

**Drug-Free Schools and Colleges [EDGAR Part 86]  
Office of Student Life at Bethany College  
December 2020**

**Federal Drug-Free Schools and Campuses Regulations  
[Edgar Part 86]**

**BETHANY COLLEGE ANNUAL POLICY NOTIFICATION AND DISTRIBUTION**

As a requirement of these regulations, Bethany College is to disseminate and ensure receipt of the below policy/information to all students, staff, and faculty on an annual basis. This process is formally conducted by electronic communication and posted to the internet, as well as on the Student Right To Know Page. Questions concerning this policy and/or alcohol and other drug programs, interventions and policies may be directed to the Vice President for Student Life, who is responsible for Drug-Free Schools and Campus Compliance. The Vice President for Student Affairs is Gerald Stebbins. He may be contacted at [gstebbins@bethanywv.edu](mailto:gstebbins@bethanywv.edu) or by call the Office of Student Life at Bethany College 304-829-7631.

**Polices - Alcohol, Other Drugs, and Weapons**

As an academic community, Bethany College is committed to providing an environment in which learning and scholarship can flourish. The possession or use of illegal drugs, or the abuse of those which may otherwise be legally possessed, seriously affects the College learning environment, as well as the individual potential of our students and staff. The College enforces state laws and related College policies, including those prohibiting the following activities on campus:

- A. Providing alcoholic beverages to individuals under 21 or possession or consumption of alcoholic beverages by individuals under 21.
- B. Distribution, possession, or use of illegal drugs or controlled substances.
- C. Possession of firearms or other dangerous weapons.

The abuse of alcohol and other drugs by students, regardless of age and of location (on-campus or off-campus), is prohibited by the Student Conduct Code. The College can, and will, impose disciplinary sanctions for violations. Students are also subject to local ordinances and state and federal laws. A separate policy addresses violations by College staff.

The College strongly encourages students and staff members to voluntarily obtain assistance for dependency or abuse problem before such behavior results in an arrest and/or disciplinary referral which might result in their separation from the institution.

The use of, or addiction to, alcohol, marijuana, or 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.

Help is available both on campus and within the community for students and staff members who are dependent on, or who abuse the use of alcohol or other drugs. Assistance can be found by contacting the College Counselor at 304-829-7572, the Human Relations Director, Kathy Burd. She can be reached at 304-829-7131. The College Employee Assistance Program can be reached by calling, Bethany College utilizes Standard Employee Assistance Program that is reachable at 1-888-293-6948, and other professional agencies will maintain the confidentiality of persons seeking help for personal dependency and will not report them to institutional or state authorities. The Office of Student Life and the Wellness Center Staff provides educational and awareness programming, information, and assistance.

## **Student Sanctions - Alcohol, Other Drugs, and Weapons**

In accordance with the Student Handbook, Manual VII, the following sanctions may be issued to students violating policy regarding alcohol and drug violations:

### **5.1 Sanctioning Guidelines**

It is expected that the College will impose or seek a sanction that is fair under the circumstances. To that end, a student found responsible for a violation or violations of the Student Code of Conduct shall be subject to sanctions commensurate with the offense with consideration given to any aggravating and mitigating circumstances, including the student's conduct record. A student who receives a period of suspension as a disciplinary sanction is subject to further disciplinary action for prohibited conduct that takes place during the period of suspension. Sanctions available for violations of the Student Code of Conduct include, but are not limited to, any of the following:

- a) **Expulsion:** Permanent separation of the student from the College. Permanent notification will appear on the student's transcript. The student may be denied access to campus, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. If a student is expelled, the student will not receive a refund of any tuition or fees that have been paid to the College.
  
- b) **Suspension:** Separation of the student from the College for a specified period of time. The student may be denied access to campus and to all other College activities or privileges for which the student might otherwise be eligible, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. Suspended time will not count against any time limits for completion of a degree. If a student is suspended, the student will not receive a refund of any tuition or fees that have been paid to the College. Any student who is serving a suspension may be subject to a review and evaluation meeting prior to re-enrolling to ensure that all conditions of the suspension have been satisfied and that the student is prepared for return.

- c) Weekend Suspension: The student is not permitted on campus starting Friday at 5:00 pm and will be allowed to return on campus Sunday at 5:00 pm.
- d) Deferred Suspension: The student will be given a certain set of expectations, but any suspension will be deferred and does not go into effect as long as the student complies with all requirements during the interim period. In those cases where the student completes all expectations during the interim period, the student's record will show that the sanction was never imposed. In the event that a student fails to comply with a sanction and the Administrator has decided to seek the suspension, the student will be given written notice of the apparent failure to comply and of the intent to suspend, and provided an opportunity to be heard prior to a final decision, consistent with this policy.
- e) Probation: A written reprimand for prohibited conduct that specifies a designated period of time and includes the probability of more severe disciplinary sanctions if, during the designated probationary period, the student violates any applicable law or fails to comply with the policies of the Bethany College, with institutional or campus rules and regulations or with directives issued by any College official acting in the course of his or her authorized duties.
- f) Warning: A notice in writing to the student that the student is violating or has violated Bethany College policies, institutional rules and regulations, or the Student Code of Conduct, and that any further prohibited conduct may result in more severe disciplinary action.
- g) Loss of Privileges: Denial of specified privileges for a designated period of time, which might include ineligibility to hold office in any student organization, or to represent the College in any way, including, but not limited to, an athletic team.
- h) Restitution: Students may be required to make payment to the College or to other persons, groups, or organizations for loss, damage, or injury incurred as a result of a violation of the Student Code of Conduct. This may take the form of appropriate service and/or monetary or material replacement. Once restitution is satisfied, the student must provide documentation to the Administrator.
- i) Revocation: Admission to the College may be revoked for a violation of the policy if the violation was committed before the student arrives on campus. Likewise, a degree awarded from the College may be revoked for a violation of the Code if the violation was committed before the student graduates.
- j) Confiscation of Prohibited Property: Items whose presence is in violation of College policy will be confiscated and will become the property of the College. Prohibited items may be returned to the owner at the discretion of the Dean of Students.
- k) College Housing Reassignment: Reassignment to another College housing facility. Residence Life personnel will decide on the reassignment details.

l) College Housing Suspension: Removal from College housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to College housing may be specified. Under this sanction, a student is required to vacate College housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Office of Student Life. This sanction may be enforced with a trespass action if deemed necessary.

m) College Housing Expulsion: The student's privilege to live in, or visit, any College housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.

n) Other Sanctions: Other sanctions may be imposed instead of or in addition to those specified. For example, students may be subject to dismissal from College housing for disciplinary violations which occur in the residence halls. Likewise, community service, educational classes, behavioral assessments, fines (if such fines are established by the Office of Student Life), and other work or research projects may also be assigned.

o) No Contact Order: Students may be issued a permanent no contact order, which is a directive to refrain from any intentional contact, whether direct or indirect, with one or more designated persons or group(s) through any means, including, but not limited to, personal contact, e-mail, telephone, social media or third parties.

## **5.2 Attempts**

Attempts to commit acts prohibited by the Student Code of Conduct may be punished to the same extent as completed violations.

## **5.3 Repeated or aggravated conduct**

Repeated or aggravated violations of any section of this Student Code of Conduct may also result in expulsion or suspension or in the imposition of such lesser penalties as may be appropriate.

## **5.4 Sanctions for Off-Campus conduct**

Sanctions for prohibited conduct occurring off campus will not be more severe than for similar on-campus conduct.

## **5.5 Specific Aggravating Factor**

Misconduct, other than constitutionally protected expression, motivated by bias based on race, color, national origin, ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, sex, sexual orientation, genetic information, gender identity, or gender expression should be considered an aggravating factor for sanctioning.

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 College up to and including expulsion.

**Commonly Imposed Disciplinary Sanctions For On-Campus Policy Violations:**

<b>Policy Violation</b>	<b>Typical Monetary Sanction - 1st Offense</b>	<b>Other Typical Sanctions - 1st Offense</b>	<b>Typical Sanctions – 2nd Offense</b>
Underage Possession of Alcohol		Alcohol Education Program	Parental Notification if under 21, Possible Disciplinary Probation.
Open Alcohol In A Public Area		Warning	Alcohol Education Program, Possible Disciplinary Probation.
Single Incident of Possession of Marijuana For Personal Use		Student Conduct Probation, Drug Education Program on Marijuana, reflection	Suspension
Possession of More Than One Ounce of Marijuana		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
Possession of Firearms or Other Dangerous Weapons		Suspension or Expulsion	Suspension or Expulsion

As members of the 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 College imposes disciplinary sanctions.

**Employee Sanctions**

In accordance with Bethany College Manual V.

#### 5.8.3.1 Forms of Disciplinary Action

Employees are expected to exercise discretion and propriety, and to maintain an atmosphere of self-restraint, civility, and mutual respect in dealing with others. Any employee of the College who violates any of the rules of conduct listed in paragraph 5.8.3.2 may be subject to one or more of the following disciplinary actions:

1. Verbal Warning;
2. Written Warning;
3. Compulsory Restitution;
4. Probation;
5. Suspension, with or without pay;
6. Dismissal.

The specific action taken will depend on the nature of the offense, the circumstances surrounding the offense and the employee's previous record. In certain circumstances, suspending an employee with pay will not be considered disciplinary action, and the College reserves the right to take such action, as it deems appropriate. Copies of any written reprimands by a supervisor must be forwarded to the Human Resources Director. Any personnel action to suspend or dismiss an employee must be reviewed by the Human Resources Director before any action is taken.

In accordance with Bethany College Manual V regarding conduct and expectations of employees, it states:

#### 5.8.3.2 Offenses

Employees may be subject to discipline up to and including termination, for misconduct, including for any of the offenses listed below. This list is not intended to be exhaustive and may be modified from time to time. Corrective and disciplinary action will be determined by the College on a case-by-case basis in proportion to the type of offense and the severity of the violation. A single incident of misconduct could result in dismissal and the College reserves the right to discipline any employee for conduct it deems inappropriate.

1. Professional incompetence, inefficiency, inexcusable neglect of duties, insubordination, or disobedience;
2. Continued neglect of job duties in spite of oral and written warnings;
3. Serious personal misconduct; including harassment and discriminatory behavior;

4. Deliberate and serious violation of the rights and freedom of fellow faculty members, administrators, or students;
5. Failure to report a criminal conviction (within five days) under any statute relating to drug offenses for violations on or off campus or while conducting College business;
6. Falsification of credentials and experience; and/or failure, after oral and written warnings, to follow standards of Bethany College as designated in Volumes II, III and V of the Policy Manual;
7. Engaging in activities which undermine the mission of the College;
8. Inexcusable neglect of duties, insubordination, or disobedience;
9. The manufacture, use, sale, dispensing, or possession of a controlled or illegal substance or illegal or inappropriate use of alcohol on College owned or operated property, or while on College business (the use of appropriately prescribed medication is excepted);
10. Attendance at work under the influence of controlled substances or job impaired due to the influence of alcohol; consumption of alcohol or use of controlled substances during work time;
11. Theft, unauthorized use of, or removal of College property;
12. Unauthorized possession of deadly weapons, ammunition, explosives or destructive devices of any type anywhere on the College's premises or commit any violation of the College's Weapons Policy;
13. Stealing from fellow employees, students or others on College owned or operated property;
14. Release of confidential information to unauthorized persons;

15. Falsification of personnel records, including time records and applications for employment;
16. Unexcused absence for three (3) days without notification or reasonable cause;
17. Conviction of a criminal offense, including murder, armed robbery, arson, or assault, whether or not on College owned or operated property;
18. Engagement in threatening or disruptive behavior or any act of fighting on College owned or operated property;
19. Use of threatening, obscene, or abusive language or profanity toward fellow employees and other;
20. Excessive absenteeism;
21. Excessive tardiness; and/or
22. Sexual harassment, misconduct or other discriminatory behavior, remarks, or derogatory actions that are of a racial, ethnic, religious, or sexual nature or refer to an individual's disability.

Employees who believe they have been disciplined without cause may use the Staff Employee Grievance Policy found in Section 5.9 below

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by employees on College premises, or while conducting College business off College premises, is absolutely prohibited.

Violations of this prohibition by employees may result in the application of sanctions, including possible required participation in an approved drug abuse assistance or rehabilitation program, and disciplinary action up to and including termination of employment under applicable Board of Trustees of Bethany College regulations, College policies and manuals, statutes, employment contracts, or collective bargaining agreements.

## **West Virginia Sanctions for Driving Under the Influence Including Driving Intoxicated Under the Age of 21**

WEST VIRGINIA CODE



CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

**§17C-5-2. Driving under influence of alcohol, controlled substances or drugs; penalties.**

(a) Definitions-

(1) "Impaired state" means a person:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug or inhalant substance;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight.

(2) "Bodily Injury" means injury that causes substantial physical pain, illness or any impairment of physical condition.

(3) "Serious Bodily Injury" means bodily injury that creates a substantial risk of death, that causes serious or prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.

(b) Any person who drives a vehicle in this state while he or she is in an impaired state and such impaired state proximately causes the death of any person is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than 15 years and shall be fined not less than \$1,000 nor more than \$3,000: Provided, That any death charged under this subsection must occur within one year of the offense.

(c) Any person who drives a vehicle in this state while he or she is in an impaired state and such impaired state proximately causes serious bodily injury to any person other than himself or herself, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than 10 years and shall be fined not less than \$1,000 nor more than \$3,000.

(d) Any person who drives a vehicle in this state while he or she is in an impaired state and such impaired state proximately causes a bodily injury to any person other than himself or herself, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day more than one year and shall be fined not less than \$200 nor more than \$1,000: Provided, That such jail term shall include actual

confinement of not less than 24 hours: Provided, however, That a person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(e) Any person who drives a vehicle in this state: (i) While he or she is in an impaired state or (ii) while he or she is in an impaired state but has an alcohol concentration in his or her blood of less than fifteen hundredths of one percent by weight, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for up to six months and shall be fined not less than \$100 nor more than \$500: Provided, That a person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(f) Any person who drives a vehicle in this state while he or she has an alcohol concentration in his or her blood of fifteen hundredths of one percent or more, by weight, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than six months, which jail term is to include actual confinement of not less than 24 hours, and shall be fined not less than \$200 nor more than \$1,000. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(g) Any person who, being a habitual user of narcotic drugs or amphetamine or any derivative thereof, drives a vehicle in this state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than six months, which jail term is to include actual confinement of not less than 24 hours, and shall be fined not less than \$100 nor more than \$500. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(h) Any person who knowingly permits his or her vehicle to be driven in this state by any other person who is in an impaired state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.

(i) Any person who knowingly permits his or her vehicle to be driven in this state by any other person who is a habitual user of narcotic drugs or amphetamine or any derivative thereof is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.

(j) Any person under the age of 21 years who drives a vehicle in this state while he or she has an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, for a first offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$100. For a second or subsequent offense under this subsection, the person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for 24 hours and shall be fined not less than \$100 nor more than \$500. A person who is charged with a first offense under the provisions of this subsection

may move for a continuance of the proceedings, from time to time, to allow the person to participate in the Motor Vehicle Alcohol Test and Lock Program as provided in §17C-5A-3a of this code. Upon successful completion of the program, the court shall dismiss the charge against the person and expunge the person's record as it relates to the alleged offense. In the event the person fails to successfully complete the program, the court shall proceed to an adjudication of the alleged offense. A motion for a continuance under this subsection may not be construed as an admission or be used as evidence.

A person arrested and charged with an offense under the provisions of this subsection or subsection (b), (c), (d), (e), (f), (g), (h) or (i) of this section may not also be charged with an offense under this subsection arising out of the same transaction or occurrence.

(k) Any person who drives a vehicle in this state while he or she is in an impaired state and has within the vehicle one or more other persons who are unemancipated minors who have not yet reached their 16th birthday is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than 12 months, and shall be fined not less than \$200 nor more than \$1,000: Provided, That such jail term shall include actual confinement of not less than 48 hours: Provided, however, That a person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(l) A person violating any provision of subsection (d), (e), (f), (g), (h), or (j) of this section, for the second offense under this section, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than six months nor more than one year and the court may, in its discretion, impose a fine of not less than \$1,000 nor more than \$3,000.

(m) A person violating any provision of subsection (d), (e), (f), (g), (h) or (j) of this section, for the third or any subsequent offense under this section, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than five years and the court may, in its discretion, impose a fine of not less than \$3,000 nor more than \$5,000.

(n) For purposes of subsections (l) and (m) of this section relating to second, third and subsequent offenses, the following events shall be regarded as offenses under this section:

(1) Any conviction under the provisions of subsection (b), (c), (d), (e), (f), (g) or (h) of this section or under a prior enactment of this section for an offense which occurred within the 10-year period immediately preceding the date of arrest in the current proceeding;

(2) Any conviction under a municipal ordinance of this state or any other state or a statute of the United States or of any other state of an offense which has the same elements as an offense described in subsection (b), (c), (d), (e), (f), (g), (h) or (i) of this section, which

offense occurred within the 10-year period immediately preceding the date of arrest in the current proceeding; and,

(3) Any period of conditional probation imposed pursuant to §17C-5-2b of this code for violation of subsection (e) of this section, which violation occurred within the 10-year period immediately preceding the date of arrest in the current proceeding.

(o) A person may be charged in a warrant or indictment or information for a second or subsequent offense under this section if the person has been previously arrested for or charged with a violation of this section which is alleged to have occurred within the applicable time period for prior offenses, notwithstanding the fact that there has not been a final adjudication of the charges for the alleged previous offense. In that case, the warrant or indictment or information must set forth the date, location and particulars of the previous offense or offenses. No person may be convicted of a second or subsequent offense under this section unless the conviction for the previous offense has become final, or the person has previously had a period of conditional probation imposed pursuant to §17C-5-2b of this article.

(p) The fact that any person charged with a violation of subsection (b), (c), (d), (e), (f) or (g) of this section, or any person permitted to drive as described under subsection(h) or (i) of this section, is or has been legally entitled to use alcohol, a controlled substance or a drug does not constitute a defense against any charge of violating subsection (b), (c), (d), (e), (f), (g), (h) or (i) of this section.

(q) For purposes of this section, the term "controlled substance" has the meaning ascribed to it in §60A-1-101 et seq. of this code.

(r) The sentences provided in this section upon conviction for a violation of this article are mandatory and are not subject to suspension or probation: Provided, That the court may apply the provisions of §62-11A-1 et seq. of this code to a person sentenced or committed to a term of one year or less for a first offense under this section: Provided, however, That the court may impose a term of conditional probation pursuant to §17C-5-2b of this code to persons adjudicated thereunder. An order for home detention by the court pursuant to the provisions of §62-11B-1 et seq. of this code may be used as an alternative sentence to any period of incarceration required by this section for a first or subsequent offense: Provided further, That for any period of home incarceration ordered for a person convicted of a second offense under this section, electronic monitoring shall be required for no fewer than five days of the total period of home confinement ordered and the offender may not leave home for those five days notwithstanding the provisions of §62-11B-5 of this code: And provided further, That for any period of home incarceration ordered for a person convicted of a third or subsequent violation of this section, electronic monitoring shall be included for no fewer than 10 days of the total period of home confinement ordered and the offender may not leave home for those 10 days notwithstanding §62-11B-5 of this code.

(s) As used in subsections (e), (f), (g), (h), (i), and (j) of this section, the words "drives a vehicle in this state" do not mean or include driving or operating a vehicle solely and exclusively on one's own property.

## **State of West Virginia Statutory Provisions For Illegal Drugs Manufacture or Delivery**

### ARTICLE 4. OFFENSES AND PENALTIES.

#### **§60A-4-401. Prohibited acts A; penalties.**

(a) Except as authorized by this act, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

Any person who violates this subsection with respect to:

(i) A controlled substance classified in Schedule I or II, which is a narcotic drug, is guilty of a felony and, upon conviction, may be imprisoned in the state correctional facility for not less than one year nor more than fifteen years, or fined not more than twenty-five thousand dollars, or both;

(ii) Any other controlled substance classified in Schedule I, II or III is guilty of a felony and, upon conviction, may be imprisoned in the state correctional facility for not less than one year nor more than five years, or fined not more than fifteen thousand dollars, or both;

(iii) A substance classified in Schedule IV is guilty of a felony and, upon conviction, may be imprisoned in the state correctional facility for not less than one year nor more than three years, or fined not more than ten thousand dollars, or both;

(iv) A substance classified in Schedule V is guilty of a misdemeanor and, upon conviction, may be confined in jail for not less than six months nor more than one year, or fined not more than five thousand dollars, or both: Provided, That for offenses relating

to any substance classified as Schedule V in article ten of this chapter, the penalties established in said article apply.

(b) Except as authorized by this act, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.

Any person who violates this subsection with respect to:

(i) A counterfeit substance classified in Schedule I or II, which is a narcotic drug, is guilty of a felony and, upon conviction, may be imprisoned in the state correctional facility for not less than one year nor more than fifteen years, or fined not more than twenty-five thousand dollars, or both;

(ii) Any other counterfeit substance classified in Schedule I, II or III is guilty of a felony and, upon conviction, may be imprisoned in the state correctional facility for not less than one year nor more than five years, or fined not more than fifteen thousand dollars, or both;

(iii) A counterfeit substance classified in Schedule IV is guilty of a felony and, upon conviction, may be imprisoned in the state correctional facility for not less than one year nor more than three years, or fined not more than ten thousand dollars, or both;

(iv) A counterfeit substance classified in Schedule V is guilty of a misdemeanor and, upon conviction, may be confined in jail for not less than six months nor more than one year, or fined not more than five thousand dollars, or both: Provided, That for offenses relating to any substance classified as Schedule V in article ten of this chapter, the penalties established in said article apply.

(c) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this act. Any person who violates this subsection is guilty of a misdemeanor and, disposition may be made under section four hundred seven of this article, subject to the limitations specified in said section, or upon conviction, such person may be confined in jail not less than ninety days nor more than

six months, or fined not more than one thousand dollars, or both: Provided, That notwithstanding any other provision of this act to the contrary, any first offense for possession of Synthetic Cannabinoids as defined by subdivision (32) subsection, (d), section 101, article 1 of this chapter; 3,4-methylenedioxypropylvalerone (MPVD) and 3,4-methylenedioxypropylvalerone and/or mephedrone as defined in subsection (f), section 101, article 1 of this chapter; or less than 15 grams of marijuana, shall be disposed of under said section.

(d) It is unlawful for any person knowingly or intentionally:

(1) To create, distribute or deliver, or possess with intent to distribute or deliver, an imitation controlled substance; or

(2) To create, possess or sell or otherwise transfer any equipment with the intent that such equipment shall be used to apply a trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, upon a counterfeit substance, an imitation controlled substance, or the container or label of a counterfeit substance or an imitation controlled substance.

(3) Any person who violates this subsection is guilty of a misdemeanor and, upon conviction, may be imprisoned in jail for not less than six months nor more than one year, or fined not more than five thousand dollars, or both. Any person being eighteen years old or more who violates subdivision (1) of this subsection and, in so doing, distributes or delivers an imitation controlled substance to a minor child who is at least three years younger than such person is guilty of a felony and, upon conviction, may be imprisoned in the state correctional facility for not less than one year nor more than three years, or fined not more than ten thousand dollars, or both.

(4) The provisions of subdivision (1) of this subsection shall not apply to a practitioner who administers or dispenses a placebo.

**§60A-4-402. Prohibited acts B; penalties.**

(a) It is unlawful for any person:

(1) Who is subject to article 3 to distribute or dispense a controlled substance in violation of section 308;

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

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

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

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

(b) Any person who violates this section is guilty of a misdemeanor, and, upon conviction, may be confined in the county jail for not less than six months nor more than one year, or fined not more than \$25,000, or both.

(c) Notwithstanding any other provision of this act to the contrary, any first offense for distributing less than 15 grams of marihuana without any remuneration shall be disposed of under section 407.

**§60A-4-403. Prohibited acts C; penalties.**

(a) It is unlawful for any person knowingly or intentionally:

(1) To distribute as a registrant a controlled substance classified in Schedule I or II, except pursuant to an order form as required by section 307 of this act;

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

(3) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, theft, deception, or subterfuge;



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

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

(b) Any person who violates this section is guilty of a felony and, upon conviction, may be imprisoned in a correctional facility for not less than one year nor more than four years, or fined not more than \$30,000, or both.

**§60A-4-403a. Prohibition of illegal drug paraphernalia businesses; definitions; places deemed common and public nuisances; abatement; suit to abate nuisances; injunction; search warrants; forfeiture of property; penalties.**

(a) Any person who conducts, finances, manages, supervises, directs or owns all or part of an illegal drug paraphernalia business is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$5,000, or confined in jail not less than six months nor more than one year, or both.

(b) A person violates subsection (a) of this section when:

(1) The person conducts, finances, manages, supervises, directs, or owns all or part of a business which for profit, in the regular course of business or as a continuing course of conduct, manufactures, sells, stores, possesses, gives away or furnishes objects designed to be primarily useful as drug devices.

(2) The person knows or has reason to know that the design of such objects renders them primarily useful as drug devices.

(c) As used in this section, "drug device" means an object usable for smoking marijuana, for smoking controlled substances defined as tetrahydrocannabinols, or for ingesting or inhaling cocaine, and includes, but is not limited to:

- (i) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- (ii) Water pipes;
- (iii) Carburetion tubes and devices;
- (iv) Smoking and carburetion masks;
- (v) Roach clips; meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- (vi) Chamber pipes;
- (vii) Carburetor pipes;
- (viii) Electric pipes;
- (ix) Air-driven pipes;
- (x) Chillums;
- (xi) Bongs;
- (xii) Ice pipes or chillers; and
- (xiii) Miniature cocaine spoons, and cocaine vials.

In any prosecution under this section, the question whether an object is a drug device shall be a question of fact.

(d) A place where drug devices are manufactured, sold, stored, possessed, given away or furnished in violation of this section shall be deemed a common or public nuisance. Conveyances or vehicles of any kind shall be deemed places within the meaning of this section and may be proceeded against under the provisions of subsection (e) of this section. A person who shall maintain, or shall aid or abet or knowingly be associated with others in maintaining such common or public nuisance shall be guilty of a misdemeanor,

and, upon conviction thereof, shall be punished by a fine of not more than \$1,000, or by confinement in jail not more than six months for each offense, and judgment shall be given that such nuisance be abated or closed as a place for the manufacture, sale, storage, possession, giving away or furnishing of drug devices.

(e) The prosecuting attorney or a citizen of the county or municipality where a nuisance as defined in subsection (d) is located, may maintain a suit in the name of the state to abate and perpetually enjoin the same. Circuit courts shall have jurisdiction thereof. The injunction may be granted at the commencement of the suit and no bond shall be required if such action for injunction be brought by the prosecuting attorney. If such suit for injunction be brought or maintained by a citizen of the county or municipality where such nuisance is alleged to be located, then the court may require a bond as in other cases of injunction. On the finding that the material allegations of the complaint are true, the court or judge thereof in vacation shall order the injunction for such period of time as it or he may think proper, with the right to dissolve the injunction upon the application of the owner of the place, if a proper case is shown for such dissolution.

The continuance of the injunction as provided in this section may be ordered, although the place complained of may not at the time of hearing be unlawfully used.

(f) If there be complaint on oath or affirmation supported by affidavit or affidavits setting forth the facts for such belief that drug devices are being manufactured, sold, kept, stored or in any manner held, used or concealed in a particular house or other place with intent to engage in illegal drug paraphernalia business in violation of law, a magistrate or a circuit court, or the judge thereof in vacation to whom such complaint is made, if satisfied that there is probable cause for such belief, shall issue a warrant to search such house or other place for such devices. Such warrants, except as herein otherwise provided, shall be issued, directed and executed in accordance with the laws of West Virginia pertaining to search warrants. Warrants issued under this section for the search of any automobile, boat, conveyance or vehicle, or for the search of any trunk, grip or other article of baggage, for such devices, may be executed in any part of the state where the same are overtaken, and shall be made returnable before any magistrate or circuit court, or the judge thereof in vacation, within whose jurisdiction such automobile, boat,

conveyance, vehicle, trunk, grip or other article of baggage, or any of them, were transported or attempted to be transported.

An officer charged with the execution of a warrant issued under this section, may, whenever it is necessary, break open and enter a house, or other place herein described.

(g) Any property, including money, used in violation of the provisions of this section may be seized and forfeited to the state.

**§60A-4-404. Penalties under other laws.**

Any penalty imposed for violation of this act is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

**§60A-4-405. Bar to prosecution.**

If a violation of this act is a violation of a federal law or the law of another state, a conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this state.

**§60A-4-406. Distribution to persons under the age of eighteen by persons over the age of twenty-one; distribution by persons eighteen or over in or on, or within one thousand feet of, school or college; increasing mandatory period of incarceration prior to parole eligibility.**

(a) Notwithstanding any other provision of law to the contrary, a person is ineligible for parole for a period of three years if he or she is sentenced to the custody of the commissioner of corrections for service of a sentence of incarceration and is convicted of a felony violation under the provisions of subdivision (i), subsection (a), section four hundred one of this article for distribution of a controlled substance and:

(1) Is twenty-one years of age or older at the time of the distribution upon which the conviction is based, and the person to whom the controlled substance was distributed was under the age of eighteen years at the time of the distribution; or

(2) Is eighteen years of age or older and the distribution upon which the conviction is based occurred in or on, or within one thousand feet of, the real property comprising a

public or private elementary, vocational or secondary school or a public or private college, junior college or university in this state.

(b) Notwithstanding any other provision of law to the contrary, a person is ineligible for parole for a period of two years if he or she is sentenced to the custody of the commissioner of corrections for service of a sentence of incarceration and is convicted of a felony violation under the provisions of subdivision (ii), subsection (a), section four hundred one of this article for distribution of a controlled substance and:

(1) Is twenty-one years of age or older at the time of the distribution upon which the conviction is based, and the person to whom the controlled substance was distributed was under the age of eighteen years at the time of the distribution; or

(2) Is eighteen years of age or older and the distribution upon which the conviction is based occurred in or on, or within one thousand feet of, the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university in this state.

(c) The existence of any fact which would make any person subject to the provisions of this section may not be considered unless the fact is clearly stated and included in the indictment or presentment by which the person is charged and is either:

(1) Found by the court upon a plea of guilty or nolo contendere;

(2) Found by the jury, if the matter be tried before a jury, upon submission to the jury of a special interrogatory for such purpose; or

(3) Found by the court, if the matter be tried by the court without a jury.

(d) Nothing in this section shall be construed to limit the sentencing alternatives made available to circuit court judges under other provisions of this code.

**§60A-4-407. Conditional discharge for first offense of possession.**

(a) Whenever any person who has not previously been convicted of any offense under this chapter or under any statute of the United States or of any state relating to narcotic

drugs, marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under section 401(c), the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him or her on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him or her. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions under section 408. The effect of the dismissal and discharge shall be to restore the person in contemplation of law to the status he or she occupied prior to arrest and trial. No person as to whom a dismissal and discharge have been effected shall be thereafter held to be guilty of perjury, false swearing, or otherwise giving a false statement by reason of his or her failure to disclose or acknowledge his or her arrest or trial in response to any inquiry made of him or her for any purpose. There may be only one discharge and dismissal under this section with respect to any person.

(b) After a period of not less than six months which shall begin to run immediately upon the expiration of a term of probation imposed upon any person under this chapter, the person may apply to the court for an order to expunge from all official records all recordations of his or her arrest, trial, and conviction, pursuant to this section. If the court determines after a hearing that the person during the period of his or her probation and during the period of time prior to his or her application to the court under this section has not been guilty of any serious or repeated violation of the conditions of his or her probation, it shall order the expungement.

(c) Notwithstanding any provision of this code to the contrary, any person prosecuted pursuant to the provisions of this article whose case is disposed of pursuant to the provisions of this section shall be liable for any court costs assessable against a person convicted of a violation of section 401(c) of this article. Payment of such costs may be made a condition of probation.

The costs assessed pursuant to this section, whether as a term of probation or not, shall be distributed as other court costs in accordance with section two, article three, chapter fifty, section four, article two-a, chapter fourteen, section four, article twenty-nine, chapter thirty and sections two, seven and ten, article five, chapter sixty-two of this code.

**§60A-4-408. Second or subsequent offenses.**

(a) Any person convicted of a second or subsequent offense under this act may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both. When a term of imprisonment is doubled under section 406, such term of imprisonment shall not be further increased for such offense under this subsection (a), even though such term of imprisonment is for a second or subsequent offense.

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

(c) This section does not apply to offenses under section 401(c).

**§60A-4-409. Prohibited acts – Transportation of controlled substances into state; penalties.**

(a) Except as otherwise authorized by the provisions of this code, it is unlawful for any person to transport or cause to be transported into this state a controlled substance with the intent to deliver the same or with the intent to manufacture a controlled substance.

(b) Any person who violates this section with respect to:

(1) A controlled substance classified in Schedule I or II, which is a narcotic drug, shall be guilty of a felony and, upon conviction, may be imprisoned in the state correctional facility for not less than one year nor more than fifteen years, or fined not more than \$25,000, or both;

(2) Any other controlled substance classified in Schedule I, II or III shall be guilty of a felony and, upon conviction, may be imprisoned in the state correctional facility for not

less than one year nor more than ten years, or fined not more than \$15,000, or both: Provided, That for the substance marihuana, as scheduled in subdivision (24) subsection (d), section two hundred four, article two of this chapter, the penalty, upon conviction of a violation of this subsection, shall be that set forth in subdivision (3) of this subsection.

(3) A substance classified in Schedule IV shall be guilty of a felony and, upon conviction, may be imprisoned in the state correctional facility for not less than one year nor more than five years, or fined not more than \$10,000, or both;

(4) A substance classified in Schedule V shall be guilty of a misdemeanor and, upon conviction, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both: Provided, That for offenses relating to any substance classified as Schedule V in article ten of this chapter, the penalties established in said article apply.

(c) Notwithstanding the provisions of subsection (b) of this section, any person violating or causing a violation of subsection (a) of this section involving one kilogram or more of heroin, five kilograms or more of cocaine or cocaine base, one hundred grams or more of phencyclidine, ten grams or more of lysergic acid diethylamide, or fifty grams or more of methamphetamine or five hundred grams of a substance or material containing a measurable amount of methamphetamine, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than two nor more than thirty years.

(d) Notwithstanding the provisions of subsection (b) of this section, any person violating or causing a violation of subsection (a) of this section involving one hundred but fewer than 1000 grams of heroin, not less than five hundred but fewer than 5,000 grams of cocaine or cocaine base, not less than ten but fewer than ninety-nine grams of phencyclidine, not less than one but fewer than ten grams of lysergic acid diethylamide, or not less than five but fewer than fifty grams of methamphetamine or not less than fifty grams but fewer than five hundred grams of a substance or material containing a measurable amount of methamphetamine, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than two nor more than twenty years.



(e) Notwithstanding the provisions of subsection (b) of this section, any person violating or attempting to violate the provisions of subsection (a) of this section involving not less than ten grams nor more than one hundred grams of heroin, not less than fifty grams nor more than five hundred grams of cocaine or cocaine base, not less than two grams nor more than ten grams of phencyclidine, not less than two hundred micrograms nor more than one gram of lysergic acid diethylamide, or not less than four hundred ninety-nine milligrams nor more than five grams of methamphetamine or not less than twenty grams nor more than fifty grams of a substance or material containing a measurable amount of methamphetamine is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than two nor more than fifteen years.

(f) The offense established by this section shall be in addition to and a separate and distinct offense from any other offense set forth in this code.

**§60A-4-410. Prohibited acts -- Withholding information from practitioner; additional controlled substances; penalties.**

(a) It is unlawful for a patient, in an attempt to obtain a prescription for a controlled substance, to knowingly withhold from a practitioner, that the patient has obtained a prescription for a controlled substance of the same or similar therapeutic use in a concurrent time period from another practitioner.

(b) Any person who violates this section is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not more than nine months, or fined not more than \$2,500, or both fined and confined.

(c) The offense established by this section is in addition to and a separate and distinct offense from any other offense set forth in this code.

**§60A-4-411. Operating or attempting to operate clandestine drug laboratories; offenses; penalties.**

(a) Any person who operates or attempts to operate a clandestine drug laboratory is guilty of a felony and, upon conviction, shall be confined in a state correctional facility for not

less than two years nor more than ten years or fined not less than \$5,000 nor more than \$25,000, or both.

(b) Any person who operates or attempts to operate a clandestine drug laboratory and who as a result of, or in the course of doing so, causes to be burned any dwelling, outbuilding, building or structure of any class or character is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(c) For purposes of this section, a “clandestine drug laboratory” means any property, real or personal, on or in which a person assembles any chemicals or equipment or combination thereof for the purpose of manufacturing methamphetamine, methylenedioxymethamphetamine or lysergic acid diethylamide in violation of the provisions of section four hundred one of this article.

(d) The offenses in subsections (a) and (b) of this section are separate and distinct offenses and subsection (a) of this section shall not be construed to be a lesser included offense of subsection (b) of this section.

(e) For purposes of section one, article two of this chapter, both subsection (a) and (b) of this section shall be deemed qualifying felony offenses of manufacturing and delivery of a controlled substance.

(f) Any person convicted of a violation of subsection (a) or (b) of this section shall be responsible for all reasonable costs, if any, associated with remediation of the site of the clandestine drug laboratory.

**§60A-4-412. Defeating drug and alcohol screening tests; penalties.**

(a) Any person who:

(1) Knowingly sells, gives away, distributes or markets any substance or product in this state or transports such a substance or product into this state with the intent that the substance or product will be used to defeat a drug or alcohol screening test;

(2) Attempts to defeat a drug or alcohol screening test by the substitution of a false sample;

(3) Knowingly advertises for sale or distribution any substance or product the advertised purpose of which is to defeat a bodily fluid screening test for drugs or alcohol;

(4) Adulterates a bodily fluid sample with the intent to defeat a drug or alcohol screening test;

(5) Knowingly possesses adulterants for the purpose of defeating a drug or alcohol screening test; or

(6) Knowingly sells adulterants which are intended to be used to adulterate a urine or other bodily fluid sample for the purpose of defeating a drug or alcohol screening test.

(b) A person who violates a provision of subsection (a) of this section:

(1) For a first offense is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000;

(2) For a second offense is guilty of a misdemeanor and, upon conviction, be fined not more than \$5,000; and

(3) For a third or subsequent offense is guilty of a misdemeanor and, upon conviction, be fined not more than \$10,000 or confined in the regional jail for not more than one year, or both.

(c) As used in this section, "adulterate" means a substance that is not expected to be in human fluids but that is a concentration so high that it is not consistent with human bodily fluids, including, but not limited to:

(1) Bleach;

(2) Chromium;

(3) Creatinine;

- (4) Detergent;
- (5) Glutaraldehyde;
- (6) Glutaraldehyde/squalene;
- (7) Hydrochloric acid;
- (8) Hydroiodic acid;
- (9) Iodine;
- (10) Nitrite;
- (11) Peroxidase;
- (12) Potassium dichromate;
- (13) Potassium nitrate;
- (14) Pyridinium chlorochromate; and
- (15) Sodium nitrite.

**§60A-4-413. Unlawful production, manufacture or possession of *Salvia divinorum*.**

(a) For purposes of this section, "*Salvia divinorum*" means an herb belonging to the Lamiaceae family, genus of *Salvia*, species of *divinorum*, with common names including, but not limited to, "*Salvia*," "*Ska Pastora*," "*Shepherdess's Herb*," "*Maria Pastora*," "*yerba de Maria*," "*Purple Sticky*" and "*Sally-D*."

(b) It is unlawful for any person to knowingly or intentionally manufacture or possess an extract, compound, concentrate, or other processed substance intended for human consumption which contains *Salvia divinorum*, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a licensed physician or dispensed by a pharmacist for a recommended or medically necessary therapeutic use. Any person who violates this subsection is guilty of a misdemeanor, and disposition may

be made under section four hundred seven of this article, subject to the limitations specified in said section, or upon conviction, such person may be confined in jail not more than six months, or fined not more than \$1,000, or both. Notwithstanding any other provision of this code to the contrary, any first offense for possession of *Salvia divinorum* shall be disposed of under section four hundred seven of this article.

(c) The provisions of this section shall not apply to licensed physicians, pharmacists, and accredited hospitals and teaching facilities engaged in the research or study of *Salvia divinorum*, and shall not include any person participating in clinical trials involving the use of *Salvia divinorum*.

**§60A-4-414. Conspiracy.**

(a) Any person who willfully conspires with one or more persons to commit a felony violation of section four hundred one of this article, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than two nor more than ten years: Provided, That the provisions of this subsection are inapplicable to felony violations of section four hundred one of this article prohibiting the manufacture, delivery or possession with intent to manufacture or deliver marijuana.

(b) Notwithstanding the provisions of subsection (a) of this section, any person who willfully conspires with one or more persons to manufacture, deliver or possess with intent to manufacture or deliver one kilogram or more of heroin, five kilograms or more of cocaine or cocaine base, one hundred grams or more of phencyclidine, ten grams or more of lysergic acid diethylamide, or fifty grams or more of methamphetamine or five hundred grams of a substance or material containing a measurable amount of methamphetamine, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than two nor more than thirty years.

(c) Notwithstanding the provisions of subsection (a) of this section, any person who willfully conspires with one or more persons to manufacture, deliver or possess with

intent to manufacture or deliver not less than one hundred but fewer than one thousand grams of heroin, not less than five hundred but fewer than five thousand grams of cocaine or cocaine base, not less than ten but fewer than one hundred grams of phencyclidine, not less than one but fewer than ten grams of lysergic acid diethylamide, or not less than five but fewer than fifty grams of methamphetamine or not less than fifty grams but fewer than five hundred grams of a substance or material containing a measurable amount of methamphetamine, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than two nor more than twenty years.

(d) Notwithstanding the provisions of subsection (a) of this section, any person who willfully conspires with one or more persons to manufacture, deliver, possess with intent to manufacture or deliver not less than ten grams nor more than one hundred grams of heroin, not less than fifty grams nor more than five hundred grams of cocaine or cocaine base, not less than two grams nor more than ten grams of phencyclidine, not less than two hundred micrograms nor more than one gram of lysergic acid diethylamide, or not less than four hundred ninety-nine milligrams nor more than five grams of methamphetamine or not less than twenty grams nor more than fifty grams of a substance or material containing a measurable amount of methamphetamine, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than two nor more than fifteen years.

(e) The trier of fact shall determine the quantity of the controlled substance attributable to the defendant beyond a reasonable doubt based on evidence adduced at trial.

(f) The determination of the trier of fact as to the quantity of controlled substance attributable to the defendant in a charge under this section may include all of the controlled substances manufactured, delivered or possessed with intent to deliver or manufacture by other participants or members of the conspiracy.

(g) Offenses in this section proscribing conduct involving lesser quantities are lesser included offenses of offenses proscribing conduct involving larger quantities.

(h) No person may be charged under the provisions of section thirty-one, article ten, chapter sixty-one of this code for conduct that is charged under this section.

(i) Nothing in this section may be construed to place any limitation whatsoever upon alternative sentencing options available to a court.

**§60A-4-415. Unlawful manufacture, delivery, transport into state, or possession of fentanyl.**

(a) For purposes of this section,

(1) “Controlled substance” shall have the same meaning as provided in subsection (e), section one hundred one, article one of this chapter.

(2) “Fentanyl” refers to the substance identified in subdivision (9), subsection (c), section two hundred six, article two of this chapter, and any analog or derivative thereof.

(b) Any person who violates the provisions of subsection (a), section four hundred one of this article or section four hundred nine of this article in which fentanyl is a controlled substance involved in the offense, either alone or in combination with another controlled substance, shall be guilty of a felony, and upon conviction thereof, shall be punished in accordance with the following:

(1) If the net weight of fentanyl involved in the offense is less than one gram, such person shall be imprisoned in a correctional facility not less than two nor more than ten years.

(2) If the net weight of fentanyl involved in the offense is one gram or more but less than five grams, such person shall be imprisoned in a correctional facility not less than three nor more than fifteen years.

(3) If the net weight of fentanyl involved in the offense is five grams or more, such person shall be imprisoned in a correctional facility not less than four nor more than twenty years.

**§60A-4-416. Drug delivery resulting in death; failure to render aid.**

(a) Any person who knowingly and willfully delivers a controlled substance or counterfeit controlled substance in violation of the provisions of section four hundred one, article four of this chapter for an illicit purpose and the use, ingestion or consumption of the controlled substance or counterfeit controlled substance alone or in combination with one or more other controlled substances, proximately causes the death of a person using, ingesting or consuming the controlled substance, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than three nor more than fifteen years.

(b) Any person who, while engaged in the illegal use of a controlled substance with another, who knowingly fails to seek medical assistance for such other person when the other person suffers an overdose of the controlled substance or suffers a significant adverse physical reaction to the controlled substance and the overdose or adverse physical reaction proximately causes the death of the other person, is guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one year nor more than five years.

**§60A-4-417. Sale of dextromethorphan.**

(a) As used in this section, "finished drug product" means a drug legally marketed under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 321 et seq.) that is in finished dosage form.

(b) A person may not knowingly or willfully sell or trade a finished drug product containing any quantity of dextromethorphan to a person under 18 years of age.

(c) A person under 18 years of age, unless an emancipated minor, may not purchase a finished drug product containing any quantity of dextromethorphan.

(d) A person making a retail sale of a finished drug product containing any quantity of dextromethorphan shall require and obtain proof of age from the purchaser before completing the sale, unless from the purchaser's outward appearance the person making the sale would reasonably presume the purchaser to be at least 25 years of age.



(e) This section does not apply to a medication containing dextromethorphan that is sold pursuant to a valid prescription.

(f) Any person violating the provisions of this section is guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$250.

### **Marijuana Sale or Delivery (West Virginia )**

#### **Possession (West Virginia)**

#### **Federal Drug Laws**

The possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are enforced for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

#### **Denial of Federal Aid (20 USC 1091)**

Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work study programs, and more. Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program.

#### **Forfeiture of Personal Property and Real Estate (21 USC 853)**

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

#### **Federal Drug Trafficking Penalties (21 USC 841)**

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The following list is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

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.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a College or University (21 USC 845a) 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.

<b>Drug/Substance</b>	<b>Amount</b>	<b>Penalty - 1st Conviction</b>
Barbiturates	Any amount	Up to 5 years prison. Fine up to \$250,000
Cocaine	5 kgs. or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	Less than 100 grams	10-63 months prison. Fine up to \$1 million
Crack Cocaine	50 grams or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	5-49 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	5 grams or less	10-63 months prison. Fine up to \$1 million
Ecstasy	Any amount	Up to 20 years imprisonment. Fine up to \$1 million. 3 years of supervised releases (following prison)
GHB	Any amount	Up to 20 years imprisonment. Fine up to \$1 million. 3 years of supervised releases (following prison)
Hashish	10-100 kg	Up to 20 years imprisonment. Fine up to \$1 million.
	10 kg or less	Up to 5 years imprisonment. Fine up to \$250,000
Hash Oil	1-100 kg	Up to 20 years imprisonment. Fine up to \$1 million.
	1 kg or less	Up to 5 years imprisonment. Fine up to \$250,000
Heroin	1 kg or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	100-999 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	100 grams or less	10-63 months prison. Fine up to \$1 million
Ketamine	Any amount	Up to 5 years imprisonment. Fine up to \$250,000. 2 years supervised release
LSD	10 grams or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	1-10 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million

Marijuana	1000 kg or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	100-999 kg	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	50-99 kg	Up to 20 years imprisonment. Fine up to \$1 million
	50 kg or less	Up to 5 years imprisonment. Fine up to \$250,000
Methamphetamine	50 grams or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	10-49 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	10 grams or less	10-21 months prison. Fine up to \$1 million
PCP	100 grams or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	10-99 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	10 grams or less	10-21 months prison. Fine up to \$1 million
Rohypnol	1 gram or more	Up to 20 years imprisonment. Fine up to \$1 million
	less than 30 mgs	Up to 5 years imprisonment. Fine up to \$250,000

### **Federal Drug Possession Penalties (21 USC 844)**

Persons convicted on Federal charges of possessing any controlled substance face penalties of up to 1 year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than 2 years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000. Possession of drug paraphernalia is punishable by a minimum fine of \$750.

Special sentencing provisions for possession of crack cocaine impose a mandatory prison term of not less than 5 years but not more than 20 years and a fine up to \$250,000, or both if:

- A. It is a first conviction and the amount of crack possessed exceeds 5 grams;
- B. It is a second conviction and the amount of crack possessed exceeds 3 grams;
- C. It is a third or subsequent crack conviction and the amount exceeds 1 gram.

Civil penalties of up to \$10,000 may also be imposed for possession of small amounts of controlled substances, whether or not criminal prosecution is pursued.

## **Counseling and Treatment**

Short term alcohol and other drug counseling is available on campus to students through Counseling Center Office by calling Gerald Stebbins at 304-829-7631 or by emailing [gstebbins@bethanywv.edu](mailto:gstebbins@bethanywv.edu). Students may be referred through the Counseling Center to other treatment programs for more intensive treatment. Through Bethany College's Human Resources department, Bethany College utilizes Standard Employee Assistant Plan that offers employees additional education and counseling, as well as appropriate referrals. Within the Greater Ohio Valley and Pittsburgh region including Bethany College, the following substance abuse counseling agencies exist.

### **Alcoholics Anonymous**

[aawv.org](http://aawv.org) (meeting locator and schedules)  
(800)333-5051

### **Narcotics Anonymous**

[na.org](http://na.org) (meeting locator and schedules)  
(818)773-9999

### **Al-Aon**

Wheeling, WV  
(304)234-7511

### **Dee Nazzaro PhD.**

76 14<sup>th</sup> Street  
Wheeling, WV 26003  
(304)280-5527

### **Northwood Health Systems**

111-19<sup>th</sup> Street  
Wheeling, WV 26003  
(304)234-7777

### **Wheeling Comprehensive Treatment Center**

Opioid Use Disorder Programs  
Triadelphia, WV  
(304)809-9865

### **Drug Rehab Wheeling- WV's Drug and Alcohol Addiction Treatment Specialists**

1400-1498 Mills Ave.  
Wheeling, WV 26003  
(304)215-1759

**Break Through Medical Withdrawal Management at Reynolds Hospital**

800 Wheeling Ave.  
Glen Dale, WV 26038  
(304)221-4528

**Miracles Happen**

Edgington Ln.  
Wheeling, WV 26003  
(304)242-0217  
(Male Inpatient)

**Northwood Health Systems**

353 American Way  
Weirton, WV  
(304)217-3050

**Healthways Inc.**

501 Colliers Way  
Weirton, WV  
(304)723-5440

**Jefferson Behavioral Health Systems**

3200 Johnson Rd.  
Steubenville, OH  
(740)480-2504

**Allied Addiction Recovery**

378 W. Chestnut St. Suite 106  
Washington, PA 15301  
(412)246-8965

**Crossroads Counseling Services**

255 W. Main St.  
St. Clairsville, OH 43950  
(740)695-9447

**Greenbrier Treatment Center- South Hills**

Pittsburgh, PA  
(412)885-7180

**Center for Psychiatry and Chemical Dependency Services**

3501 Forbes Ave.  
Pittsburgh, PA  
(412)246-5910

These agencies provide a variety of services which may include multiple services. Services include intake/evaluation, social setting detoxification, intensive residential programs, chemical dependency programs, and adolescent and adult outpatient services, DUI evaluations and remedial education. Interested individuals are encouraged to contact each agency for additional information regarding specific services and costs.

## **Prevention and Education**

Through the Office of Student Affairs (304-829-7631), Office of Residence Life(304-829-7631), Athletics (304-829-7240), and the Counseling Center (304-829-7572) provide programming in the prevention of Alcohol and other drug prevention education and other departments and offices, a variety of educational programs are provided across campus. Bethany College has benefited as a recipient of the WVICA grants to combat high risk alcohol and drug behaviors. Programs include:

### **Drug and Alcohol Programming**

- Facilitated Alcohol Literacy Challenge for Freshmen students during Fall Orientation (2017, 2018, 2019, 2020).
- Co-facilitated Alcohol Free Event the first Wed. of every month beginning Oct. 2015
- Facilitated Alcohol Literacy Challenge Program for Collegiate Alcohol Awareness Week (2017, 2018, 2019).

- Facilitated “Alcohol Literacy Challenge” for Honors students (8/25/17).
- Facilitated Alcohol Literacy Challenge for Freshman Sem. (8/29/17).
- Facilitated 2 Alcohol Literacy Challenge Programs for Freshman Sem. Classes (9/5/17).
- Facilitated Alcohol Literacy Challenge Program to freshmen (9/7/17).
- Facilitated Alcohol Literacy Challenge Program to Freshman Sem. Class (9/12/17).
- Co-facilitated an Alcohol Free Event (9/13/17).
- Co-facilitated Alcohol Prevention Program in Cafeteria (9/20/17).
- Facilitated Alcohol Literacy Challenge Program for Freshman Sem. (9/28/17).
- Facilitated Alcohol Literacy Challenge Program for freshman class (10/3/17).
- Co-facilitated an Alcohol & Hazing Presentation for the members of Phi Kappa Tau Fraternity (10/19/17).
- Facilitated Alcohol Literacy Training (2/1/18 @ 2pm).
- Co-organized & participated in Spring Break Activity in the Cafeteria-Provided Co-facilitated Alcohol Free Event, Renner Too 7-9pm (10/05/16).
- information on Safe Sex, STD’s, Sun Safety, and Alcohol/drugs. Other agencies were invited and provided students with information (3/07/18).
- Co-facilitated Alcohol & Drug Program for Phi Kappa Tau (3/06/18).
- Organized the Heroin(e) Documentary Screening & Panel Discussion (4/12/18).

- Facilitated T.I.P.S Training for Resident Assistants (8/21/18).
- Facilitated T.I.P.S Training for Zeta Tau Alpha Sorority (2/19/19).
- Scheduled the U.S. Attorney's Office to speak to students about Drugs/Alcohol and Social Media (2/26/19 Convo Hr.)
- Facilitated an Alcohol Program for Phi Kappa Tau Fraternity (3/12/19).
- Organized Guest Speakers from YWCA to talk to freshman about Alcohol and  
other  
Drugs (8/24/2019).

- ScreenU Alcohol for sanctioned students. (2018, 2019, 2020)
- ScreenU Marijuana for sanctioned students. (2018, 2019, 2020)
- TIPS for University- Program for RA Training . (2018, 2019, 2020)
- TIPS for University- Program for Sorority. (2018, 2019, 2020)
- Alcohol Literacy Challenge for all incoming students. (2018, 2019, 2020)
- AOD Education Program for Fraternity. (2018, 2019, 2020)
- AOD Education Program for all incoming freshman- presented by Youth Service Systems AOD Prevention Specialist. (2019, 2020)

\*\* 8/2018 Andrew Lewis facilitated Alcohol Literacy Challenge to the Freshman during orientation/Camp Bell.

Individual, group and community educational programs and interventions designed to prevent and reduce alcohol and other drug use/abuse are offered to the Bethany College Community. Bethany is a member of WVCIA (**West Virginia Collegiate Initiative to address high risk Alcohol Abuse**). **This organization will soon to change (West Virginia Collegiate Initiative to address high risk Substance Abuse)**. **WVCIA is now holding monthly meetings and is coalition of colleges and universities in West Virginia as well as prevention specialists and organizations.**

As mandated by the Drug-Free Schools and Campuses Act, this policy is distributed to all students, staff and faculty on an annual basis, and during every even year, a biennial review of the comprehensive alcohol and other drug program is conducted. For more information concerning current programs, interventions and policies, contact the Vice President of Student Affairs, Gerald Stebbins, at [Gstebbins@bethanywv.edu](mailto:Gstebbins@bethanywv.edu) or by calling 304-829-7631.

In addition these programs, Bethany College has administered the American College Health Association Drug and Alcohol Survey on a regular basis. Survey results may be obtained at 304-829-7572.

### ON CAMPUS ASSESSMENT

The [Core Alcohol and Drug Survey](#) was administered March 2020. The survey documents college student’s attitudes, perceptions, and opinions about Drugs and Alcohol. It also measures behavior of actual AOD use and consequences of use. Several West Virginia Colleges and Universities that belong to the WVCIA participate in the assessment to collect statewide and national data. With the data collected, Bethany College will be able to better serve students with effective education and awareness programs.

### BETHANY COLLEGE ALCOHOL AND DRUG RELATED INCIDENTS

The following statistics were compiled from reports of events that occurred on campus from January 1, 2017– December 31, 2019.

	2017				2018				2019			
	On Campus	Residence Halls	Non-Campus	Public Property	On Campus	Residence Halls	Non-Campus	Public Property	On Campus	Residence Halls	Non-Campus	Public Property
Liquor Law Violations												
Referred for Disciplinary Action	2	2	0	0	8	8	0	0	8	7	0	0
Arrests	0	0	0	1	1	0	0	0	0	0	0	1
Drug Abuse Violations												
Referred for Disciplinary Action	12	12	0	0	15	15	0	0	22	21	0	0
Arrests	1	1	0	0	4	4	0	0	2	2	0	0



## Health Risks of Commonly Abused Substances

Substance	Nicknames/Slang Terms	Short Term Effects	Long Term Effects
Alcohol		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
Cocaine	coke, cracks, snow, powder, blow, rock	loss of appetite increased blood pressure and heart rate, contracted blood vessels, nausea, hyper-stimulation anxiety, paranoia, increased hostility Increased rate of breathing, muscle spasms and convulsions. dilated pupils	depression, weight loss, high blood pressure, seizure, heart attack, stroke, hypertension, hallucinations, psychosis, chronic cough, nasal passage injury, kidney, liver and lung damage

		disturbed sleep,	
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,	same as LSD, sleeplessness, nausea,

		blurred vision, teeth clenching, depression, anxiety, paranoia, sleep problems, muscle tension	confusion, increased blood pressure, sweating, depression, anxiety, memory loss, kidney failure, cardiovascular problems, convulsions, death, physical dependence, psychological dependence
Marijuana/Cannabis	pot, grass, dope, weed, joint, bud, reefer, doobie, roach	sensory distortion, poor coordination of movement, slowed 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 appetite, collapsed 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,	memory loss, difficulties with speech and thinking, depression, weight

		decreased muscular coordination, nausea, vomiting, blurred vision, delusions, paranoia, disordered thinking	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

**ON-CAMPUS RESOURCES/INFORMATION**

<b>Bethany College, Counseling Center</b> TBA	304-829-7572, <a href="https://www.bethanywv.edu/student-life/health-wellness/counseling/">https://www.bethanywv.edu/student-life/health-wellness/counseling/</a>
<b>Bethany College Wellness Center</b> Ashley Cupp	304-829-7567, <a href="https://www.bethanywv.edu/student-life/health-wellness/counseling/">https://www.bethanywv.edu/student-life/health-wellness/counseling/</a>
<b>Bethany College Office of Student Conduct</b> Khali Blankenship	304-829-7631

<b>Bethany College Office of Safety and Security</b> Sara Dent	304-830-3924, <a href="https://www.bethanywv.edu/student-life/safety-on-campus/">https://www.bethanywv.edu/student-life/safety-on-campus/</a>
<b>Bethany College Office of Human Relations</b> Kathy Burd	304-829-7131
<b>Bethany College, Vice-President of Student Affairs</b> Gerald Stebbins	304-829-7631, <a href="https://www.bethanywv.edu/student-life/">https://www.bethanywv.edu/student-life/</a>
<b>Bethany College, Employee Assistance Program</b>	1-888-293-6948 <a href="http://www.workhealthlife.com/standard3">http://www.workhealthlife.com/standard3</a>

#### OFF-CAMPUS RESOURCES/INFORMATION

Bethany Police Department – Emergency	911
Bethany Police Department – Non - Emergency	304-829-4217
County Sheriff’s Office – Emergency	911
County Sheriff’s Office – Non-Emergency	304-737-2581 <a href="https://www.brookecountysheriff.com/">https://www.brookecountysheriff.com/</a>
Brooke County Prosecutor’s Office Joseph Barki	304-527-4220 <a href="http://www.brookecountyprosecutor.com/">http://www.brookecountyprosecutor.com/</a>

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 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 College or be subjected to discrimination by the College.