p>	<p>Knowingly and unlawfully selling marihuana, except as provided in §221.35.</p>	<p>Class A misdemeanor: imprisonment up to one year.</p>
<p>§ 221.45 Criminal sale of marihuana (3rd degree).</p>	<p>Knowingly and unlawfully selling one or more preparations, compounds, mixtures or substances containing marihuana (aggregate weight of more than 25 g).</p>	<p>Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.</p>
<p>§ 221.50 Criminal sale of marihuana (2nd degree).</p>	<p>Knowingly and unlawfully selling one or more preparations, compounds, mixtures or substances containing marihuana (aggregate weight of more than 4 oz, or knowingly and unlawfully sells one or more preparations, compounds, mixtures or substances containing marihuana to a person less than 18 years of age.</p>	<p>Class D felony: imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.</p>
<p>§ 221.55 Criminal sale of marihuana (1st degree).</p>	<p>Knowingly and unlawfully sells one or more preparations, compounds, mixtures or substances containing (aggregate weight of more than 16 oz).</p>	<p>Class C felony: imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 3 ½ to 9 years.</p>

<u>NYS Penal Law</u> Criminal Diversion of Prescriptions & Medications	Specifics	Sentence
ation of criminal diversion of prescription medications and prescriptions.		
§ 178.10 Criminal diversion of prescription medications and prescriptions (4th degree).	A person is guilty of criminal diversion of prescription medications and prescriptions in the 4 th degree when he or she commits a criminal diversion act.	Class A misdemeanor: imprisonment up to one year.
§ 178.15 Criminal diversion of prescription medications and prescriptions (3rd degree).	A person is guilty of criminal diversion of prescription medications and prescriptions in the 3rd degree when he or she: commits a criminal diversion act, and the value of the benefit exchanged is in excess of \$1000; or commits the crime of criminal diversion of prescription medications and prescriptions in the 4th degree, and has previously been convicted of the crime of criminal diversion of prescription medications and prescriptions in the 4 th degree.	Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.
§ 178.20 Criminal diversion of prescription medications and prescriptions (2nd degree).	A person is guilty of criminal diversion of prescription medications and prescriptions in the second degree when he or she commits a criminal diversion act, and the value of the benefit exchanged is in excess of \$3,000.	Class D felony: imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.
§ 178.25 Criminal diversion of prescription medications and prescriptions in the first degree.	A person is guilty of criminal diversion of prescription medications and prescriptions in the first degree when he or she commits a criminal diversion act, and the value of the benefit exchanged is in excess of \$50,000.	Class C felony: imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.
imprisonment of one year or less for a person convicted of a class C, class D or class E felony offense.		