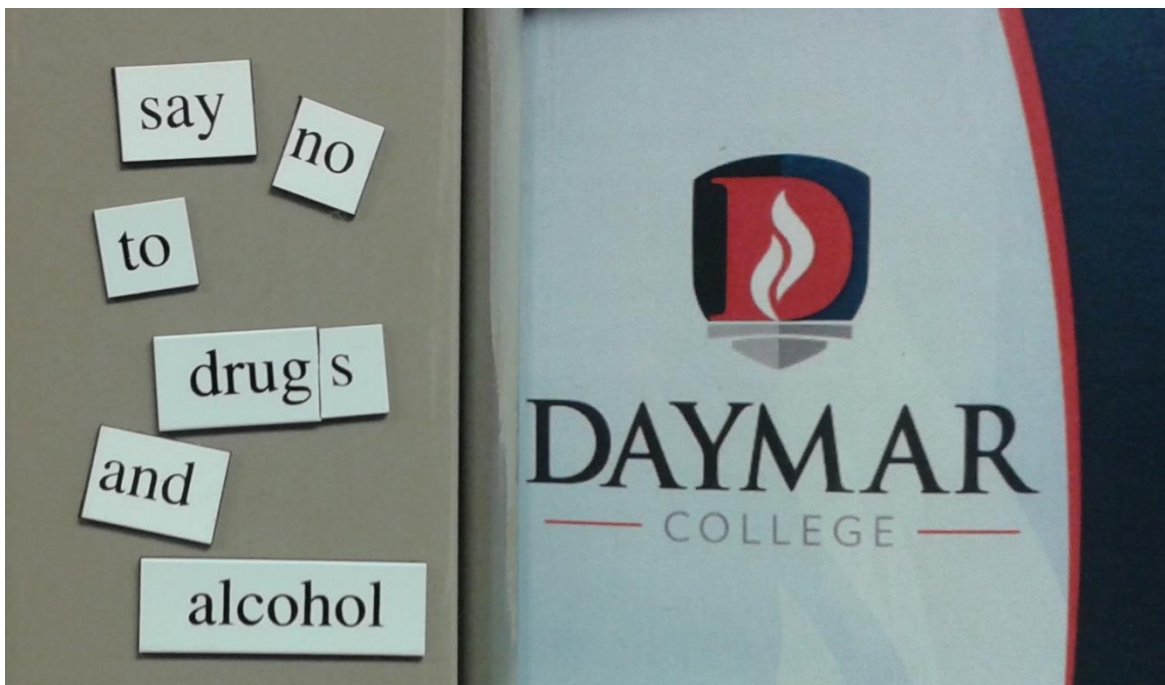




## Drug and Alcohol Abuse Prevention Program (DAAPP)

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### Introduction

The Drug-Free Schools and Communities Act (34 CFR Part 86) requires an institution of higher education to certify it has adopted and implemented programs to prevent the abuse of alcohol and use or distribution of illicit drugs both by students and employees both on its premises and as a part of any of its activities. At a minimum each institution must annually distribute the following in writing to all students and employees:

- Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- A description of the legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs available to employees or students;
- A clear statement that the institution will impose sanctions on students and employees and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

Further, the Drug-Free Schools and Communities Act (DFSCA) requires institutions of higher education to conduct a biennial review of their alcohol and other drug policies and prevention programs in order to identify and implement needed changes.

The biennial review has two objectives:

1. To determine the effectiveness of, and to implement any needed changes to the Alcohol and Drug prevention program, and
2. To enforce the disciplinary sanctions for violating standards of conduct consistently

The following is the report resulting from the review of the Alcohol and Drug prevention program implementation and policy development/enforcement at Daymar College (Daymar).

### Drug - Free Workplace and Campus

(found in institutional catalog under Section Three: Health/Safety Policies and Procedures)

The unlawful possession, use, or distribution of drugs or alcohol by students or associates is absolutely prohibited on the College's premises or at any of its activities or events. Violation of this policy can lead to disciplinary action up to and including dismissal from Daymar College.

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## Drug and Alcohol Abuse Prevention Program (DAAPP)

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| <input type="checkbox"/> 119 Fairfield Ave., Bellevue, KY 41073, (859) 291-0800                  | <input type="checkbox"/> 415 Golden Bear Ct., Murfreesboro, TN 37128, (615) 217-9347 |
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| <input type="checkbox"/> 1105 National Mine Dr., Madisonville, KY 42431, (270) 643-0312          |  |

### Academic and Professional Standards

(found in institutional catalog under Section Two: Institutional Policies)

Each campus of Daymar College is committed to developing career professionals who demonstrate high levels of integrity and professionalism. All programs are designed to produce growth inducing challenges through academic rigor and soft skills development opportunities. Students must employ sustained focus and continual application of cognitive and academic skills for the duration of their tenure at Daymar College.

Daymar College actively monitors student academic progress through a review of attendance, GPA, incremental completion rate and other means. Personal adjustment, interpersonal relationships and behavior in all settings are relevant to student progress. Daymar College endeavors to help students reach their potential to become ethical and competent professionals.

Students are expected to conduct themselves in a manner consistent with their professional ethics and orientation at all times. The standards of professional conduct require the full commitment to all responsibilities undertaken during the course of clinical training and internships. This includes maintaining appropriate and respectful interpersonal relations with peers, faculty and staff.

### Daymar College Ethical Code of Conduct

(found in institutional catalog under Section Four: Student Rights and Responsibilities)

Students are expected to conduct themselves in an ethical, professional, and civil manner. Unprofessional behavior includes, but is not limited to, hostile or careless uses of profanity or obscenities, physical displays of anger or aggressiveness, threatening gestures or comments, violence or harassment, insubordination or persistent, disrespectful arguing, or any other illegal or unethical conduct. Unprofessional behavior may be cause for disciplinary action.

Daymar College is dedicated to the advancement of knowledge and learning, as well as to the development of responsible personal and social conduct. Each student, by registering, assumes the responsibility of becoming familiar with, and abiding by, the general standards of conduct expected by Daymar College, as well as those of their respective disciplines. By way of example, each student is expected to refrain from engaging in the following:

- Academic dishonesty of any kind with respect to examinations or coursework. This includes any form of cheating and plagiarism.
- Falsification or alteration of Daymar College documents, records, or identification cards.
- Forgery, issuing bad checks, or not meeting financial obligations to Daymar College.

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- Theft or the deliberate damaging or misusing of property belonging to others or the property of Daymar College.
- The manufacture, possession, use, or distribution of any form of alcoholic beverages or illegal drugs while on Daymar College property.
- Possession, display, or use of any dangerous instrument, weapon, or explosives (certified law enforcement officers. required by their employer to carry a firearm are excluded).
- Disrupting the study of others or of Daymar College activities, or interfering with the freedom of movement of any member or guest of the Daymar College community.
- Deliberate interference with academic freedom, freedom of speech, or movement of any member or guest of the Daymar College community.
- Participation in any activity that disrupts or interferes with the education of others or the orderly operation of Daymar College.
- Physical abuse, threatening acts, or harassment toward others.
- Students in all programs are also required to demonstrate behavior that conforms to standard codes of conduct of their respective disciplines.

### Daymar Sanctions

(found in institutional catalog under Section Three: Health/Safety Policies and Procedures)

The illicit possession, use, or distribution of drugs or alcohol by any of the College's students or associates on the College's premises or at any of its activities may result in the following sanctions:

- Immediate expulsion from school or termination of employment.
- Referral to a counseling agency.
- Referral for prosecution to the appropriate authorities.

Reentry may be made only at the discretion of the Campus President/Director or the Director of Education.

### Reasons for Dismissal

(found in institutional catalog under Section Four: Student Rights and Responsibilities)

Students may be dismissed from Daymar College for reasons other than those described under "Academic Dismissal" in Section Seven of the catalog. If the institution determines that a student cannot satisfactorily meet the academic, professional, or ethical expectations, the expectations detailed in the student responsibility policy, or other expectations of the program, then the student may be dismissed from Daymar College. Dismissal normally occurs when the Student Conduct Committee or Campus President makes a decision for dismissal and communicates that decision to the student.

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## Drug and Alcohol Abuse Prevention Program (DAAPP)

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It is the responsibility of all students to be familiar with the Daymar College Ethical Code of Conduct.

### Appeal of Disciplinary Action or Dismissal

(found in institutional catalog under Section Four: Student Rights and Responsibilities)

Students have the right to appeal dismissal and disciplinary actions taken against them, as well as final decisions regarding any other dispute resolution procedure, except for dismissal due to violation of the Maximum Allowable Timeframe policy or the inability to achieve a cumulative GPA of 2.0 by the completion of their program. Students who believe they have extenuating circumstances regarding a particular matter or believe that they have been treated in an arbitrary or biased fashion and/or without adherence to Daymar College policies and procedures may file an appeal. For the purposes of this policy, “bias” shall mean inequitable treatment based upon a student’s membership in a class protected from discrimination under relevant Daymar College policy, and shall not encompass personality conflicts between student and instructor/administrator. See Section 7 of the catalog for Appeals Committee procedures.

### Information on Preventing Drug and Alcohol Abuse

1. **Don't Be Afraid to Say No:** Sometimes, our fear of negative reaction from our friends, or others we don't even know, keeps us from doing what we know is right. Real simple, it may seem like “everyone is doing it,” but they are not. Don't let someone else make your decisions for you. If someone is pressuring you to do something that's not right for you, you have the right to say no, the right not to give a reason why, and the right to just walk away.
2. **Connect With Your Friends and Avoid Negative Peer Pressure:** Pay attention to who you are hanging out with. If you are hanging out with a group in which the majority of kids are drinking alcohol or using drugs to get high, you may want to think about making some new friends. You may be headed toward an alcohol and drug problem if you continue to hang around others who routinely drink alcohol, smoke marijuana, abuse prescription drugs or use illegal drugs. You don't have to go along to get along.
3. **Make Connections With Your Parents or Other Adults:** As you grow up, having people you can rely on, people you can talk to about life, life's challenges and your decisions about alcohol and drugs is very important. The opportunity to benefit from someone else's life experiences can help put things in perspective and can be invaluable.

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4. **Enjoy Life and Do What You Love - Don't Add Alcohol and Drugs:** Learn how to enjoy life and the people in your life, without adding alcohol or drugs. Alcohol and drugs can change who you are, limit your potential and complicate your life. Too often, "I'm bored" is just an excuse. Get out and get active in school and community activities such as music, sports, arts or a part-time job. Giving back as a volunteer is a great way to gain perspective on life.
5. **Follow the Family Rules About Alcohol and Drugs:** As you grow up and want to assume more control over your life, having the trust and respect of your parents is very important. Don't let alcohol and drugs come between you and your parents. Talking with mom and dad about alcohol and drugs can be very helpful.
6. **Get Educated About Alcohol and Drugs:** You cannot rely on the myths and misconceptions that are out there among your friends and on the internet. Your ability to make the right decisions includes getting educated. Visit Learn About Alcohol and Learn About Drugs. And, as you learn, share what you are learning with your friends and your family.
7. **Be a Role Model and Set a Positive Example:** Don't forget, what you do is more important than what you say! You are setting the foundation and direction for your life; where are you headed?
8. **Plan Ahead:** As you make plans for the party or going out with friends you need to plan ahead. You need to protect yourself and be smart. Don't become a victim of someone else's alcohol or drug use. Make sure that there is someone you can call, day or night, no matter what, if you need them. And, do the same for your friends.
9. **Speak Out/Speak Up/Take Control:** Take responsibility for your life, your health and your safety. Speak up about what alcohol and drugs are doing to your friends, your community and encourage others to do the same.
10. **Get help!:** If you or someone you know is in trouble with alcohol or drugs, get help. Don't wait. You don't have to be alone.

### Health Risks Associated with the Use of Alcohol

#### Short-Term Risks

- Increased risks of accidents and injuries
- Alcohol-related traffic accidents (the leading cause of death for teens)
- Alcohol slows reaction time, decreases muscle coordination, and impairs vision

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- Fatal overdose
- Unconsciousness or blackout
- Death by aspiration of vomit
- Nausea
- Gastritis

### Long-Term Risks

- Increased blood pressure
- Increased risk of heart attack
- Brain damage resulting in permanent psychosis
- Cancer of the mouth, esophagus or stomach
- Liver damage (cirrhosis, alcohol hepatitis, cancer)
- Ulcers and gastritis
- Pancreatitis
- Birth defects
- In males — testicular atrophy and breast enlargement
- In females — increased risk of breast cancer
- Prolonged, excessive drinking can shorten life span by ten to twelve years.

## Health Risks Associated with the Use of Drugs

### Amphetamines (Speed, Uppers)

- Malnutrition
- Hallucinations
- Dependence, psychological and sometimes physical

### Deliriants (Aerosols, Lighter Fluid, Paint Thinner)

- Permanent damage to lungs, brain, liver, bone marrow
- Loss of coordination, confusion, hallucinations
- Overdose causing convulsions, death

### Depressants (Barbiturates, Tranquilizers, Methaqualone)

- Confusion, depression, loss of coordination
- Dependence, physical and psychological
- Coma, death (caused by overdose)
- Can be lethal when combined with alcohol

### Hallucinogens (LSD, PCP, DMT, STP, Mescaline)

- Hallucinations, panic, irrational behaviors (which can lead to increased risk of accidents, injuries)

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- Tolerance overdose leading to convulsions, coma, death
- Possible birth defects in children of LSD users

### **Intravenous Drug Use**

- Places one at risk for HIV infection (the virus causing AIDS) when needles are shared

### **Marijuana and Hashish**

- Chronic bronchitis
- Decreased vital capacity
- Increased risk of lung cancer
- In men — lower levels of testosterone and increase in abnormal sperm count

### **Stimulants (Cocaine)**

- Painful nosebleeds and nasal erosion
- Intense “downs” that result in physical and/or emotional discomfort
- Tolerance and physical dependence can develop

### **Narcotics (Heroin, Morphine, Codeine, Opium)**

- Malnutrition
- Hepatitis
- Loss of judgment and self-control leading to increased risk of accidents, injuries
- Dependence
- Overdose leading to convulsions, coma, death

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### Legal Sanctions: Unlawful Possession/Distribution of Illicit Drugs and/or Alcohol

#### Illicit Drugs Sanctions

Daymar College is a drug-free workplace and campus. The unlawful possession, use, or distribution of drugs or alcohol by students or associates is absolutely prohibited on the College's premises or at any of its activities or events. Violation of this policy can lead to disciplinary action up to and including dismissal from Daymar College.

The United State Drug Enforcement Administration ([DEA](#)) publishes drug information concerning [facts](#), [scheduling](#), [the Controlled Substances Act](#) and [Federal Trafficking Penalties](#). Section 484(r) of the Higher Education Act of 1998 provides that a student's eligibility for federal student aid be suspended if that student is convicted under federal or state law of any offense involving the possession or sale of a controlled substance (not including alcohol or tobacco). The suspension of eligibility ranges from as much as one year to an indefinite period of time, depending upon the number and type of convictions. A student may regain eligibility early by completing a drug rehabilitation program that meets certain statutory and regulatory requirements or if the conviction is overturned.

Here is the Federal Trafficking Penalties pulled from the DEA website at the time of this publication.

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.	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>
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
II	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams		Heroin 1 kilogram or more	

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	mixture		mixture	
I	LSD 1-9 grams mixture	and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	LSD 10 grams or more mixture	Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <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.
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	
<b>Substance/Quantity</b>		<b>Penalty</b>		
Any Amount Of Other Schedule I & II Substances		<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 not an individual.		
Any Drug Product Containing Gamma Hydroxybutyric Acid		<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 not an individual.		
Flunitrazepam (Schedule IV) 1 Gram or less				
Any Amount Of Other Schedule III Drugs		<b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.  <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		

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<p>Any Amount Of All Schedule V Drugs</p>	<p><b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>
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<b>Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances</b>	
<p>Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<p><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.</p> <p><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.</p>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<p><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.</p> <p><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, \$50million if other than an individual.</p>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<p><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.</p>
<p>Hashish More than 10 kilograms</p>	<p><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.</p>
<p>Hashish Oil More than 1 kilogram</p>	
<p>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless</p>	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p>

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## Drug and Alcohol Abuse Prevention Program (DAAPP)

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>❑ 119 Fairfield Ave., Bellevue, KY 41073, (859) 291-0800</li> <li>❑ 2421 Fitzgerald Industrial Dr., Bowling Green, KY 42101, (270) 843-6750</li> <li>❑ 2691 Trenton Rd., Clarksville, TN 37040, (931) 552-7600</li> <li>❑ 2745 Winchester Pike, Columbus, OH 43232, (740) 687-6126</li> <li>❑ 1105 National Mine Dr., Madisonville, KY 42431, (270) 643-0312</li> </ul> | <ul style="list-style-type: none"> <li>❑ 415 Golden Bear Ct., Murfreesboro, TN 37128, (615) 217-9347</li> <li>❑ 560 Royal Parkway, Nashville, TN 37214, (615) 361-7555</li> <li>❑ 3361 Buckland Sq., Owensboro, KY 42301, (270) 926-4040</li> <li>❑ 206 Sam Walton Dr., Russellville, KY 42276, (270) 726-8311</li> </ul> |
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of weight)	<b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
1 to 49 marijuana plants	
Hashish 10 kilograms or less	
Hashish Oil 1 kilogram or less	

### Alcohol Sanctions

The National Minimum Drinking Age Act of 1984 (23 U.S.C. § 158) outlaws the purchase of alcoholic beverages by those under 21 years of age. While most states have passed state laws that set a purchase and drinking age minimums, states still permit ‘underage’ consumption of alcohol in specific circumstances. An example of a specific circumstance is a religious ceremony.

### State of Kentucky Sanctions

#### Minors Possessing & Purchasing Alcohol

Under age 21, you may not:

- Possess, purchase, or attempt to purchase alcohol. Also, you may not ask another person to purchase an alcoholic beverage for you.
- Enter a business with a liquor license for the purpose of obtaining alcohol.
- Use a fake or altered identification to purchase or attempt to purchase alcohol.

Anyone who is under the age of 18 and is found violating these laws will be treated as a juvenile.

Anyone older than age 18 who violates these laws will be charged a fine of up to \$250 and jail time up to 90 days for the first offense. Subsequent offenders will face a fine up to \$500 and jail time up to one year.

#### Kentucky Zero Tolerance for Minors

If you are under age 21, Kentucky’s “zero tolerance” law prohibits you from driving with a blood alcohol content (BAC)\* at or above 0.02%. For adults over age 21, the BAC limit is .08%. This means even one drink may make it illegal for you to drive. If you get charged and convicted of a driving with a BAC over .02%, the possible penalties include:

- driver’s license suspension for 30 days to six months
- a \$100-\$500 fine, and
- 20 hours of community service in lieu of paying the fine.

\* BAC (Refers to the amount of ethyl alcohol in the blood)

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### Kentucky Driving While Under the Influence

An abbreviation of driving while under the influence of intoxicants (alcohol) or of any substance or substances which impair driving ability. Other substances can include illegal drugs, prescription drugs, inhalants such as glue, gasoline, spray paint etc., and/or over the counter medications. Kentucky's DUI law has an "Illegal Per Se" provision. "Illegal Per Se" means it is illegal to drive with a blood or breath alcohol content of 0.08 or higher. Prosecutors no longer have to prove defendants were impaired if they are being tried for the per se clause of KRS 189A.010. Requires that test be given within 2 hours of operation of motor vehicle for results to be admitted into evidence in per se DUI prosecutions.

- Operators can be convicted at levels lower than .08 based on other evidence which indicates impairment.
- Drivers under the age of 21 are deemed to be under the influence at .02 breath or blood alcohol level.

### Kentucky DUI Penalties

#### 1st Offense Within a 10 Year Period

- \$200.00 - \$500.00 fine
- 2 to 30 Days in Jail\*
- 90 Days of Alcohol or Substance Abuse Program
- 30 to 120 Day License Suspension
- Possible 48 Hours - 30 Days Community Labor

\*If aggravating circumstances present, 4 days imprisonment

#### 2nd Offense Within a 10 Year Period

- \$350.00 - \$500.00 fine
- 7 Days - 6 Months in Jail\*
- 1 Year of Alcohol or Substance Abuse Treatment
- 12 to 18 Month License Suspension
- 10 Days-6 Months Community Labor

\*If aggravating circumstances present, 14 days imprisonment

#### 3rd Offense Within a 10 Year Period

- \$500.00 - \$1,000.00 fine
- 30 Days-12 Months Jail\*
- 1 Year of Alcohol or Substance Abuse Treatment
- 24 to 36 Month License Suspension
- 10 Days-12 Months Community Labor

\*If aggravating circumstances present, 60 days imprisonment

#### 4th Offense Within a 10 Year Period

- Class D Felony
- Minimum Term 120 Days Imprisonment Without Probation\*
- 1 Year of Alcohol or Substance Abuse Treatment
- 60 Month License Suspension

\*If aggravating circumstances present, 240 days imprisonment

### Kentucky Implied Consent

Implied Consent applies to any person who operates or is in physical control of a motor vehicle or a vehicle that is not a motor vehicle anywhere in Kentucky. Implied Consent means that when a person operates or is in physical control of a motor vehicle or a vehicle that is not a motor vehicle as defined by statute in Kentucky they have been deemed to have given consent to one (1) or more tests of blood, breath and urine, or combination for the purpose of determining alcohol concentration or presence of a substance which may impair one's driving ability. Only through a

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test of blood, breath or urine can alcohol levels be accurately measured. The breath test is precise and efficient in measuring BRAC\*.

It analyzes a breath sample to determine the amount of alcohol in the breath. A blood test measures the amount of alcohol in the blood. (Alcohol concentration means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.)

\* BRAC (Refers to the amount of ethyl alcohol in the breath)

### License Suspension for Refusal to Take Alcohol or Subsequent Tests

It should be noted that all of the offenses listed below are for refusals within a five-year period.

#### 1st Offense

30 to 120 Days

#### 2nd Offense

12 to 18 Months

#### 3rd Offense

24 to 36 Months

#### 4th Offense

or subsequent-60 Months

Whether you are found guilty or innocent of the DUI charge, you will remain answerable for the Refusal and risk license suspension.

### State of Ohio Sanctions

#### Ohio Penalties for Under Age Drinking Violations

Ohio law classifies underage drinking as a first degree misdemeanor. The potential sentence for an underage drinking conviction includes a potential jail term up to six months, a fine up to \$1,000 plus court costs, alcohol counseling, community service, and probation. In addition, a conviction is a permanent criminal record that may affect a person's education and employment opportunities.

#### Ohio Implied Consent Law and Administrative License Suspension

By operating a vehicle upon a highway or any public or private property used by the public for vehicular travel or parking, the law states that by doing so you have implicitly consented to a chemical test of your whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of your whole blood, blood serum or plasma, breath, or urine if arrested for an operation of a motor vehicle while under the influence of drugs or alcohol (OVI) offense.

Pursuant to Ohio's implied consent law, if you fail one of these tests or refuse to consent to them, your license can be suspended anywhere from 90 days to 5 years. This is known as Ohio's Administrative License Suspension or "ALS."

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## Drug and Alcohol Abuse Prevention Program (DAAPP)

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### Ohio Administrative License Suspension (ALS) Chart

OFFENSE(S) IN PAST 6 YEARS	TEST FAILURE 0.08% +	TEST REFUSAL
FIRST OFFENSE	90 Day Suspension	One Year Suspension
SECOND OFFENSE	One Year Suspension	Two Year Suspension
THIRD OFFENSE	Two Year Suspension	Three Year Suspension
FOURTH OR GREATER	Three Year Suspension	Five Year Suspension

### Ohio OVI Penalties

CONVICTION	TYPICAL PENALTIES
<p><b>FIRST OHIO OVI</b> First Degree Misdemeanor</p>	<p>For BAC under 0.17 percent (low tier / test), minimum three days jail <b>or</b> three day driver intervention program (DIP); for BAC 0.17% or higher (high tier / test), minimum six days jail <b>or</b> three days jail and three day driver intervention program fine range: \$375 – \$1075; license suspension ranging from six months to three years possible yellow DUI plates</p>
<p><b>SECOND OHIO OVI</b> (Second offense within past six years) Misdemeanor</p>	<p>For BAC under 0.17%, minimum 10 days jail; for BAC 0.17% or higher (high tier), minimum 20 days jail fine range: \$525 – \$1625; license suspension ranging from one to five years required yellow DUI plates; required SCRAM bracelet</p>

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## Drug and Alcohol Abuse Prevention Program (DAAPP)

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|--|---|

<p><b>THIRD OHIO OVI</b> (Third offense within past six years) Misdemeanor</p>	<p>For BAC under 0.17%, minimum 30 days jail; for BAC 0.17% or higher (high tier), minimum 60 days jail fine range: \$850 – \$2750; license suspension ranging from two to ten years required yellow DUI plates; required SCRAM bracelet.</p>
<p><b>FOURTH OR FIFTH OHIO OVI</b> (Fourth or fifth conviction <i>in the past six years</i>) Felony <b>or</b> <b>SIXTH OR GREATER OHIO OVI</b> (Sixth or greater <i>in the past 20 years</i>) Felony</p>	<p>lengthy jail sentence to possible prison term; fine range: \$1350 – \$10,000; license suspension ranging from three years to lifetime required SCRAM bracelet.</p>
<p><b>PHYSICAL CONTROL</b> regardless of prior offenses misdemeanor</p>	<p>jail possible but not required; possible fine; license suspension ranging from no suspension to one year.</p>

### State of Tennessee Sanctions

#### Tennessee Minor in Possession of Alcohol Penalties

##### **Illegal Alcohol Purchase, Attempt to Purchase, Possession or Consumption:**

This type of violation is a Class A misdemeanor. The potential consequences are:

- A sentence of up to 11 months, 29 days in jail;
- A probationary period;
- A fine of up to \$2,500;
- A one-year loss of driver’s license; and
- Court costs.

##### **Misrepresenting Age:**

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A minor who misrepresents the minor's age to buy or consume alcohol can be charged with a misdemeanor. In addition to criminal penalties, a minor younger than 18 may face license suspension, a fine of up to \$50, and at least 20 hours of community service, as decided by the judge. Minors between 18 and 20 will be fined between \$50 and \$200, and may also face license suspension for up to one year, and between five and 30 days in jail, as decided by the judge.

### Tennessee Implied Consent

Under current Tennessee state law, if a driver is arrested for DUI, he or she is deemed to have given "implied consent" to submit to a blood alcohol, breath, and/or urine test in order to determine whether he or she is truly impaired. This implied consent statute provides that if an officer arrests a driver and has probable cause that said driver was driving under the influence, then that driver has the option of submitting to a BAC test of the officer's choosing. Should the driver refuse to submit to the test, any refusal to submit to a blood alcohol, breath, and/or urine test leads to penalties. The potential penalties are:

- Revocation of Drivers License for 1 year - 1st offense
- Revocation of Drivers License for 2 years - 2nd offense
- Revocation of Drivers License for 2 years if crash resulted in bodily injury (Most Aggravated Drunk Driving Law)
- Revocation of Drivers License for 5 years if crash resulted in a death (Most Aggravated Drunk Driving Law)

### Tennessee DUI Penalties

#### 1<sup>st</sup>Time DUI Offender

- 48 hours up to 11 months, 29 days for offenders in violation of 55-10-401
- .20 BAC or greater minimum jail time 7 consecutive days
- License revocation for 1 year
- Pay restitution to any person suffering physical injury or personal loss
- \$350-\$1,500 fine
- Judge can order you to install an Ignition Interlock Device at your expense. Minimum first year costs could exceed \$1,000.00
- If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense
- Drug and Alcohol Treatment may be required at the judge's discretion

#### 2<sup>nd</sup>Time DUI Offender

- 45 days to 11 months, 29 days in jail
- \$600-\$3,500 mandatory fine
- License revocation for 2 years/Restricted License available after first year

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- Subject to vehicle seizure/forfeiture
- Ordered to attend an alcohol and drug treatment program
- The judge can order you to install an Ignition Interlock Device at your expense
- If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense
- Pay restitution to any person suffering personal injury or loss

### 3<sup>rd</sup> Time DUI Offender

- 120 days to 11 months, 29 days in jail
- \$1,100 to \$10,000 mandatory fines
- License revocation for 6-10 years/NO restricted license available
- Subject to vehicle seizure/forfeiture
- Alcohol and drug treatment program
- Judge could order an Ignition Interlock Device installed at your expense
- If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense

### 4<sup>th</sup> Time DUI Offender and Subsequent DUI Offender

- Class E Felony
- 1 Year (365) days of jail time with a minimum of 150 consecutive days served
- \$3,000 to \$15,000 mandatory fine
- License revocation for 8 years/NO restricted license available
- Subject to vehicle seizure/forfeiture
- Alcohol and drug treatment program
- Judge could order an Ignition Interlock Device installed at your expense
- If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense

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### Drug or Alcohol Counseling, Treatment or Rehabilitation

Daymar does not provide onsite counseling, treatment or rehabilitation services. The college does not have a contractual relationship with any of the resources nor does it recommend these agencies. These agencies are listed as a courtesy and individuals should determine for themselves whether they feel the agency will meet their needs.

- **Substance Abuse and Mental Health Services Administration** ([samhsa.gov](http://samhsa.gov)) 800-662-4357

In addition to the agency listed above, consider contacting your doctor's office. If you are in immediate danger or thinking about harming yourself, tell someone who can help right away or dial **911**.

Other places to consider are local hospitals:

#### Ohio

##### **Columbus**

Columbus Community Hospital, 1430 S High St., Columbus, OH 43207 | 614-437-5000

#### Kentucky

##### **Bellevue**

St. Elizabeth Healthcare – Covington, 1500 James Simpson Jr. Way, Covington, KY 41011 | 859-655-8800

##### **Bowling Green**

TriStar Greenview Regional Hospital, 1801 Ashley Cir, Bowling Green, KY 42104 | 270-793-1000

##### **Madisonville**

Baptist Health Madisonville, 900 Hospital Dr., Madisonville, KY 42431 | 270-825-5100

##### **Owensboro**

Owensboro Health Regional Hospital, 1201 Pleasant Valley Rd., Owensboro, KY 42303 | 270-417-2000

##### **Russellville**

Logan Memorial Hospital, 1625 Nashville, St., Russellville, KY 42276 | 270-726-4011

#### Tennessee

##### **Clarksville**

Tennova Healthcare – Clarksville, 651 Dunlop Ln., Clarksville, TN 37040 | 931-502-1000

##### **Murfreesboro**

St. Thomas Rutherford Hospital, 1700 medical Center Pkwy, Murfreesboro, TN 37129 | 615-396-4100

##### **Nashville**

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TriStar Summit Medical Center, 5655 Frist Blvd., Hermitage, TN 37076 | 615-316-3000

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