

**From:** [University Wide Notices](#)  
**To:** [University Wide Notices](#)  
**Subject:** University-Wide Notices for 5/22/19  
**Date:** Wednesday, May 22, 2019 4:29:11 PM  
**Attachments:** [image005.png](#)  
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## University Wide Notices

Here is a list of today's notices:

- [College of Health Professions Golf Scramble Fundraiser](#)
- [RQT - Memorial Day Weekend Hours](#)
- [Ferris State University Statement Supporting Drug-Free Schools and Communities Act](#)
- [Ferris State University Behavioral Review Team](#)
- [Priority Health Open Enrollment Corrections](#)

To view our University Wide Notice (UWN) Procedures, please click [here](#).

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## College of Health Professions Golf Scramble Fundraiser



The College of Health Professions announces the 2<sup>nd</sup> Annual CHP Golf Scramble, Friday, June 7, 2019 at Falcon Head GC. This event raises funds in support of the CHP Student Emergency Economic Assistance Scholarship. Those interested in signing up to play and/or sponsor the event may go to [www.ferris.edu/giving/golf\\_scramble.htm](http://www.ferris.edu/giving/golf_scramble.htm) or, contact Greg Zimmerman at x2313, [zimmerg@ferris.edu](mailto:zimmerg@ferris.edu)

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## RQT - Memorial Day Weekend Hours



Racquet and Fitness Center

## MEMORIAL DAY WEEKEND

Sat-Mon, 5/25-5/27	CLOSED
Regular summer hours will resume Tuesday, 5/28.	



For more information, visit us at:  
<http://ferrisracquetandfitness.com>  
FB: FerrisRQT IG: Ferris\_RQT  
P: 231-591-2212 14342 Northland Dr.

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## Ferris State University Statement Supporting Drug-Free Schools and Communities Act

### Ferris State University Statement Supporting Drug-Free Schools and Communities Act

#### Standards for Conduct at Ferris State University

The unlawful manufacture, distribution, dispensation, possession or use of illicit drugs and the unlawful use of alcohol (e.g. underage use, distribution to minors, or operating a University vehicle while under the influence) by employees or students on University property or work sites, or as part of University activity is specifically prohibited by Ferris State University regulations, and/or by state or federal law. Those University regulations governing the use of alcohol and other drugs are so noted below for your information:

Consistent with state and federal law, Ferris State University will maintain a workplace and an educational environment free from the unlawful manufacturing, distribution, dispensation, possession or use of a controlled substance, (as defined under the Controlled Substances Act, 21 U.S.C. 812 and the Drug Free Schools and Communities Act, as may be amended from time to time). The unlawful manufacture, distribution, dispensation, possession or use of alcohol and other drugs, including narcotics by employees and students, is prohibited on any property under the control of and governed by the Board of Trustees of Ferris State University, or on any site where work or student activity is performed by individuals on behalf of the University.

The Ferris State University Code of Student Community Standards Administrative Policies and Procedures include specific sections related to alcohol and other drug use or abuse.

## Statement of Purpose

This statement is designed to communicate a comprehensive approach to dealing with issues related to alcohol and other drugs. This statement will assist all members of the Ferris State University community, as it provides an educational context for these issues, identifies resources available, and enunciates specific policies that relate directly to faculty, staff, and students. The foundations for this statement reflect the University's core values:

- *Collaboration*: Ferris contributes to the advancement of society by building partnerships with students, alumni, business and industry, government bodies, accrediting agencies, and the communities the University serves.
- *Diversity*: By providing a campus which is supportive, safe, and welcoming, Ferris embraces a diversity of ideas, beliefs, and cultures.
- *Ethical Community*: Ferris recognizes the inherent dignity of each member of the University community and treats everyone with respect. Our actions are guided by fairness, honesty, and integrity.
- *Excellence*: Committed to innovation and creativity, Ferris strives to produce the highest quality outcomes in all its endeavors.
- *Learning*: Ferris State University values education that is career-oriented, balances theory and practice, develops critical thinking, emphasizes active learning, and fosters responsibility and the desire for the lifelong pursuit of knowledge.
- *Opportunity*: Ferris, with a focus on developing career skills and knowledge, provides opportunities for civic engagement, leadership development, advancement, and success.

## Applicability of University Polices on Alcohol and Other Drugs

University polices on Alcohol and Other Drugs pertains to all activities on University property. These policies also pertains to off-campus, University-sponsored activities and to off-campus activities (social or otherwise) sponsored by students, organizations or individuals associated with the University.

Ferris State University, like all other institutes of higher education, supports the Drug Free Schools and Community Act Amendments of 1989. This legislation promotes the adoption and implementation of a program to prevent the abuse of alcohol and illicit use of alcohol and other drugs by employees and students. This program has given the University direction to compile and distribute annually this educational material to each employee and student affiliated with our University.

One purpose of this material is to make all of us more aware of the health risks involved with alcohol abuse and illicit alcohol and other drug use, as well as to be aware of the resources available should a student or employee determine that they would like or need assistance. In addition, it is important for each of us to be aware of legal consequences and University sanctions indicated by violations of local, state and federal laws and University policies and procedures.

## Legal Sanctions

This summary is not intended to be an exhaustive review of all alcohol-related laws and legal sanctions. Not all laws which may apply to a particular situation are included here. This summary is intended only to inform and educate and should not be construed as legal advice.

## Big Rapids Ordinances

### **Nuisance Party [Section 130.15(as amended)]**

A social gathering or party conducted on any premises within the City and which, by reason of the conduct of those persons in attendance, results in any one or more of the following conditions or events occurring on the premises or neighboring public or private property:

- (1) The unlawful sale, furnishing, possession, or consumption of alcoholic beverages;
- (2) Urination or defecation on neighboring public or private property, or on the premises in view of another person;
- (3) Unlawful deposit of trash or litter;
- (4) Destruction of property;
- (5) Unlawful vehicular traffic, or the unlawful standing or parking of vehicles which obstructs the free flow of traffic or interferes with the ability to render emergency services;
- (6) Unlawful parking of vehicles within the public streets, alleys, or sidewalks, or upon private property;
- (7) Unreasonably loud noise under the circumstances which disturbs the comfort, quiet or repose of one or more members of the neighborhood.
- (8) Conduct or a condition which injures any person;
- (9) Conduct or a condition which endangers the safety of persons or property in the neighborhood;
- (10) Conduct or a condition which results in the indecent exposure of a person, or the display of graphic sexual behavior, whether real or simulated, to a member of the public not attending the social gathering or party.
- (11) Unlawful sale, furnishing, manufacture, use, or possession of a controlled substance as defined by federal or state law.

### **Consumption on Street or Parking Lot [Section 131.04 (as amended)]**

It shall be a municipal civil infraction to consume any alcoholic beverage on any street, alley, sidewalk, parkway, alley or parking lot open to the public. Penalty, see § 10.99

### **Possessing Open Alcoholic Beverage [Section 131.05 (as amended)]**

It shall be a municipal civil infraction for any person to transport or possess any alcoholic liquor in a container which is open, uncapped, or upon which the seal is broken on any street, sidewalk, parkway, alley or parking lot open to the public. Penalty, see § 10.99

**Sale to Minors Prohibited [Section 131.07 (as amended)]**

Alcoholic liquor shall not be sold or furnished to a person unless the person has attained 21 years of age. A person who knowingly sells or furnishes alcoholic liquor to a person who is less than 21 years of age, or who fails to make diligent inquiry as to whether the person is less than 21 years of age, is guilty of a misdemeanor. A person who violates § 131.07 and who is not a retail licensee or a retail licensee's clerk, agent, or employee shall be fined 1,000 and may be sentenced to imprisonment for up to 60 days for a first offense, and shall be sentenced to imprisonment for up to 90 days for a second or subsequent offense, and may be ordered to perform community service.

**Purchase, Consumption, and Possession by Minors Prohibited [Section 131.08(as amended)]**

(A) A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section.

(B) This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by this act, by the Commission, or by an agent of the Commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(C) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this act if the purpose of the consumption is solely educational and is a requirement of the course.

(D) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this act.

(E) Division (A) does not apply to a minor who participates in either or both of the following:

(1) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action;

(2) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the State Police, the Commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the State Police, the Commission, or the local police agency

**Furnishing or Using Fraudulent Identification [Section 131.09(as amended)]**

A person who furnishes fraudulent identification, or notwithstanding § 131.08(A), a minor who uses fraudulent identification to purchase alcoholic liquor is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100, or both.

**Penalties [Section 131.15 (as amended)]**

(A) A minor who violates § 131.08 is responsible for a civil infraction or guilty of a misdemeanor as follows and is not subject to the penalties prescribed in MCL 436.1909:

(1) For the first violation, the minor is responsible for a civil infraction and shall be fined not more than \$100. A court may order a minor under this division (A)(1) to participate in substance use disorder services as defined in section 6230 of the Public Health Code, 1978 PA 368, MCL 333.6230, and designated by the Administrator of the Office of Substance Abuse Services, and may order the minor to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in § 131.14(D). A minor may be found responsible or admit responsibility only once under this division (A)(1).

(2) If a violation of this division (A) occurs after one prior judgment, the minor is guilty of a misdemeanor. A misdemeanor under this division (A)(2) is punishable by imprisonment for not more than 30 days if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than \$200, or both. A court may order a minor under this division (A)(2) to participate in substance use disorder services as defined in section 6230 of the Public Health Code, 1978 PA 368, MCL 333.6230, and designated by the Administrator of the Office of Substance Abuse Services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in § 131.14(D).

(3) If a violation of this division (A) occurs after two or more prior judgments, the minor is guilty of a misdemeanor. A misdemeanor under this division (A)(3) is punishable by imprisonment for not more than 60 days, if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than \$500, or both, as applicable. A court may order a minor under this division (A)(3) to participate in substance use disorder services as defined in section 6230 of the Public Health Code, 1978 PA 368, MCL 333.6230, and designated by the Administrator of the Office of Substance Abuse Services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in § 131.14(D).

(B) If an individual who pleads guilty to a misdemeanor violation of division (A)(2) above or offers a plea of admission in a

juvenile delinquency proceeding for a misdemeanor violation of division (A)(2) above, the court, without entering a judgment of guilt in a criminal proceeding or a determination in a juvenile delinquency proceeding that the juvenile has committed the offense and with the consent of the accused, may defer further proceedings and place the individual on probation. The terms and conditions of that probation include, but are not limited to, the sanctions set forth in division (A)(3) above, payment of the costs including minimum state cost as provided for in section 18m of chapter XIIA of the Probate Code of 1939, 1939 PA 288, MCL 712A.18m, and section 1j of chapter IX of the Code of Criminal Procedure, 1927 PA 175, MCL 769.1j, and the costs of probation as prescribed in section 3 of chapter XI of the Code of Criminal Procedure, 1927 PA 175, MCL 771.3. If a court finds that an individual violated a term or condition of probation or that the individual is utilizing this division (B) in another court, the court may enter an adjudication of guilt, or a determination in a juvenile delinquency proceeding that the individual has committed the offense, and proceed as otherwise provided by law. If an individual fulfills the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. A discharge and dismissal under this section is without adjudication of guilt or without a determination in a juvenile delinquency proceeding that the individual has committed the offense and is not a conviction or juvenile adjudication for purposes of disqualifications or disabilities imposed by law on conviction of a crime. An individual may obtain only one discharge and dismissal under this division (B). The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation and if there is a discharge and dismissal under this subsection. The Secretary of State shall retain a nonpublic record of a plea and of the discharge and dismissal under this subsection. These records shall be furnished to any of the following:

(1) To a court, prosecutor, or police agency upon request for the purpose of determining if an individual has already utilized this division (B).

(2) To the Department of Corrections, a prosecutor, or a law enforcement agency, on the Department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions:

(a) At the time of the request, the individual is an employee of the Department of Corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the Department of Corrections, the prosecutor, or the law enforcement agency.

(b) The record is used by the Department of Corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment.

(C) A misdemeanor violation of § 131.08 successfully deferred, discharged, and dismissed under division (B) is considered a prior violation for the purposes of divisions (A)(2) and (3) above.

(D) A court may order an individual found responsible for or convicted of violating section § 131.08 to undergo screening and assessment by a person or agency as designated by the Department-designated community mental health entity as defined in section 1100a of the Mental Health Code, 1974 PA 258, MCL 330.1100a, to determine whether the individual is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A court may order an individual subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a violation of § 131.08 to submit to a random or regular preliminary chemical breath analysis. The parent, guardian, or custodian of a minor who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, may request a random or regular preliminary chemical breath analysis as part of the probation.

(E) The Secretary of State shall suspend the operator's or chauffeur's license of an individual convicted of a second or subsequent violation of section § 131.08 or of violating § 131.09 as provided in section 319 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.319.

#### Michigan State Laws

**Operating motor vehicle while intoxicated; "operating while intoxicated" defined; operating motor vehicle when visibly impaired; penalties for causing death or serious impairment of a body function; operation of motor vehicle by person less than 21 years of age; "any bodily alcohol content" defined; requirements; controlled substance; costs; enhanced sentence; guilty plea or nolo contendere; establishment of prior conviction; special verdict; public record; burden of proving religious service or ceremony; ignition interlock device; definitions; prior conviction; violations arising out of same transaction. (MCL 257.625)**

Sec. 625.

(1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person is operating while intoxicated. As used in this section, "operating while intoxicated" means any of the following:

(a) The person is under the influence of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

(b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2021, the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state by a person if any of the following apply:

(a) The person is under the influence of alcoholic liquor, a controlled substance, other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

(b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2021, the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person's ability to operate the motor vehicle is visibly impaired due to the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

(3) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state when, due to the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.

(4) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1), (3), or (8) and by the operation of that motor vehicle causes the death of another person is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(b) If the violation occurs while the person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, and within 7 years of a prior conviction, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(c) If, at the time of the violation, the person is operating a motor vehicle in a manner proscribed under section 653a and causes the death of a police officer, firefighter, or other emergency response personnel, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. This subdivision applies regardless of whether the person is charged with the violation of section 653a. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(5) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1), (3), or (8) and by the operation of that motor vehicle causes a serious impairment of a body function of another person is guilty of a crime as follows:

(a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(b) If the violation occurs while the person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, and within 7 years of a prior conviction, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(6) A person who is less than 21 years of age, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person has any bodily alcohol content. As used in this subsection, "any bodily alcohol content" means either of the following:

(a) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2021, the person has an alcohol content of 0.02 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(7) A person, whether licensed or not, is subject to the following requirements:

(a) He or she shall not operate a vehicle in violation of subsection (1), (3), (4), (5), or (8) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a crime punishable as follows:

(i) Except as provided in subparagraph (ii), a person who violates this subdivision is guilty of a misdemeanor and must be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and to 1 or more of the following:

(A) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this imprisonment must be served consecutively. This term of imprisonment must not be suspended.

(B) Community service for not less than 30 days or more than 90 days.

(ii) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates this subdivision is guilty of a felony and must be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and to either of the following:

(A) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(B) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of this imprisonment must be served consecutively. This term of imprisonment must not be suspended.

(b) He or she shall not operate a vehicle in violation of subsection (6) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a misdemeanor punishable as follows:

(i) Except as provided in subparagraph (ii), a person who violates this subdivision may be sentenced to 1 or more of the following:

(A) Community service for not more than 60 days.

(B) A fine of not more than \$500.00.

(C) Imprisonment for not more than 93 days.

(ii) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates this subdivision must be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and to 1 or more of the following:

(A) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this imprisonment must be served consecutively. This term of imprisonment must not be suspended.

(B) Community service for not less than 30 days or more than 90 days.

(c) In the judgment of sentence under subdivision (a)(i) or (b)(i), the court may, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (a)(ii) or (b)(ii), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(d) This subsection does not prohibit a person from being charged with, convicted of, or punished for a violation of subsection (4) or (5) that is committed by the person while violating this subsection. However, points shall not be assessed under section 320a for both a violation of subsection (4) or (5) and a violation of this subsection for conduct arising out of the same transaction.

(8) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person has in his or her body any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214.

(9) If a person is convicted of violating subsection (1) or (8), all of the following apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:

(i) Community service for not more than 360 hours.

(ii) Imprisonment for not more than 93 days, or, if the person is convicted of violating subsection (1)(c), imprisonment for not more than 180 days.

(iii) A fine of not less than \$100.00 or more than \$500.00, or, if the person is guilty of violating subsection (1)(c), a fine of not less than \$200.00 or more than \$700.00.

(b) If the violation occurs within 7 years of a prior conviction, the person must be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and 1 or more of the following:

(i) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of the term of imprisonment imposed under this subparagraph must be served consecutively.

(ii) Community service for not less than 30 days or more than 90 days.

(c) If the violation occurs after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and must be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and to either of the following:

(i) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(ii) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph must be served consecutively.

(d) A term of imprisonment imposed under subdivision (b) or (c) must not be suspended.

(e) In the judgment of sentence under subdivision (a), the court may order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (b) or (c), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(f) In the judgment of sentence under subdivision (b) or (c), the court may impose the sanction permitted under section 625n.

(10) A person who is convicted of violating subsection (2) is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than \$100.00 or more than \$500.00, or both.

(b) If the person operating the motor vehicle violated subsection (4), a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,500.00 or more than \$10,000.00, or both.

(c) If the person operating the motor vehicle violated subsection (5), a felony punishable by imprisonment for not more than 2 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both.

(11) If a person is convicted of violating subsection (3), all of the following apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:

(i) Community service for not more than 360 hours.

(ii) Imprisonment for not more than 93 days.

(iii) A fine of not more than \$300.00.

(b) If the violation occurs within 7 years of 1 prior conviction, the person must be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00, and 1 or more of the following:

(i) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of the term of imprisonment imposed under this subparagraph must be served consecutively.

(ii) Community service for not less than 30 days or more than 90 days.

(c) If the violation occurs after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and must be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and either of the following:

(i) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(ii) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph must be served consecutively.

(d) A term of imprisonment imposed under subdivision (b) or (c) must not be suspended.

(e) In the judgment of sentence under subdivision (a), the court may order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (b) or (c), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(f) In the judgment of sentence under subdivision (b) or (c), the court may impose the sanction permitted under section 625n.

(12) If a person is convicted of violating subsection (6), all of the following apply:

(a) Except as otherwise provided in subdivision (b), the person is guilty of a misdemeanor punishable by 1 or both of the following:

(i) Community service for not more than 360 hours.

(ii) A fine of not more than \$250.00.

(b) If the violation occurs within 7 years of 1 or more prior convictions, the person may be sentenced to 1 or more of the following:

(i) Community service for not more than 60 days.

(ii) A fine of not more than \$500.00.

(iii) Imprisonment for not more than 93 days.

(13) In addition to imposing the sanctions prescribed under this section, the court may order the person to pay the costs of the prosecution under the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69.

(14) A person sentenced to perform community service under this section must not receive compensation and must reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

(15) If the prosecuting attorney intends to seek an enhanced sentence under this section or a sanction under section 625n based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information, or an amended complaint and information, filed in district court, circuit court, municipal court, or family division of circuit court, a statement listing the defendant's prior convictions.

(16) If a person is charged with a violation of subsection (1), (3), (4), (5), (7), or (8) or section 625m, the court shall not permit the defendant to enter a plea of guilty or nolo contendere to a charge of violating subsection (6) in exchange for dismissal of the original charge. This subsection does not prohibit the court from dismissing the charge upon the prosecuting attorney's motion.

(17) A prior conviction must be established at sentencing by 1 or more of the following:

(a) A copy of a judgment of conviction.

(b) An abstract of conviction.

(c) A transcript of a prior trial or a plea-taking or sentencing proceeding.

(d) A copy of a court register of actions.

(e) A copy of the defendant's driving record.

(f) Information contained in a presentence report.

(g) An admission by the defendant.

(18) Except as otherwise provided in subsection (20), if a person is charged with operating a vehicle while under the influence of a controlled substance or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance in violation of subsection (1) or a local ordinance substantially corresponding to subsection (1), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether the person was under the influence of a controlled substance or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance at the time of the violation.

(19) Except as otherwise provided in subsection (20), if a person is charged with operating a vehicle while his or her

ability to operate the vehicle was visibly impaired due to his or her consumption of a controlled substance or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance in violation of subsection (3) or a local ordinance substantially corresponding to subsection (3), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether, due to the consumption of a controlled substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance, the person's ability to operate a motor vehicle was visibly impaired at the time of the violation.

(20) A special verdict described in subsections (18) and (19) is not required if a jury is instructed to make a finding solely as to either of the following:

(a) Whether the defendant was under the influence of a controlled substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance at the time of the violation.

(b) Whether the defendant was visibly impaired due to his or her consumption of a controlled substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance at the time of the violation.

(21) If a jury or court finds under subsection (18), (19), or (20) that the defendant operated a motor vehicle under the influence of or while impaired due to the consumption of a controlled substance or a combination of a controlled substance, an alcoholic liquor, or other intoxicating substance, the court shall do both of the following:

(a) Report the finding to the secretary of state.

(b) On a form or forms prescribed by the state court administrator, forward to the department of state police a record that specifies the penalties imposed by the court, including any term of imprisonment, and any sanction imposed under section 625n or 904d.

(22) Except as otherwise provided by law, a record described in subsection (21)(b) is a public record and the department of state police shall retain the information contained on that record for not less than 7 years.

(23) In a prosecution for a violation of subsection (6), the defendant bears the burden of proving that the consumption of alcoholic liquor was a part of a generally recognized religious service or ceremony by a preponderance of the evidence.

(24) The court may order as a condition of probation that a person convicted of violating subsection (1) or (8), or a local ordinance substantially corresponding to subsection (1) or (8), shall not operate a motor vehicle unless that vehicle is equipped with an ignition interlock device approved, certified, and installed as required under sections 625k and 625l.

(25) As used in this section:

(a) "Intoxicating substance" means any substance, preparation, or a combination of substances and preparations other than alcohol or a controlled substance, that is either of the following:

(i) Recognized as a drug in any of the following publications or their supplements:

(A) The official United States Pharmacopoeia.

(B) The official Homeopathic Pharmacopoeia of the United States.

(C) The official National Formulary.

(ii) A substance, other than food, taken into a person's body, including, but not limited to, vapors or fumes, that is used in a manner or for a purpose for which it was not intended, and that may result in a condition of intoxication.

(b) "Prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state, subject to subsection (27):

(i) Except as provided in subsection (26), a violation or attempted violation of any of the following:

(A) This section, except a violation of subsection (2), or a violation of any prior enactment of this section in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(B) Section 625m.

(C) Former section 625b.

(ii) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of

those crimes.

(iii) Section 601d or 626(3) or (4).

(26) Except for purposes of the enhancement described in subsection (12)(b), only 1 violation or attempted violation of subsection (6), a local ordinance substantially corresponding to subsection (6), or a law of another state substantially corresponding to subsection (6) may be used as a prior conviction.

(27) If 2 or more convictions described in subsection (25) are convictions for violations arising out of the same transaction, only 1 conviction must be used to determine whether the person has a prior conviction.

**Purchase, consumption, or possession of alcoholic liquor by minor; attempt; violation; fines; sanctions; furnishing fraudulent identification to minor; use by minor; prior violation; screening and assessment; prior judgment; chemical breath analysis; notice to parent, custodian, or guardian; exceptions; recruitment of minor for undercover operation prohibited; affirmative defense; definitions. (MCL 436.1703)**

Sec. 703.

(1) A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. A minor who violates this subsection is responsible for a state civil infraction or guilty of a misdemeanor as follows and is not subject to the penalties prescribed in section 909:

(a) For the first violation, the minor is responsible for a state civil infraction and shall be fined not more than \$100.00. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, and may order the minor to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5). A minor may be found responsible or admit responsibility only once under this subdivision.

(b) If a violation of this subsection occurs after 1 prior judgment, the minor is guilty of a misdemeanor. A misdemeanor under this subdivision is punishable by imprisonment for not more than 30 days if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than \$200.00, or both. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5).

(c) If a violation of this subsection occurs after 2 or more prior judgments, the minor is guilty of a misdemeanor. A misdemeanor under this subdivision is punishable by imprisonment for not more than 60 days, if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than \$500.00, or both, as applicable. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5).

(2) An individual who furnishes fraudulent identification to a minor or, notwithstanding subsection (1), a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(3) If an individual who pleads guilty to a misdemeanor violation of subsection (1)(b) or offers a plea of admission in a juvenile delinquency proceeding for a misdemeanor violation of subsection (1)(b), the court, without entering a judgment of guilt in a criminal proceeding or a determination in a juvenile delinquency proceeding that the juvenile has committed the offense and with the consent of the accused, may defer further proceedings and place the individual on probation. The terms and conditions of that probation include, but are not limited to, the sanctions set forth in subsection (1)(c), payment of the costs including minimum state cost as provided for in section 18m of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18m, and section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j, and the costs of probation as prescribed in section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3. If a court finds that an individual violated a term or condition of probation or that the individual is utilizing this subsection in another court, the court may enter an adjudication of guilt, or a determination in a juvenile delinquency proceeding that the individual has committed the offense, and proceed as otherwise provided by law. If an individual fulfills the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. A discharge and dismissal under this section is without adjudication of guilt or without a determination in a juvenile delinquency proceeding that the individual has committed the offense and is not a conviction or juvenile adjudication for purposes of disqualifications or disabilities imposed by law on conviction of a crime. An individual may obtain only 1 discharge and dismissal under this subsection. The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation and if there is a discharge and dismissal under this subsection. The secretary of state shall retain a nonpublic record of a plea and of the discharge and dismissal under this subsection. These records shall be furnished to any of the following:

(a) To a court, prosecutor, or police agency on request for the purpose of determining if an individual has already utilized this subsection.

(b) To the department of corrections, a prosecutor, or a law enforcement agency, on the department's, a prosecutor's, or a

law enforcement agency's request, subject to all of the following conditions:

- (i) At the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency.
- (ii) The record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment.

(4) A misdemeanor violation of subsection (1) successfully deferred, discharged, and dismissed under subsection (3) is considered a prior judgment for the purposes of subsection (1)(c).

(5) A court may order an individual found responsible for or convicted of violating subsection (1) to undergo screening and assessment by a person or agency as designated by the department-designated community mental health entity as defined in section 100a of the mental health code, 1974 PA 258, MCL 330.1100a, to determine whether the individual is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A court may order an individual subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a violation of subsection (1) to submit to a random or regular preliminary chemical breath analysis. The parent, guardian, or custodian of a minor who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, may request a random or regular preliminary chemical breath analysis as part of the probation.

(6) The secretary of state shall suspend the operator's or chauffeur's license of an individual convicted of a second or subsequent violation of subsection (1) or of violating subsection (2) as provided in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319.

(7) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request that individual to submit to a preliminary chemical breath analysis. If a minor does not consent to a preliminary chemical breath analysis, the analysis shall not be administered without a court order, but a peace officer may seek to obtain a court order. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a state civil infraction proceeding or criminal prosecution to determine if the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.

(8) A law enforcement agency, on determining that an individual who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed, or purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (1) shall notify the parent or parents, custodian, or guardian of the individual as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The law enforcement agency shall notify the parent, guardian, or custodian not later than 48 hours after the law enforcement agency determines that the individual who allegedly violated subsection (1) is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6. The law enforcement agency may notify the parent, guardian, or custodian by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first-class mail. If an individual less than 17 years of age is incarcerated for violating subsection (1), his or her parents or legal guardian shall be notified immediately as provided in this subsection.

(9) This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by this act, by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(10) The following individuals are not considered to be in violation of subsection (1):

(a) A minor who has consumed alcoholic liquor and who voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor.

(b) A minor who accompanies an individual who meets both of the following criteria:

(i) Has consumed alcoholic liquor.

(ii) Voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor.

(c) A minor who initiates contact with a peace officer or emergency medical services personnel for the purpose of obtaining medical assistance for a legitimate health care concern.

(11) If a minor who is less than 18 years of age and who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, voluntarily presents himself or herself to a health facility or agency for treatment or for observation as provided under subsection (10), the health facility or agency shall notify the parent or parents, guardian, or custodian of the individual as to the nature of the treatment or observation if the name of a parent, guardian, or custodian is reasonably ascertainable by the health facility or agency.

(12) This section does not limit the civil or criminal liability of a vendor or the vendor's clerk, servant, agent, or employee for a violation of this act.

(13) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary

educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this act if the purpose of the consumption is solely educational and is a requirement of the course.

(14) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this act.

(15) Subsection (1) does not apply to a minor who participates in either or both of the following:

(a) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

(b) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the commission, or the local police agency and was not part of the undercover operation.

(16) The state police, the commission, or a local police agency shall not recruit or attempt to recruit a minor for participation in an undercover operation at the scene of a violation of subsection (1), section 701(1), or section 801(2).

(17) In a prosecution for the violation of subsection (1) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.

(18) As used in this section:

(a) "Any bodily alcohol content" means either of the following:

(i) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(ii) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(b) "Emergency medical services personnel" means that term as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.

(c) "Health facility or agency" means that term as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

(d) "Prior judgment" means a conviction, juvenile adjudication, finding of responsibility, or admission of responsibility for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(i) This section or section 701 or 707.

(ii) Section 624a, 624b, or 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.624a, 257.624b, and 257.625.

(iii) Section 80176, 81134, or 82127 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, 324.81134, and 324.82127.

(iv) Section 167a or 237 of the Michigan penal code, 1939 PA 328, MCL 750.167a and 750.237.

## **MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT (EXCERPT)**

### **Initiated Law 1 of 2018**

**Scope of act; unauthorized activities with marihuana and marihuana accessories; limitations; application of privileges, rights, immunities, and defenses under other marihuana laws; employer rights; property owner rights. (MCL 33.27954)**

(Sec. 4.)

1. This act does not authorize:

(a) operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana;

(b) transfer of marihuana or marihuana accessories to a person under the age of 21;

(c) any person under the age of 21 to possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana;

(d) separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure;

(e) consuming marihuana in a public place or smoking marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this subdivision a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age;

(f) cultivating marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area;

(g) consuming marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoking marihuana within the passenger area of a vehicle upon a public way;

(h) possessing marihuana accessories or possessing or consuming marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility; or

(i) Possessing more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.

**Violations; penalties (MCL 333.27965)**

Sec. 15.

A person who commits any of the following acts, and is not otherwise authorized by this act to conduct such activities, may be punished only as provided in this section and is not subject to any other form of punishment or disqualification, unless the person consents to another disposition authorized by law:

1. Except for a person who engaged in conduct described in sections 4(1)(a), 4(1)(b), 4(1)(c), 4(1)(d), 4(1)(g), or 4(1)(h), a person who possesses not more than the amount of marihuana allowed by section 5, cultivates not more than the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than the amount of marihuana allowed by section 5, is responsible for a civil infraction and may be punished by a fine of not more than \$100 and forfeiture of the marihuana.
2. Except for a person who engaged in conduct described in section 4, a person who possesses not more than twice the amount of marihuana allowed by section 5, cultivates not more than twice the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than twice the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than twice the amount of marihuana allowed by section 5:
  - (a) for a first violation, is responsible for a civil infraction and may be punished by a fine of not more than \$500 and forfeiture of the marihuana;
  - (b) for a second violation, is responsible for a civil infraction and may be punished by a fine of not more than \$1,000 and forfeiture of the marihuana;
  - (c) for a third or subsequent violation, is guilty of a misdemeanor and may be punished by a fine of not more than \$2,000 and forfeiture of the marihuana.
3. Except for a person who engaged in conduct described by section 4(1)(a), 4(1)(d), or 4(1)(g), a person under 21 years of age who possesses not more than 2.5 ounces of marihuana or who cultivates not more than 12 marihuana plants:
  - (a) for a first violation, is responsible for a civil infraction and may be punished as follows:
    - (1) if the person is less than 18 years of age, by a fine of not more than \$100 or community service, forfeiture of the marihuana, and completion of 4 hours of drug education or counseling; or
    - (2) if the person is at least 18 years of age, by a fine of not more than \$100 and forfeiture of the marihuana.
  - (b) for a second violation, is responsible for a civil infraction and may be punished as follows:
    - (1) if the person is less than 18 years of age, by a fine of not more than \$500 or community service, forfeiture of the marihuana, and completion of 8 hours of drug education or counseling; or
    - (2) if the person is at least 18 years of age, by a fine of not more than \$500 and forfeiture of the marihuana.
4. Except for a person who engaged in conduct described in section 4, a person who possesses more than twice the amount of marihuana allowed by section 5, cultivates more than twice the amount of marihuana allowed by section 5, or delivers without receiving any remuneration to a person who is at least 21 years of age more than twice the amount of marihuana allowed by section 5, shall be responsible for a misdemeanor, but shall not be subject to imprisonment unless the violation was habitual, willful, and for a commercial purpose or the violation involved violence.

**Additional Legal Sanctions**

There are legal sanctions under the state and federal law, for the unlawful possession, use or distribution of alcohol and other drugs. Sanctions for violations of state and federal law may result in punishment for a misdemeanor or felony, depending on the nature of the crime. In the State of Michigan, the Michigan Controlled Substances Act #368 of 1978 lists a range of sanctions from up to six months in jail and up to \$500 in fines or both for misdemeanor convictions, to up to mandatory life in prison and up to \$75,000 in fines for felony convictions. Under the Federal Narcotics, Penalties and Enforcement's Act of 1986 Federal trafficking penalties range from not more than one year in jail or \$100,000 in fines for first offense violations, and up to life imprisonment with fines of not more than \$4,000,000 for repeat offenders or more serious violations.

**Federal Trafficking Penalties**

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. <b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
II	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin		Heroin	

	100-999 grams mixture	bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	1 kilogram or more mixture	bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	

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

## Health Concerns and Health Risks

Any individual choosing to abuse alcohol or illicitly use alcohol and other drugs needs to be more aware that there may be a wide variety of health risks associated with this behavior. Chemical dependency, or addiction to alcohol and other drugs, is a chronic progressive illness that, if untreated, can be fatal.

Long term effects of alcohol abuse or alcoholism may include liver damage, especially cirrhosis (scarring of the liver); heart disease, including congestive heart failure; ulcers and gastritis; malnutrition; cancer of the mouth, esophagus or stomach; brain damage and possible psychosis; and fetal alcohol effect and fetal alcohol syndrome in infants of drinking mothers.

### Use of other illicit drugs may pose some of the following hazards:

- Cocaine results in changes in blood pressure, heart and breathing rates, severe weight loss and liver damage, and it may cause seizures, coma and possibly death.
- Marijuana can affect coordination, short-term memory, visual tracking and heart rate. Regular use can produce reproductive system changes, damage to the respiratory system (lungs) and the immune system.

- Depressants in large doses can cause altered perception, blurred speech and a staggering gait. Very large doses can cause respiratory depression, coma and possibly death. In combination with alcohol, another depressant, these effects can be intensified and this multiplies the risk.
- Hallucinogens, like phencyclidine (PCP), can produce a range of effects that include slowed time and body movement, worsened muscular coordination and dulled senses. Speech can be blocked and often incoherent. Violent PCP episodes may result in self-inflicted injury. Increasing use may produce persistent memory problems and speech difficulties, depression, anxiety and violent behavior. Large doses may result in convulsions, coma, heart and lung failure and possible stroke.
- Narcotics (codeine, heroin, and a variety of prescription medications) will produce an initial feeling of euphoria followed by drowsiness, nausea and vomiting, constricted (shrinking) pupils, watery eyes and itching. Overdose may produce slow and shallow breathing, clammy skin, convulsions, coma and possible death. Due to frequent use of needles with this class of drugs, infectious diseases, including AIDS are a major concern.
- Inhalants, volatile breathable substances, which are abused by sniffing or inhaling, may interfere diversely with breathing or produce irregular heartbeats that can lead to heart failure and death. Long-term use has resulted in bone marrow damage, drastic weight loss, impairment of vision and memory, and the ability to think clearly.

It is not necessary to become addicted to or dependent upon any of these drugs to experience a wide variety of personal and/or family problems. "Harmful involvement" with any of the drugs mentioned here may show up in a number of different ways. Use of alcohol and/or the other drugs may result in poor judgment; poor coordination; lessened concentration; slower reaction times; impaired eyesight; slips and falls; self-induced burns due to fire; injuries from improper use of hazardous materials, tools or shop machinery on the job or in class; and motor vehicle crashes. In addition, personal motivation and productivity may decline. Quality of work and cooperation with others may also be jeopardized.

The impact of alcohol abuse and illicit alcohol and other drug use is also seen in both family and social circles. Continued use and abuse often times may increase problems in existing dysfunctional family/social systems or may give rise to the development of dysfunctional family/social systems impacting on significant others, spouses, children, parents, and friends. Friendships and work relationships may suffer and personal relationships, including marriages, very often become strained to the point of separation or divorce. The incidence of alcohol and other drug use involved in car crashes, violent and petty crime, and domestic violence and sexual assault is well documented and very high.

It is important to note that while we as individuals may not be personally affected by the behaviors and consequences noted above, each of us at one time during our lives will probably have to deal with a friend, family member, or co-worker who is struggling with his or her use/abuse of alcohol and/or other drugs. It is therefore important for all of us to know how we can access available resources in our community.

As a community, we encourage individual members to reach their full potential as persons and citizens, unencumbered by destructive or counterproductive patterns of behavior.

## Disciplinary Sanctions

### Student Policies and University

The Code of Student Community Standards, consistent with State and Federal Law, prohibits the unlawful manufacture, distribution, dispensation, possession or use of alcohol and other drugs. The University also places limitations on the use and possession of alcohol on campus, above and beyond legal standards. Individual students who are found in violation of University policies, guidelines, or expectations with regard to alcohol and other drugs are subject to discipline, pursuant to established University procedures and to criminal sanctions provided by federal, state and local law. It should be noted that disciplinary sanctions that apply to faculty and staff may differ from one another depending on the terms set forth in union contracts.

### University Sanctions

Ferris State University will impose sanctions on employees and students (consistent with local, state and federal law, and within applicable collective bargaining agreements) for violations of the standards of conduct, as expressed in any University regulations. Sanctions resulting from employee or student violations of these standards of conduct will result in disciplinary action up to and including termination for employees and dismissal for students. In addition, for both employees and students, the sanctions may include referral to appropriate authorities for prosecution of violations of stated policies.

Student sanctions in the Ferris State University Code of Community Standards Administrative Policies and Procedures specifically include administrative warnings, disciplinary probation, suspension from the University, or dismissal from the University without opportunity to enroll in the future. In addition, these include the opportunity for other sanctions to be imposed, such as the requirement of reimbursement for damages, loss of special privileges, or participation in campus provided educational programs. Below are the baseline sanctions used by the Office of Student Conduct for adjudication

alcohol and other drug violations.

	Sanction	Conversation Topics
1 <sup>st</sup> Violation	<ul style="list-style-type: none"> <li>• Administrative Warning</li> <li>• CREW Check-In</li> <li>• Parental Notification</li> </ul>	<ul style="list-style-type: none"> <li>• Usage &amp; Effects On School</li> <li>• Responsible Drinking Strategies</li> <li>• Would Could Marijuana Usage Affect Future Internship/Employment</li> <li>• Family Views</li> <li>• Connection To Campus</li> </ul>
2 <sup>nd</sup> Violation	<ul style="list-style-type: none"> <li>• Disciplinary Probation For Current Semester (Plus Next Enrolled If Appropriate)</li> <li>• AOD Wellness Program</li> <li>• Parental Notification</li> </ul>	<ul style="list-style-type: none"> <li>• How Has Usage Effected School Or Financial Situation</li> <li>• Frequency Of Use</li> <li>• Peer Groups Influence</li> <li>• How Future Violations Could Affect Their Ability To Be A Student</li> </ul>
3 <sup>rd</sup> Violation	<ul style="list-style-type: none"> <li>• Disciplinary Probation For Current Semester, Plus Next Three Enrolled (If Appropriate)</li> <li>• Primed For Life</li> <li>• Parental Notification</li> </ul>	<ul style="list-style-type: none"> <li>• How They Are Using Their Time At Ferris</li> <li>• What Is Their Purpose In Coming To School</li> <li>• How Would Future Be Different If Removed From School</li> <li>• Notice That Future Violation Could Lead To Separation From Ferris</li> <li>• Is Using Developing A Dependency</li> </ul>
4 <sup>th</sup> Violation	<ul style="list-style-type: none"> <li>• OSC Director Discretion</li> </ul>	<ul style="list-style-type: none"> <li>• Why Should You Remain Being A Student</li> <li>• Why They Struggle Respecting Institutional Policies</li> <li>• Can We Trust You To Remain In Our Community And Abide By University Policy</li> </ul>

The University considers involvement in the student disciplinary process to be part of a student's learning experience. Through a system of progressive discipline, it is anticipated that a student will realize the importance of functioning within the University's policies, procedures, and regulations. Though every case involving the violation of University policies or procedures is considered on the basis of the merits in that case, there are some categories of violations for which the anticipated sanction would be suspension or dismissal from the University. Such serious infractions include, but are not limited to, the distribution of alcohol to minors, distribution of illegal drugs or the use, possession, or distribution of alcohol or illegal drugs that result in a serious safety or health matter for any member of the campus or local community.

## Alcohol and Other Drug Programs and Resources

### Students

Campus and/or community resources are available to employees and students seeking assistance when alcohol and other drug use/abuse becomes a personal concern or problem. University students can take advantage of the assistance and referral services of the Personal Counseling Center's counseling staff, including the services of an alcohol and other drug counselor. The Personal Counseling Center is located in the Birkam Health Center, Room 210. This office is open from 8:00 AM to 5:00 PM, Monday through Friday. The telephone number is (231) 591-5968.

Counseling services, individual and/or group, provided to students at the Personal Counseling Center are completely confidential and are provided at no charge. Off-campus service provider fees can vary and payment arrangements, many times, can be flexible from a sliding fee scale for those with little or no ability to pay, to fees for those with health insurance coverage. Students with insurance should be advised that all health insurance policies written in Michigan are required by state law to provide at least some coverage for alcohol and other drug services.

Students may also take advantage of the FS/CREW program, provided through Ten16 Recovery Network. Students can feel safe and comfortable to explore their alcohol and/or drug use in a judgment-free environment with no "should's" or "have to's." FS/CREW believes that these conversations are better had in an open, honest, and comfortable style that and promote self-directed reflection. If through their exploration a student discovers they wish to make any changes in their substance use, FS/CREW can be a valuable resource for supporting that change. Students may access FS/CREW in suite 201 in the Birkam Health Center.

## Employees

Employees may access the employee assistance program through Encompass. Encompass is a free service designed to assist employees and their families resolve problems and cope with life's everyday challenges. They are available 24/7 at the toll-free number below, as well as at their website. Offices are located in Big Rapids as well as other locations. can get referral assistance, including a list of alcohol and other drug counseling service providers available in the Big Rapids area, from the Counseling Center or the Office of Human Resources, Prakken Building, Room 150. In addition, the Counseling Center maintains a statewide directory of alcohol and other drug service providers for those seeking assistance outside of the Big Rapids area.

## Questions?

This document was prepared by the Office of Student Conduct at Ferris State University, questions may be directed to the Office of Student Conduct at (231) 591-3619.

### Appendix I

#### **Code of Student Community Standards, Section IV General University Conduct Policies, Part II Personal Misconduct On or Off Campus:**

##### **Unauthorized Possession/Use or Distribution of Alcoholic Beverages**

The use or possession of alcoholic beverages is prohibited by Ferris State University when the following applies:

- a. *Contrary to Law:* On or off University property, or in the course of a University activity or student organization activity, when the possession or use is contrary to law and/or University policy.
- b. *Creates Danger:* On or off University property, when possession or use creates a danger to self or others, including, but not limited to, driving while under the influence of alcohol.
- c. *Supplying to Minors:* The sale, gift, or transfer of alcohol to minors. Or where a party is hosted where underage consumption occurs.
- d. *In Public/Unauthorized area:* In or on any property of the University frequented by the public, except in areas specifically designated by the President of the University.

*Please note:* Excessive consumption of alcohol is also prohibited by Ferris State University regardless of age. This includes instances where an individual receives any type of medical treatment relating to consumption alcohol.

##### **Unauthorized Possession or Use of Illegal Drugs, Marijuana, Controlled Substances and/or Misuse of Over-the-counter substances (real or implied)**

The term "controlled substance" is defined by Federal and Michigan law, and includes, but is not limited to, substances such as marijuana, cocaine, narcotics, certain stimulants and depressants, and hallucinogens. The following actions are prohibited by Ferris State University:

**Recreational and Medical Marijuana:** The Michigan Regulation and Taxation of Marihuana Act and Michigan Medical Marijuana Act conflicts with federal criminal laws governing controlled substances, as well as federal laws requiring institutions receiving federal funds, by grant or contract, to maintain drug-free campuses and workplaces. The state constitutional amendment authorizing individuals over the age of 21 to recreationally use marijuana ("Proposal 1") does not change this prohibition or authorize a student to use marijuana. Federal law, including the Drug Free Schools Act, continues to prohibit marijuana. Thus marijuana use, even if in compliance with Proposal 1, is prohibited.

- a. *Contrary to Law:* Use or possession of any drug, controlled substance(including marijuana and products containing THC), or drug paraphernalia on or off University property or in the course of a University activity or student organization activity, contrary to law or without a valid and legal prescription for such drugs or controlled substances
- b. *Marijuana and drug accessories:* and paraphernalia means any equipment, product, material, or combination of equipment, products, or materials, which is designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.
- c. *Creates Danger:* On or off University property, when possession or use creates a danger to self or others, including, but not limited to, driving while under the influence of drugs, marijuana, THC based products, or controlled substance that impair one's ability to operate a motor vehicle.
- d. *Use of Facilities:* Use of University facilities to manufacture, process, or distribute any drugs, marijuana, THC based products, or controlled substance contrary to law.
- e. *Distribution:* Sale, attempted sale, gift, transfer, or attempted transfer of drugs, marijuana, THC based products, controlled substances, or drug paraphernalia, whether or not such sale, gift, or transfer occurs on or off University property or in the course of a University activity or student organization activity.
- f. *Manufacture:* Possession, production, manufacture or use of any substance that is used as a drug on or off University property.

- g. *Prescription Misuse*: Abuse or misuse of any prescription drug, the unauthorized possession of prescription medication or the sale or attempted sale of a prescription drug.



**Nicholas Campau**

Associate Dean of Student Life & Director of Student Conduct

Ferris State University

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[ferris.edu/studentcode](http://ferris.edu/studentcode)

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## Ferris State University Behavioral Review Team

Formed in 2007, the Ferris State University Behavior Review Team (BRT) has been a multi-disciplinary team of professionals from across campus who evolved to meet weekly throughout the fall and spring semesters to review referrals of student behavior that raise significant concern. The goal of the team is to coordinate outreach to these students. The team is dedicated to a proactive, objective, supportive, and collaborative approach to the prevention, identification, assessment, intervention, management, and coordinated response to student situations that cause concern including those that may pose a concern for the wellbeing and/or safety of individuals in our campus community.

### Behaviors of Concern

Although there is no single or combined set of indicators that will always reliably predict an individual's future behavior, the BRT does take into consideration odd, suspicious and/or inappropriate behavior that rises beyond a typical classroom or employee management concern. These behaviors of concern may be observed in a variety of mediums including their speech, written words, and/or their actions. Concerns may include:

- Academic Behavior Indicators:
  - Deterioration in quality of work
  - Erratic performance
  - Extreme disorganization
  - Overblown or disproportionate responses to grades/evaluations
- Emotional Indicators:
  - Direct statements of loss and/or significant distress, expressions of hopelessness
  - Angry and aggressive outbursts or other significant behavioral problems
  - Direct or veiled threats of harm to self or others
- Physical Indicators:
  - Deterioration in appearance/hygiene
  - Noticeable cuts, bruises, or burns
  - Disorganized speech, confusion, or slurring speech
  - Throwing things, hitting people, etc.
- Other Indicators:

Concerns expressed about the same student by multiple peers, faculty, and staff  
Students who are repeatedly behaving in violation of the Student Code of Conduct (including academic integrity violations)

#### Issues of Classroom and Employee Behavior Management Defined

Instructors are in charge of their classroom and are charged with maintaining order in their class. With this in mind, an instructor is authorized encouraged to inform the student that when their behavior is disrupting class and to instruct the student to stop that behavior. If the student persists, the instructor is authorized to direct the student to leave the class for that period.

Employee behavior concerns should be dealt with by the appropriate authority (i.e. Department Head, Dean, and Supervisor) according to HR Policies and/or Collective Bargaining Agreement.

#### How to Report Online

- 1) [Ferris.edu/studentcode](https://ferris.edu/studentcode)
- 2) Click, report an incident
- 3) Click Student Behavior of Concern

#### Who to Report In-Person

Joy Pufhal  
Dean of Student Life  
231.591.2612

Nicholas Campau  
Associate Dean of Student Life and Director of Student Conduct  
231.591.3613



#### Nicholas Campau

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[ferris.edu/studentcode](https://ferris.edu/studentcode)

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## Priority Health Open Enrollment Corrections

### Priority Health Open Enrollment Corrections Monday May 20<sup>th</sup> – Friday May 31<sup>st</sup>

#### Group Meetings

##### **Big Rapids**

Friday May 24<sup>th</sup> at 9am and 11am in UCB 213

For specific times and information on One-On-One's and Computer Lab times please see the flyer attached to the 5/20/2019 email.

Link for DenteMax network <http://www.dentemax.com/members> enter in your zip code and a list of in network Dentist will pop up.

If you have questions or concerns, please reach out to the Benefits HR Team!



**Anna Wild | Sr. Human Resources Generalist**

Ferris State University | Office of Human Resources

420 Oak Street, Prudden 150 | Big Rapids, MI 49307-2020

Office: (231)591-2077 Fax (231)591-2978 | [Human Resources Web Site](#)

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