

BUENA VISTA UNIVERSITY

ALCOHOL, DRUG, and SMOKING/ TOBACCO POLICY

For Students and Employees 2026-2027

Published as part of compliance with The Drug-Free Schools and Communities Act Amendments of 1989

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Buena Vista University Drug and Alcohol Policy

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April 2, 2026

To receive federal financial assistance of any kind, including grants and loans for students, all colleges and universities must adopt and implement programs to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. The following information is being distributed in compliance with the requirements of the Drug-Free Schools and Campuses Act as articulated by the U.S. Department of Education. The information will serve as a baseline for standards of conduct for the entire campus community regarding illicit drugs and alcohol, as well as provide information on the consequences of inappropriate behavior.

Within the pages that follow, you will find:

- A statement of acceptable conduct, including the University's drug and alcohol policies.
- A description of applicable legal sanctions under local, state, and federal laws for the unlawful possession, use, and distribution of illicit drugs and alcohol.
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol.
- Information on drug and alcohol counseling, treatment, or rehabilitation and re-entry programs that is available to students and employees.
- A statement of possible disciplinary sanctions which are applicable to members of the University community who violate law or university policy with respect to the abuse of alcohol or the manufacture, possession, use, or distribution of illicit drugs.

Please take the time to become familiar with the information. Buena Vista University intends to ensure that all applicable sanctions for the illicit use of drugs or alcohol are consistently enforced.

Sincerely,

A handwritten signature in cursive script that reads "Brian A. Lenzmeier".

Brian A. Lenzmeier, Ph.D.

President

Standards of Conduct

The conduct of students and employees should respect and contribute to the unique intellectual, emotional, physical, and spiritual development of every individual at the University and enhance the academic atmosphere of the institution.

In accordance with local, state, and federal laws, Buena Vista University prohibits the unlawful possession, use, or distribution of illicit drugs and drug-related paraphernalia, and alcohol by students and employees on its property, or on a property used by the University, such as classrooms at Buena Vista University Online, Extended University Programs, and Graduate locations, or as part of any university-sanctioned activities. Such actions are not only against the law, but they may adversely affect the safety, health, and performance of individuals in the classroom and workplace. In addition, such use constitutes a potential danger to the security and welfare of others and exposes the University to property and financial losses.

As a part of the Standards of Conduct for individuals associated with Buena Vista University, the attention of students and employees is called to the following:

Illicit Drugs: *the manufacture, sale, delivery, possession, or use of any illicit drug and/or drug-related paraphernalia is prohibited on property owned or used by Buena Vista University or as part of any university-sanctioned activity.*

Alcohol: *the use, including the sale, delivery, possession, and consumption of alcoholic beverages in or on property owned or used by the University or as part of any University activity is prohibited except as otherwise provided in the "Buena Vista University Alcohol Policy" (see pages 9-13). When and where permitted under this policy, the use of alcoholic beverages on university property shall be considered a privilege and may be allowed only if consistent with state and local laws and university regulations, and only when it will not interfere with the decorum and academic atmosphere of the University.*

If an individual associated with the University is apprehended for violation of any drug or alcohol-related law when on university property or participating in a university-sanctioned activity, the University will cooperate fully with law enforcement and other agencies in administering a corrective or rehabilitative program for the individual. The University also reserves the right to initiate concurrent disciplinary action, up to and including termination of the individual's association with Buena Vista University.

A Summary of Federal, State, and Local Laws and Sanctions for the Unlawful Possession, Use, or Distribution of Illicit Drugs and/or Drug-Related Paraphernalia

A more detailed explanation of legal sanctions will be found in the appendix.

Possession of controlled substances, such as narcotics, stimulants, depressants, or hallucinogens, carries criminal penalties under federal law. These include imprisonment and/or fines depending on the type and quantity of the drug and whether it is a first or subsequent offense. A Federal Schedule V first offense is subject to up to one-year imprisonment and a fine of at least \$1000 but not more than \$100,000. Moreover, personal property may be forfeited and federal benefits, such as student loans and grants, may be denied on the first offense.

Under the State of Iowa and local laws, simple possession is a serious misdemeanor. Non-marijuana charges are subject to imprisonment of up to one year and/or a fine of up to \$1500.

While Marijuana has become legal in some states, it remains illegal to manufacture, possess, consume, or distribute this substance in the state of Iowa. Criminal penalties for marijuana possession may include up to six months imprisonment and/or a fine of up to \$1000.

Drug Paraphernalia: No person may use, possess, manufacture, or deliver drug-related paraphernalia. Drug-related paraphernalia is defined to be all equipment, products, and materials of any kind which will be used, intended for use, or designed for use with regard to drugs in any manner.

Trafficking a controlled substance carries criminal penalties depending on the type and quality of the drug and whether it is a first or subsequent offense. For an individual's first offense of marijuana possession under federal law, the penalties include imprisonment of not more than 5 years and fines of up to \$250,000.

Under the State of Iowa and local laws, trafficking an illicit drug carries criminal penalties, marijuana less than 50kg carries a sentence of not greater than 5 years and a fine of not less than \$750 and not greater than \$7,500. Subsequent violations increase the penalties. Moreover, there are special penalties for trafficking to minors.

Summary of State and Local Laws and Sanctions Regarding Alcohol

No one shall have open containers of alcohol in a motor vehicle on a public street. Violation results in a fine of \$200.

No one shall use or consume any alcoholic beverage on a public street. A court appearance is required.

No one shall use or consume any liquor at an elementary or secondary school or on any elementary or secondary school premises.

No one shall be intoxicated or simulate intoxication in a public place. A court appearance is required.

A person under age 21 shall not have any alcoholic beverage in his/her possession or control except in a private home with the knowledge, consent, and presence of the parent or guardian. Violation results in a fine of \$200. Second offense: Unscheduled misdemeanor punishable by a fine of \$500 and shall have an abuse evaluation or loss of driver's license for no more than one year. Third offense: Unscheduled misdemeanor punishable by a fine of \$500 and suspension of driver's license, not to exceed one year.

No one shall sell or give alcohol to a minor (with the exception stated above regarding alcohol in a private home with the knowledge, consent, and presence of a parent or guardian).

No person shall misrepresent their age for the purpose of obtaining alcohol.

The penalty for the violation of any of the above crimes is up to 30 days in jail or up to a \$200 fine, except if someone gives alcohol to a person 19 or 20, and the "supplier" is under 21 the offense is a simple misdemeanor, while if the "supplier" is 21 or over the offense is a serious misdemeanor.

No one shall operate a motor vehicle on a public street while intoxicated.

The penalty for OWI varies depending on the number of offenses and whether there was damage to either property or a person. For the first offense, the penalty is 48 consecutive hours in jail and a fine of \$1,250. If a Temporary Restricted License (TRL) is approved the court may waive \$650. There is also a loss of driver's license privileges for 180 days, possible substance abuse evaluation, required to carry an SR22 insurance policy for 3 years, installation of an Ignition Interlock Device (IID), and a civil fine of \$200.

Also, a person under age 21 is subject to the "zero tolerance" law which went into effect July 1, 1995. For example:

- "Zero Tolerance" is at least .02 blood alcohol content (BAC).
- .02 BAC can result from one beer or drink—or less.
- Any driver under 21 who is stopped and tests as little as .02 BAC will lose his/her driver's license for at least 60 days for the first offense.
- If a driver refuses to take the BAC test, the driver's license will also be suspended for one year.
- No school or work driving permit will be allowed.
- The cost of the substance abuse program is to be paid by the offender.
- A civil penalty of \$200 and proof of SR22 insurance. In addition, Storm Lake's City Code, Section 10-8-1 bans beer kegs in city parks:

Section 10-8-1 Prohibition of Beer Kegs

No person, corporation, or other entity shall have, possess, use, or dispense beer from kegs of beer within any parks of the park system excluding the Municipal golf course of the City. As used herein, a keg shall mean any barrel or other container with a capacity of more than one gallon and shall include as well, beer kegs or containers which are incorporated into beer trucks and or other motor vehicles.

Health Risks Associated with the Use of Alcohol and Other Drugs

According to the 2018 National Survey on Drug Use and Health, alcohol is the most abused drug in society as well as on college campuses. Overall, of the roughly 88,000 deaths that result from alcohol use in the United States each year, more than half stem from binge drinking, and binge drinking accounts for 77 percent (\$191.1 billion) of the annual economic cost of alcohol misuse⁵. Among young adults, the rate for binge drinking has been decreasing steadily in the past decade. However, rates among this group are still high; according to 2019 data from Monitoring the Future, 28 percent of college students and 25 percent of non-college, age-matched young adults reported binge drinking in the past 2 weeks.

While there have been documented health benefits for moderate drinking (1 drink a day for women and 2 drinks a day for men), the majority of health and social problems contributed to alcohol come from binge drinking. The [National Institute on Alcohol Abuse and Alcoholism](#) defines binge drinking as a pattern of drinking that brings a person's blood alcohol concentration (BAC) to 0.08 grams percent or above. This typically happens when men consume 5 or more drinks, and when women consume 4 or more drinks, in about 2 hours.

According to the Centers for Disease Control and Prevention (CDC), binge drinking is associated with many health problems, including unintentional injuries (e.g., car crashes, falls, burns, drowning), intentional injuries (e.g., firearm injuries, sexual assault, domestic violence), alcohol poisoning, and sexually transmitted diseases. The National Institute on Drug Abuse (NIDA) reports that alcohol abuse costs the United States \$249 billion in costs related to crime, lost work productivity, and healthcare, three-quarters of this cost is due to binge drinking alone.

The CDC also reports that 11.2% (2017) of the population 12 years of age and older have used illicit drugs in the last month. The NIDA calculates the cost to the United States to be \$193 billion in costs related to crime, lost work productivity, and healthcare. The health risks associated with the use of illicit drugs are numerous and vary depending on the type of substance used. Many of them are discussed in the list below. However, the risk of overdose is a concern for almost all illicit substances. Overdose can result in coma, convulsions, psychosis, or death. Combinations of certain drugs, such as alcohol and barbiturates, can be lethal. The purity and strength of doses of illicit drugs are uncertain.

Continued use of alcohol and illicit drugs can lead to an alcohol or substance use disorder. This is defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) as a problematic pattern of alcohol or substance use leading to clinically significant impairment or distress. Signs of the disorder include increased tolerance (requiring more and more of a drug to get the same effect), continued use despite persistent or recurring problems with interpersonal relationships, employment, or the legal system, or withdrawal (a painful, difficult, and dangerous symptom when stopping the use of alcohol or drugs). Many times, professional intervention is needed to help someone dealing with an alcohol or substance use disorder.

Some physiological effects of specific drugs

Alcohol is a depressant which, used in any dose, reduces coordination and alertness, making activities such as driving dangerous. Large doses of alcohol can cause unconsciousness, hypothermia, respiratory arrest, and death. Physical complications of chronic alcohol use include liver damage, hepatitis, altered brain cell functioning, gastritis, heart disease, circulatory problems, peptic ulcers, some forms of cancer, premature aging, impotence, infertility, reproductive disorders, pneumonia, tuberculosis, and neurological disorders, hypertension, and high blood pressure.

Repeated use of alcohol can lead to dependence. Sudden cessation of heavy alcohol intake may produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening.

Women who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome, the third leading cause of birth defects. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

Marijuana, when smoked, irritates lung tissue, increasing the risk of lung cancer. It decreases visual perception and psychomotor skills; it adversely affects the reproductive system; it delays the onset of secondary sexual characteristics, and it is stored in body tissue for periods of time.

Cocaine/Crack increases blood pressure, heart, and breathing rates and is extremely addictive. It may cause anxiety, brain seizures, and strokes. Chronic snorting can ulcerate the mucous membranes of the nose. There is no antidote for overdose.

Amphetamines/Stimulants increase heart rate and blood pressure; stroke and heart failure may result from high doses. Long-term abuse may result in malnutrition and brain damage.

Hallucinogens (LSD, Mushrooms, PCP) have unpredictable effects that vary with individuals; panic reactions are common. Impurities are likely, as with any street drug.

Date-Rape Drugs Rohypnol & GHB (Gamma-Hydroxy Butyrate), commonly referred to as “date rape drugs,” cause dizziness, drowsiness, confusion, or reduced levels of consciousness. When ingested with alcohol, they can cause amnesia and even death.

Depressants/Sedatives/Barbiturates act much like alcohol, by depressing the central nervous system.

Narcotics/Heroin are opiates used to relieve pain. Tolerance develops quickly, and a user attempting to quit will experience withdrawal symptoms after only a few days of drug use. Infections and AIDS transmission are associated with unsterile conditions of use.

Synthetic Marijuana is a designer drug in which herbs, incense, or other leafy materials are sprayed with lab-synthesized liquid chemicals to mimic the effect of tetrahydrocannabinol (THC). Complications due to synthetic pot use include high blood pressure, rapid heart rate, profuse sweating, confusion, hallucinations, nausea, vomiting, anxiety, agitation, and seizures. It can also cause reduced blood supply to the heart and heart attacks.

Prescription Drug effects vary by medication. They can cause an increased risk of choking, low blood pressure or high blood pressure, memory problems, dangerously high body temperature, heart problems, seizures or tremors, hallucinations, aggressiveness, paranoia, a slowed breathing rate, and the potential for breathing to stop, coma, and death.

MDMA (Ecstasy or Molly) causes confusion, depression, sleep problems, memory problems, and anxiety. It can also cause an increase in heart rate and blood pressure, muscle tension, involuntary teeth clenching, nausea, blurred vision, faintness, and chills or sweating. In high doses, MDMA can interfere with the body’s ability to regulate temperature which can lead to a sharp increase in body temperature (hyperthermia), which can result in liver, kidney, or cardiovascular system failure or even death.

Inhaling Alcohol (Smoking Alcohol) is the act of pouring alcohol over dry ice and breathing in the vapors. Inhaled alcohol goes directly into the lungs, then to the brain, and circumnavigates the liver. This process is more likely to lead to alcohol poisoning because the body isn’t able to get rid of excess alcohol by vomiting. It is also difficult to know how much alcohol is being consumed.

Anabolic Steroids suppress gonad tropic functions of the pituitary. Side effects include liver and kidney dysfunction, testicular atrophy, premature closure of bone growth plates, hair loss and acne, and heart failure.

Inhalants act quickly as anesthetics and slow down body functions. Nausea and nosebleed result from immediate use, while the loss of consciousness may result at high doses. Long-term use damages organs and the nervous system.

Caffeine in high doses may cause nausea, diarrhea, sleeplessness, headache, and trembling.

Nicotine may cause cancer of the lungs, larynx, and mouth.

Alcohol and Drug Prevention and Counseling Services

Various agencies provide prevention programs and will assist University students and employees who may need counseling for drug and alcohol abuse problems.

Buena Vista University Storm Lake Campus
Wellness Center
Dixon Eilers Room 207
712-749-1238

Alcohol and other drug counseling, evaluations, and referral services by the University Wellness Center are available for Buena Vista University Storm Lake campus students. Services may be provided on-site and/or referred to local resources. All contacts are confidential.

Additional support services are available to all university employees through the University's Employee Assistance Program. This program is administered by Human Resources, and the program can be accessed by calling 855-775-4357. All contacts are confidential, and information regarding who has contacted the Employee Assistance Program is not available to anyone at the University unless the individual seeking assistance expressly allows it to be.

Storm Lake

Seasons Center for Behavioral Health

824 Flindt Drive, Ste. 104

Storm Lake, IA 50588

(800) 242-5101

Outpatient agency Seasons Center for Behavioral Health provides prevention education, counseling, evaluations, and referrals. Cost is based on a sliding scale.

Buena Vista University Extended University Programs: Support services are available to all university employees through the University's Employee Assistance Program. Human Resources administers this program, and the program can be accessed by calling 855-775-4357. All contacts are confidential, and information regarding who has contacted the Employee Assistance Program is not available to anyone at the University unless the individual seeking assistance expressly allows it to be.

BVU has engaged with Employee & Family Resources (EFR) to provide BVU Online and Graduate Programs students with access to EFR's Student Assistance Program (SAP). This service will provide BVU's students attending through Online Programs or Graduate Programs access to free, confidential virtual counseling services. These services are intended to provide short-term assistance so up to six free sessions are provided. If long-term care is needed or desired, EFR staff will also assist students with referrals.

The EFR 24/7 Helpline is answered by master's-level trained clinicians, who will assist with urgent needs or issues and assist with booking a virtual appointment. Here's the contact information for reaching out to EFR.

Easy Access to Help:

- Call EFR's 24/7 helpline at 800-327-4692 for immediate support, any time of day or night, to talk with a counselor.
- Staff will also assist with scheduling virtual counseling sessions.
- Connect with EFR through the web chat at efr.org from 8 am to 5 pm, Monday through Friday.
- Reach out through the 'Contact' web form on EFR's website.

The following agencies provide services in areas where BVU sites are located. Most agencies provide outpatient services, including assessment, referral, and group, family, and individual counseling to adults and youth. In most cases, the costs of services are based on a sliding scale according to the ability to pay. You can also go to the following website for services near your area:
<https://www.drug-rehabs.org/>

Council Bluffs

Heartland Family Service 515 East Broadway Council Bluffs, Iowa 51503 (712) 322-1407

CenterPoint Campus for Hope 1490 N 16th Street Omaha, NE 68102 (402) 827-0570

Fort Dodge

Community and Family Resources 211 Ave. M West Fort Dodge, IA 50501(515) 576-7261

New Perspective Treatment Care Services 1728 Central Ave., Suite #6 Fort Dodge, Iowa 50501 (515)302-8025

Mason City

Prairie Ridge Addiction Treatment Services 320 North Eisenhower Avenue Mason City, IA 50401(641) 424-2391

Ottumwa

SIEDA Community Action Behavioral Health and Treatment Services 725 W 2nd St. Ottumwa, IA 52501(641) 683-8741

Sioux City

Siouxland Intergroup Central Office 614 Cook Street Sioux City, IA 51103 (712) 252-1333

Rosecrance Jackson Recovery Center 800 5th Street Sioux City, IA 51101 (712) 234-2300

Buena Vista University Policies and Disciplinary Sanctions

In accordance with the federal Drug-Free Workplace Act of 1988, the federal Drug-Free Schools and Communities Act (DFSCA) of 1989, and State policies on Alcohol and Other Drugs, Buena Vista University prohibits the unlawful or unauthorized possession, use, sale, manufacture, distribution, or dispensation of alcohol and other drugs by employees and students in the workplace, on University property, or as part of any campus activity.

Students and employees of Buena Vista University will be subject to disciplinary sanctions, up to and including termination of employment and expulsion by the University if they: 1) possess or consume alcohol while not of legal age 2) provide alcohol to persons under the legal age in violation of federal law or Iowa, or other relevant, state law or 3) use, possession, sale of narcotics and controlled substances without a prescription on University premises is prohibited by students, employees, and visitors 4) who are, or appear to be under the influence of alcohol or drugs in any public area of the Storm Lake campus, or on a property used by the University such as classrooms at BVU Extended University Programs locations, or as part of any University-sanctioned activities

The University's Campus Security reports violations of law to the appropriate University department and works in collaboration with the state and local police, who are responsible for enforcing the laws of Iowa, including laws related to the possession, use, and sale of alcoholic beverages and other illegal substances. This includes the enforcement of State underage drinking laws and Federal and State drug laws. Student violations of the policies and guidelines pertaining to alcohol and drugs specified in the Buena Vista University Code of Conduct will result in sanctions appropriate to the degree of the violation. Sanctions will increase in severity for repeated violations. Student sanctions will include, but are not limited to, fines, education, referrals for counseling, probation, residence hall separation, or suspension or expulsion from the University.

1.) Buena Vista University Alcohol Policy

Buena Vista University supports the laws of the State of Iowa and of all states in which it operates and the expressed intent of any policy pertaining to the use of alcohol at the BVU Storm Lake campus and BVU Extended University Programs locations are to be consistent with all relevant local, state and federal laws and regulations. Employees, students, and visitors to Buena Vista University will be required to obey the laws and regulations of the University, understanding that these laws and regulations are made with respect for the common good.

This policy applies to the Buena Vista University Storm Lake campus, BVU Extended University Programs locations, and events and activities sponsored or sanctioned by Buena Vista University. Any and all questions of definition and/or classification regarding adherence to the Drug and Alcohol Policy will be determined by the Office for Student Success.

Measures or activities designed to circumvent the intent of this policy or the laws and regulations of the State of Iowa, or, for University-sanctioned activities outside of the State of Iowa, the relevant state or local laws and regulations, will not be tolerated. This policy is not intended to be, and is not, a comprehensive statement of applicable laws. This rule prohibits but is not limited to, the following.

- a. Possession of alcoholic beverage containers by anyone under the age of 21.
- b. Misrepresentation of age or identity for the purpose of obtaining alcohol or consuming alcohol.
- c. Possessing or consuming alcoholic beverages while under the age of 21.
- d. Providing alcoholic beverages to persons under the age of 21.

- e. Possessing and/or consuming from a common source of alcohol (kegs, punch bowls, etc.).
- f. Intoxication: defined as behaviors which exhibit impairment due to the consumption of alcohol or other drugs.
- g. Participating in or being in the presence of activities (e.g., drinking games including but not limited to beer pong, water pong, flip cup, kings cup, spades, and quarters) that promote and encourage the consumption of alcohol regardless of the age of the participants. Possession or use of any objects to enhance the ingestion of alcohol, such as beer bongs or funnels, is not permitted on campus. All drinking games are prohibited.
- h. Possession of open containers of alcohol anywhere on campus with the exception of within a legal-aged student's private on-campus residence or at a specific University-sponsored event. An open container is defined as any can or bottle where the seal has been broken or any secondary container that contains alcohol (whether covered or not).
- i. Possession of open containers of alcohol is not allowed in the residence hall hallways, lounges, study rooms, or other common areas (laundry room, bicycle storage area, etc.). Consumption of alcoholic beverages may only occur in the residence room where everyone is of legal age. Possession or consumption of alcoholic beverages while under the age of 21 is prohibited.
- j. Minors in possession of empty or full alcoholic containers are a violation.
- k. Any single-serving alcohol must be in a can form, unless only available in glass bottle form. The exception to this would be alcohol served by the university food service vendor, which may use glass bottles.
- l. Possession of alcohol in containers larger than a gallon provided by a non-licensed vendor.
- m. Mixing, possessing, or consuming, regardless of a person's age, caffeinated alcoholic drinks.
- n. Punch party: defined as any activity that includes the possession, distribution, or consumption of uncontrolled mixtures of alcoholic beverages.
- o. Solicitation (for example, advertising) of alcoholic beverages or their consumption, including any items placed in campus mail, campus email, mailboxes, sidewalk chalk, or personal social media advertising of parties. Note: Advertisements on any official campus radio station (e.g., KBVU), on any official campus television station (e.g., BVTv), or in any official campus newspaper (e.g., The Tack) are not covered by this provision. Any solicitations or other materials received via U.S. Mail from outside vendors is not covered by this provision.
- p. Alcoholic beverages may not be served or consumed in Academic buildings unless authorized by University Event Services, University Food Service, and the President of the University, or his/her designee.

1.1) In University Housing

- a) BVU is a "wet" campus in that alcohol is allowed in rooms of students 21 years of age or older. A room is considered "wet" only when both roommates are 21 and everyone in the room, including visitors, is 21 or older. If an underage student were to be present in the room, it automatically becomes a "dry" room.
- b) In rooms where alcohol is permitted, doors must be closed.
- c) Possession of alcohol in the residence halls is a privilege and not a right. Appropriate violations in the alcohol policy could result in loss of privilege as deemed appropriate by the Associate Dean for Student Success & Residence Life/Designee.
- d) All alcohol consumed outside a student's residence hall room on campus must be served by the University food service under their license or events approved by the University. Such authorization shall result from negotiations between the food service vendor and the president of the University, or his/her designee. Open containers of alcohol provided by the University food service must be in the space where the alcohol is served. Alcoholic beverages may not be served or consumed in any public space on a property unless authorized by the president of the University, or his/her designee, except when authorized in the Football Tailgating policy.

- e) Students of legal drinking age, who choose to consume alcohol, are expected to behave in a mature and responsible manner. Any student whose inappropriate behavior (as defined by the Code of Conduct) on the Buena Vista University Storm Lake campus, or on a property used by the University, is perceived to be directly related to alcohol consumption may be disciplined for said behavior and, in addition, may be subject to the sanctions for violations of this Alcohol Policy as well.
- f) **Definition of a Party:** A gathering is considered a "party" when the number of individuals in a room or suite exceeds the occupancy guidelines outlined below, and alcohol is present. Each resident is allowed up to three guests. The following are examples based on room occupancy:
Occupancy Guidelines by Housing Type:
- 6-person suite: Up to 18 individuals
 - 4-person suite or apartment: Up to 12 individuals
 - 2-person room: Up to 6 individuals
 - 1-person room: Up to 3 individuals
- g) Social gatherings at which alcohol is present must be conducted in accordance with the University's alcohol policy. University staff may decide that a gathering exceeds fire and safe occupancy and may require some or all guests or non-residents to vacate a university housing unit/area. No alcohol is permitted in a social gathering in which there are persons who are below the legal drinking age.
- h) Alcohol is prohibited in the common areas of suites and apartments when any minors are present. If a suitemate or roommate is under the age of 21, alcohol is not permitted in shared spaces and may only be possessed or consumed within a private room where all assigned residents are 21 years of age or older. In other residence halls, including Pierce, White, Liberty, and apartment alcohol is not allowed in any public or shared areas such as hallways, kitchens, study rooms, game rooms, or other communal spaces. Additionally, alcohol may not be stored in any refrigerator that is shared with residents who are underage.
- i) Possession: includes being in the presence of, or having ownership, custody, or control of, alcoholic beverages or alcohol paraphernalia related items, including full or empty cans, bottles, and packaging such as beer boxes or cases. Residents under the age of 21 are prohibited from possessing alcohol or alcohol-related containers in any form. The presence of these items in a student's room or assigned space constitutes possession, regardless of ownership or intent. Residents are responsible for all such items found in their space, whether or not they are present at the time.
- j) Alcohol containers, full or empty, are not allowed in the rooms of minors. Persons of legal drinking age who room with minors give up their right to have alcohol in their assigned rooms. In the suite rooms or apartments where minors reside, alcohol may only be consumed in individual bedrooms where all occupants are of legal drinking age. Alcohol may not be consumed in common suite or apartment areas of the rooms if minors are present.
- k) If anyone is found to be in violation of the alcohol policy, all alcohol will be confiscated and emptied by a Residence Life or Campus Security staff member.
- l) Any alcoholic beverage with a broken seal, covered or not, must remain in the room with the door closed.
- m) Alcoholic containers, full or otherwise, should not be visible from residence hallways, windows, or other public areas on campus.
- n) Possession of kegs, tappers, and/ or party balls (empty or full) is strictly forbidden. Such items will be confiscated and not returned.
- o) All BVU university students are responsible for the conduct of their guests. The host will be responsible for any fines or damages that occurred from their guests.
- p) Liberty Hall's third floor is a substance-free housing option. The floor is reserved for students who commit to living a healthy lifestyle that is free of the participation and/or promotion of alcohol, tobacco, and drugs.

On University-owned property, the presence of any alcoholic beverage container: full or empty will be interpreted the same as actual possession by all those in the area where the container is found. Any member of the college community found in violation of the policy is subject to discipline.

Any member of the college community who returns to campus and gives clear evidence of intoxication (i.e. incoherent speech, lack of physical coordination) or creates a disturbance on campus related to the consumption of alcohol will be subject to discipline.

If a student is suspected of being under the influence of alcohol at a university-sponsored event, he/she will be asked to leave the event as well as be subject to discipline.

1.2) Football Tailgating Policy

The Football Tailgating policy is provided for the best interest of health and safety during football games.

- a.) The Tailgating area will be located in the grass field on, the east side of the stadium. There will be signage directing you, and a porta-potty available for use. Parking spots are available on a first-come basis. In case of bad weather, tailgating will be located in Lot L across from the stadium.
- b.) Tailgating hours:
 - The lot is open 3 hours before kickoff.
 - Tailgating will end at the start of the contest, and tailgaters are encouraged to leave the lot, support the Beavers, and attend the contest.
 - The lot will close 1 hour after the contest ends.
- c.) Rules & Regulations
 - The University reserves the right to restrict any vehicle or person for any reason.
 - Buena Vista University supports the laws of the state of Iowa and all of the states in which it operates and the expressed intent of any policy pertaining to the use of alcohol at the BVU Storm Lake campus.
 - Beer kegs, party balls, borgs, and glass bottles are prohibited. Drinking games are prohibited and the use of devices intended to accelerate the consumption of alcohol is prohibited.
 - Under no circumstances shall persons under the age of 21 have possession or consume alcohol.
 - The university reserves the right to check identification and notify the proper authorities for underage drinking.
 - No alcoholic beverages outside the tailgating area.
 - Individuals who interfere with the rights of other people by use of loud and or abusive language and behavior will be asked to leave the event. Individuals may also be subject to legal penalties.
 - Individuals will be responsible for keeping the area clean. Trash cans and recycling bins will be available.
 - No open flames, fireworks, or fire pits are allowed.
 - Gas/propane & charcoal grills are permitted.
 - No outside retail sales of alcohol are allowed unless provided by Sodexo.
 - Driving under the influence is illegal in the state of Iowa. State drinking laws will be enforced in and around the property.
 - Enforcement will be by the Athletic Director, Assistant Athletic Director, BVU personnel, and the security officer on duty. All individuals are subject to legal and University policies.

1.3) Student Sanctions for Violations of the Alcohol Policy

The student's conduct history and previous record are taken into account when determining the appropriate sanction and/or educational plan for that student. The following represents recommended but not limited sanctions students may receive as a result of violating the University Alcohol Policy.

First Violation

- Maximum \$75 Educational fee
- Potential Education opportunity

- Parental notification and, if applicable, athletic coach or advisor notification
- Loss of privileges (i.e. visitation, relocation, access, co-curricular activities)

Second Violation

- Disciplinary probation for 1 year
- Maximum \$125 Educational fee
- Possible revocation of residential student privileges (weekend suspension or visitation restrictions)
- Possible removal from University housing
- Parental notification and possible meeting, and if applicable, athletic coach or advisor notification
- Alcohol Assessment at a licensed facility
- Loss of privileges (i.e. visitation, relocation, access, co-curricular activities)

Third Violation

- Suspension from the University for a minimum of 1 semester and/or reduction in institutional scholarship
- Parental notification and meeting, and if applicable, athletic coach or advisor notification
- Successful completion of an off-campus substance abuse treatment program
- Loss of privileges (i.e. visitation, relocation, access, co-curricular activities)

Anything above a third alcohol violation may place a student in jeopardy of termination of the Housing Contract and/or University Suspension. All sanctions are cumulative.

Federal laws governing the privacy of student records, the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) permits colleges and universities to inform the family of a student under 21 years of age when their student has been found in violation of university alcohol or drug rules and/or in the case of a health or safety emergency. Factors influencing parent notification considerations include health, safety, and repeat offenders.

2.) Buena Vista University Drug Policy

The University considers the use, possession, under the influence, distribution, sale, or manufacture of illicit drugs or drug-related paraphernalia as contrary to the welfare of the University community and strictly prohibits such activities. Medical marijuana in the form of Cannabidiol (CBD) was passed in Iowa. However, the University's policy is that any form of marijuana is still considered prohibited in all areas.

2.1) Student Sanctions for Violations of the Drug Policy

a.) Use or possession:

A student or employee who uses or possesses illegal drugs or drug-related paraphernalia will be subject to disciplinary action up to and including immediate suspension, expulsion, or discharge from Buena Vista University.

b.) Manufacture, distribution, and/or sale:

A student or employee who manufactures, distributes, or intent to sell/sell illicit drugs or drug-related paraphernalia will be subject to immediate suspension, expulsion, or discharge from Buena Vista University.

The student's conduct history and previous record are taken into account when determining the appropriate sanctions and educational plan for that student. The following represents recommended, but not limited, sanctions students may receive as a result of violating the University Drug Policy. It is possible that even with one violation, a student's financial aid could be affected.

First Violation

- Maximum \$75 Educational fee
- Potential Education opportunity
- Parental notification and, if applicable, athletic coach or advisor notification
- Loss of privileges (i.e. visitation, relocation, access, co-curricular activities)

Second Violation

- Disciplinary probation for 1 year
- Maximum \$125 Educational fee
- Possible revocation of residential student privileges (weekend suspension or visitation restrictions)
- Possible removal from university housing
- Possible suspension from the university for a minimum of 1 semester and/or reduction in institutional scholarship
- Parental notification and possible meeting, and if applicable, athletic coach or advisor notification
- Drug Assessment at a licensed facility
- Loss of privileges (i.e. visitation, relocation, access, co-curricular activities)

Third Violation

- Suspension from the university for a minimum of 1 semester and/or reduction in institutional scholarship
- Parental notification and meeting, and if applicable, athletic coach or advisor notification
- Successful completion of off-campus substance abuse treatment program
- Loss of privileges (i.e. visitation, relocation, access, co-curricular activities)

Anything above a third drug violation may place a student in jeopardy of termination of the Housing Contract and/or University Suspension. All sanctions are cumulative.

Federal laws governing the privacy of student records, the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) permits colleges and universities to inform the family of a student under 21 years of age when their student has been found in violation of university alcohol or drug rules and/or in the case of a health or safety emergency. Factors influencing parent notification considerations include health, safety, and repeat offenders.

3.) Expenditure of Fines Collected for Violations of the Alcohol and Drug Policy

The Office for Student Success will determine how funds in the alcohol/drug fine account will be spent. Typically, these funds are allocated for substance prevention and/or programming efforts throughout the campus community.

4.) Employee Sanctions for Violations of Drug, Alcohol, and Tobacco Policies

In accordance with the Drug-Free Workplace Act, Buena Vista University prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance on university premises, or on property used by the University. Such activities are unlawful and may adversely affect employees' safety, health, and longevity, and can seriously impair their performance. In addition, such use constitutes a potential danger to the security and welfare of their employees and exposes the University to the risk of fines and property loss. Accordingly, it is our policy that the possession or sale of these items by an employee on the premises, or on property used by the University, will make the employee subject to discipline, up to and including immediate termination. Also, an employee reporting to work, or who is at work, under the influence of intoxicants, may be subject to termination for the first offense. Any employee who becomes aware of another employee selling, purchasing, transferring, or using intoxicants while on the job is expected to take prompt action to report the circumstances to his/her supervisor. The supervisor will evaluate the circumstances and determine the appropriate disciplinary actions. Failure to notify of this activity may result in disciplinary proceedings.

Employees, who are using drugs in accordance with medical purposes, when such drug usage may impair their work performance, should consult with their supervisor. If the medication affects the employee's work, arrangements may be made for the employee to have the necessary time off. This will be handled on a case-by-case basis.

Any employee with a criminal drug statute conviction for a violation occurring in the workplace must notify the supervising Vice President and the Vice President for Finance and Administration no later than five days after the conviction.

The Vice President for Finance and Administration will notify the appropriate federal funding agency within ten (10) days after receiving notice of such a conviction.

The University will take one of the following actions within 30 days of receiving notice that an employee has been convicted of violating a criminal drug statute while on university property:

- A. Appropriate personnel action against such an employee, up to and including termination.
- B. Requiring the employee to participate satisfactorily in a drug rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

Additional information as required will be distributed by means of separate materials and copies of such materials can be obtained at the Human Resources Office.

5.) Buena Vista University Smoking and Tobacco Policy

Iowa Smokefree Air Act

Iowa lawmakers passed the Iowa Smokefree Air Act, effective July 1, 2008, to protect employees and the general public from exposure to tobacco smoke. The Iowa Smokefree Air Act prohibits smoking in all public and private schools and on any grounds under the control of the schools, including inside any vehicle located on those grounds. In accordance with this law, smoking is prohibited on all University property.

For purposes of the Smokefree Air Act, smoking materials include lighted cigars, cigarettes, pipes, or other tobacco products in any manner or form including ash, cigarette butts or filters, or cigar stubs.

Smokeless Tobacco

Smokeless tobacco is tobacco that is not burned. It is also known as chewing tobacco, oral tobacco, spit or spitting tobacco, dip, chew, and snuff. In the interest of student health and commitment to preparing students for future professional lives, smokeless tobacco products are prohibited in classes, administrative offices, at indoor, university-sponsored events, and all athletic facilities.

While smokeless tobacco is allowed in Residence Halls, users of these products are expected to exercise great responsibility and consideration. Smokeless tobacco waste should be disposed of in garbage receptacles, not in university plumbing, which includes showers, sinks, and water fountains.

Tobacco

Persons under twenty-one years of age shall not smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes.

Electronic Smoking Devices

Electronic smoking devices heat and aerosolize a liquid that contains a cocktail of ingredients, including flavorings and varying levels of nicotine. Electronic smoking devices include but are not limited to electronic cigarettes/e-cigarettes, e-pipes, e-cigars, vapes, vape pens, e-vaporizers, personal vaporizers, tank systems, pod vape/systems, Juhl, e-hookahs, hookah pens, electronic nicotine delivery systems, and mods. All electronic smoking devices are prohibited on all University property. Summary of State and Local Laws and Sanctions Regarding Tobacco

Summary of State and Local Laws and Sanctions Regarding Tobacco

Iowa code 142D.9 A person who smokes in an area where smoking is prohibited is a civil penalty of \$50.

Iowa Code 453A.2(1) A employee providing tobacco to persons under 21 will receive 1st offense \$210.25, 2nd offense \$428.75, and 3rd offense \$796.75.

Iowa Code 453A.2(2) Persons under 21 using tobacco products, or vapor products civil penalty of 1st offense \$70, 2nd offense \$135, and 3rd offense \$325.

Student Sanctions for Violations of the Smoking and Tobacco Policy

The student's conduct history and previous record are taken into account when determining the appropriate sanctions and educational plan for that student. The following represents recommended, but not limited to sanctions and conditions students may receive as a result of violating the University Smoking and Tobacco Policy.

First Violation

- Maximum \$75 Educational fee
- Potential Education opportunity
- Parental notification and if applicable athletic coach, or Advisor notification
- Loss of privileges (i.e. visitation, relocation, access, co-curricular activities)

Second Violation

- Disciplinary probation for 1 year
- Maximum \$125 Educational fee
- Possible revocation of residential student privileges (weekend suspension or visitation restrictions)
- Possible removal from University housing
- Parental notification and possible meeting, and if applicable athletic coach, or Advisor notification
- Tobacco Assessment at a licensed facility
- Loss of privileges (i.e. visitation, relocation, access, co-curricular activities)

Third Violation

- Suspension from the university for a minimum of 1 semester and/or reduction in institutional scholarship
- Parental notification and meeting, and if applicable athletic coach, or Advisor notification
- Successful completion of off-campus substance abuse treatment program
- Loss of privileges (i.e. visitation, relocation, access, co-curricular activities)

Anything above a third tobacco/smoking violation may place a student in jeopardy of termination of the Housing Contract and/or University Suspension. All sanctions are cumulative.

Federal laws governing the privacy of student records, the Family Educational Rights and Privacy Act The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) permits colleges and universities to inform the family of a student under 21 years of age when their student has been found in violation of University alcohol or drug rules and/or in the case of a health or safety emergency. Factors influencing parent notification considerations include health, safety, and repeat offenders.

Amnesty Policy

For Victims

Buena Vista University provides amnesty to victims who may be hesitant to report to university officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct records will result.

Immunity for Victims of Sexual Misconduct

The BVU community encourages the reporting of Community Standards violations, especially sexual misconduct. Sometimes, victims are hesitant to report to University officials because they fear that they themselves may be charged with policy violations, such as underage drinking, at the time of the incident. It is in the best interest of this community that as many victims as possible choose to report to University officials. To encourage reporting, BVU pursues a policy of offering victims of sexual misconduct immunity from minor policy violations related to sexual misconduct incidents. Immunity means that the reporting student's conduct related to the sexual misconduct incident will not be subject to conduct action by the University but may be addressed by the University through education, assessment, and/or treatment.

For Those Who Offer Assistance

To encourage students to offer help and assistance to others, the University pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the VP of Student Success or designee, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct records will result.

Good Samaritan/Medical Amnesty

The welfare of students in our community is of paramount importance. At times, students on and off campus may need assistance. BVU expects students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, students who have been drinking underage might hesitate to call for help for a friend who drank too much). BVU pursues a policy of limited immunity for students who seek help for themselves and/or offer help to others in need. This means that whenever a student seeks medical aid for him/herself or another due to the influence of alcohol and/or drugs, he/she will not be subject to conduct action by the University. Instead, the impaired student's and the assisting student(s)' conduct will be addressed by the University through education, assessment, and/or treatment. No conduct procedures or outcomes will result. This policy refers to isolated incidents only and does not excuse or protect those who flagrantly or repeatedly violate the Alcohol and Other Drug Policy.

Students who choose not to seek help for themselves and/or assist a fellow community member when in need of assistance may face conduct action by the University.

Amnesty For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or records will result. Abuse of amnesty requests can result in a decision by the Associate Dean of Student Success or designee not to extend amnesty to the same person repeatedly.

Safe Harbor

The University has a Safe Harbor rule for students. BVU believes that students who have a drug and/or addiction problem deserve help. If any University student brings their own use, addiction, or dependency to the attention of college officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

Appendix

Legal Sanctions Under Applicable Federal, State, and Local Laws for the Unlawful Possession, Use, or Distribution of Illicit Drugs

This description does not list all substances for which possession, use or distribution is prohibited by federal, state or local law; it does summarize many of the substances considered illicit. It should not be relied upon as providing legal advice or interpretation of the law.

Unlawful Possession of a Controlled Substance ***Federal Penalties and Sanctions***

21 U.S.C. 844(a): 1st conviction: Up to one-year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After one prior drug conviction: At least 15 days in prison, not to exceed two years, and fined at least \$2,500 but not more than \$250,000, or both.

After two or more prior drug convictions: At least 90 days in prison, not to exceed three years, and fined at least \$5,000 but not more than \$250,000, or both.

Special Sentencing provisions for possession of crack cocaine: Mandatory at least five years in prison, not to exceed 20 years, and fined up to \$250,000, or both if:

- (a) 1st conviction and the amount of crack possessed exceeds five grams.
- (b) 2nd crack conviction and the amount of crack possessed exceeds three grams.
- (c) 3rd or subsequent crack conviction and the amount of crack exceeds one gram.

21 U.S.C. 853 (a)(2) and 881 (a)(7): Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment. (See special sentencing provisions re: crack)

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

21 U.S.C. 844a: Civil fine of up to \$10,000 (pending adoption of final regulations).

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

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

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

The State of Iowa and Local Penalties and Sanctions

Definition: It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his/her professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a serious misdemeanor. If the controlled substance is marijuana, the punishment shall be by imprisonment in the county jail for not more than one year or by a fine of not more than \$1,875, or both. All may be suspended, and the person placed on probation upon such terms and conditions as the courts may impose including treatment, rehabilitation, or education programs approved by the court.

Penalty:

- A. Controlled substance - not marijuana - serious misdemeanor (imprisonment not to exceed one year, or a fine not to exceed \$1,000, or both.)
- B. Marijuana - serious misdemeanor (imprisonment not to exceed six months, or a fine not to exceed \$1,000, or both.)

FEDERAL TRAFFICKING PENALTIES

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500-4999 grams mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. A fine of not more than \$5 million if an individual, \$25 million if not an individual.	5 kgs or more mixture	First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. A fine of not more than \$10 million if an individual, \$50 million if not an individual.
Cocaine Base (Schedule II)	28-279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40-399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10-99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100-999 grams mixture	Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. A fine of not more than \$8 million if an individual, \$50 million if not an individual.	1 kg or more mixture	Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. A fine of not more than \$20 million if an individual, \$75 million if not an individual.
LSD (Schedule I)	1-9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5-49 grams pure or 50-499 grams mixture		50 grams or more pure or 500 grams or more mixture	2 or More Prior Offenses: Life imprisonment. A fine of not more than \$20 million if an individual, \$75 if not an individual.
PCP (Schedule II)	10-99 grams pure or 100-999 grams mixture		100 gm or more pure or 1 kg or more mixture	

PENALTIES

Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Flunitrazepam (Schedule IV)	1 gram	Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Other Schedule III drugs	Any amount	First Offense: Not more than 10 yrs. If death or serious injury, not more than 15 yrs. Fine, not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine, not more than \$1 million if an individual, \$5 million if not an individual.
All other Schedule IV drugs	Any amount	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.
Flunitrazepam (Schedule IV)	Other than 1 gram or more	Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine, not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine, not more than \$200,000 if an individual, \$500,000 if not an individual.

FEDERAL TRAFFICKING PENALTIES - MARIJUANA

DRUG	QUANTITY	1st Offense	2nd Offense *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	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.	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 (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5yrs. 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.	Not less than 10 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 (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	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.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms of marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants	Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than an individual.
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

Penalties Under Iowa Law for Manufacturing, Delivering, or Possessing with the Intent to Deliver a Controlled Substance, a Counterfeit Substance, or a Simulated Controlled Substance

GENERAL OFFENSE MISDEMEANOR CLASSIFICATION	SPECIAL CLASS "B" FELONY - §124.401(1)(a) ¹	SPECIAL CLASS "B" FELONY - §124.401(1)(b) ¹	SPECIAL CLASS "C" FELONY - §124.401(1)(c) ¹	SPECIAL CLASS "D" FELONY - §124.401(1)(d)	AGGRAVATED MISDEMEANOR §124.401(1)(d)	SPECIAL CLASS SERIOUS - §124.401
PENALTY SUBSTANCE	not greater than 50 years and a fine of not greater than \$1,000,000	not greater than 25 years and a fine of not less than \$5,000 and not greater than \$100,000 ²	not greater than 10 years and a fine of not less than \$1,000 and not greater than \$50,000 ²	not greater than 5 years and a fine of not less than \$750.00 and not greater than \$7,500 ²	not greater than 2 years or a fine of not less than \$500 and not greater than \$5,000 or both	Not greater than 6 months or a fine of not greater than \$1,000 or both ³
LSD	greater than 10g	not greater than 10g				
COCAINE BASE "CRACK"	greater than 50g	greater than 10g but not greater than 50g	less than or equal to 10g			
COCAINE	greater than 500g	greater than 100g but not greater than 500g	less than or equal to 100g			
PCP (PURE)	greater than 100g	greater than 10g but not greater than 100g	less than or equal to 10g			
PCP (MIXED)	greater than 1kg	greater than 100g but not greater than 1kg	less than or equal to 100g			
HEROIN	greater than 1kg	greater than 100g but not greater than 1kg	less than or equal to 100g			
MARIJUANA	greater than 1,000kg	greater than 100kg but not greater than 1000kg	greater than 50kg but not greater than 100kg	less than 50 kg		less than or equal to 1/2oz (not offered for sale)

METHAMPHETAMINE AMPHETAMINE	greater than 5kg ⁴	greater than 5g but not greater than 5kg	less than or equal to 5g ⁵			
SALVIA DIVINORUM					any amount	
SYNTHETIC CANNABINOIDS					any amount	
SYNTHETIC CATHINONES					any amount	
OTHER SCHEDULE I, II, AND III SUBSTANCES⁶			any amount			
SCHEDULE IV AND V SUBSTANCES⁷					any amount	

PENALTIES UNDER IOWA LAW FOR POSSESSION OF CONTROLLED SUBSTANCES

§ 124.401(5) (Includes minimum imprisonment of 48 hours, which can be suspended)

Note: The reduced penalties for marijuana would appear to apply only if the present offense and all previous convictions were for marijuana, otherwise the penalties for the "other than marijuana" would apply. Convictions for violations of Chapters 124, 124A, 1245B, and 453B can be used to enhance second and subsequent offenses in the "other than marijuana" category.

	Marijuana	Other than Marijuana
First Offense	6 mo., \$1,000 fine	Serious Misdemeanor
Second Offense	Serious Misdemeanor	Aggravated Misdemeanor
The third or greater offense	Aggravated Misdemeanor	Class "D" Felony

1: These are non-bailable offenses after conviction and while awaiting appeal. Iowa Code § 811.1(2). Note: must be a second or subsequent offense of § 124.401(1)(c) to qualify as non-bailable.

2: Note that the Iowa Supreme Court has determined that the minimum fines set out for violations of §124.401(1) may be suspended or deferred under Chapter 907 of the Iowa Code. State v. Grey, 514 N.W.2d 78 (Iowa 1994).

3: This is the accommodation offense. It only includes delivery and possession with intent to deliver less than or equal to 1/2 ounce of marijuana, which was NOT offered for sale. Manufacturing marijuana is not included. An offender under this subsection is sentenced as if convicted of § 124.401(5) (possession of marijuana).

4: Deferred judgments, deferred sentences, and suspended sentences are NOT available in these instances when the substance is methamphetamine. Iowa Code § 907.3(1), (2) & (3).

5: If the first offense is for amphetamine or methamphetamine, then the sentence may be suspended, and the defendant ordered to drug court or community-based corrections for 1 year or until maximum benefits. §124.401E

6: Examples of other Schedule I, II, and III controlled substances include mescaline, morphine, fentanyl, hashish, hashish oil, methaqualone, Seconal, and Nembutal. State v. Kaufman, 265 N.W.2d 610 (Iowa 1978).

7: Examples of Schedule IV and V controlled substances include phenobarbital, Tylenol with codeine, meprobamate, Valium, and ephedrine.

Codes

AGGREGATION OF WEIGHTS Iowa Code § 124.401(2)--If the same person commits 2 or more acts

which are in violation of § 124.401(1) and the acts occur in approximately the same location or time period so that the acts can be attributed to a single scheme, plan, or conspiracy, the acts may be considered a single violation and the weight of the controlled substances involved may be combined for purposes of charging the offender and enhancing the criminal penalties. This is done at the discretion of the prosecutor. *State v. Robinson*, 506 N.W.2d 769 (Iowa 1993).

FIREARM AND OFFENSIVE WEAPON ENHANCEMENT Iowa Code § 124.401(1)(e) and (f)--If in the immediate possession of a firearm while participating in a violation of § 124.401(1), the penalty shall be 2 times the term otherwise imposed or granted. If in the immediate possession or control of an offensive weapon, while participating in a violation of § 124.401(1), the penalty shall be 3 times the term imposed by law. A judgment or sentence under the firearm or offensive weapon enhancement cannot be deferred or suspended. *State v. Goodson*, 503 N.W.2d 395 (Iowa 1993).

SCHOOL OR PUBLIC RECREATION ZONE ENHANCEMENT Iowa Code § 124.401A and § 124.401B--If convicted of distributing or possessing with the intent to distribute a Schedule I, II, or III controlled substance (includes both a counterfeit and a simulated controlled substance) to a person greater than or equal to 18 years, and the offense is within 1000 feet of a public or private elementary or secondary school, public park, public swimming pool, public recreation center, or on a marked school bus, then the offender may be sentenced to an additional term of 5 years (§ 124.401A). If convicted of possessing a Schedule I, II, or III controlled substance (includes a simulated controlled substance, but the "counterfeit substance" language was omitted from the statute) and the offense is within 1000 feet of a public or private elementary or secondary school, public park, public swimming pool, public recreation center, or on a marked school bus, then the offender may be sentenced to an additional penalty of 100 hours of community service work for a public agency or a nonprofit charitable organization (§ 124.401B).

MANUFACTURING METHAMPHETAMINE IN PRESENCE OF A MINOR Iowa Code § 124.401C--If someone greater than or equal to 18 years manufactures methamphetamine

1) in the physical presence of a minor; 2) at the residence of a minor; 3) in a building where a minor might reasonably be present; 4) in a public accommodation (hotel, motel, etc.); or 5) in a multi-unit dwelling (apartment, condo, duplex, etc.), they shall be sentenced to an additional 5 years imprisonment.

MANUFACTURING OR DELIVERY OF AMPHETAMINE OR METHAMPHETAMINE TO A MINOR Iowa Code § 124.401D--If someone greater than or equal to 18 years delivers, possesses with the intent to deliver, conspires to deliver or possess with intent to deliver, or conspires to manufacture methamphetamine for delivery to someone < 18 years: 1st offense = 99 years; 2nd or subsequent offense = Class "A" felony (life imprisonment). § 902.9(1)(a). If 1st offense, then not eligible for parole until a minimum of 10 years served. § 902.8A.

TAMPERING WITH, POSSESSING, OR TRANSPORTING ANHYDROUS AMMONIA Iowa Code § 124.401F--It is a serious misdemeanor to tamper with anhydrous ammonia equipment, or to possess or transport anhydrous ammonia in a container not approved by the secretary of agriculture. A civil penalty of not more than \$1500 may also be imposed.

SECOND OR SUBSEQUENT OFFENSES Iowa Code § 124.411(1)--If previously convicted of any state or federal drug statute, and subsequently convicted under Chapter 124, that person may be imprisoned for a period not to exceed 3 times the term otherwise authorized, or that person may be fined not more than 3 times the amount otherwise authorized, or both. The enhancement may be less than the triple amount and it also multiplies any other enhancements (such as the firearm enhancement) that may be imposed. *State v. Rodgers*, 560 N.W.2d 585 (Iowa 1997). Does not apply to violations of § 124.401(5).

MANDATORY MINIMUM SENTENCE Iowa Code § 124.413 (in reality a limitation on eligibility for

parole and work release)--A person sentenced pursuant to § 124.401(1) (a),(b),(c),(e), or (f), shall not be eligible for parole or work release until the person has served a minimum period of confinement of one-third of the maximum indeterminate sentence prescribed by law. This provision does not apply to marijuana, Schedule IV, or V controlled substances under § 124.401(1)(d). If this is a first offense under

§ 124.413, the court may, at its discretion, sentence the person to a term less than provided for by statute if mitigating circumstances exist and those circumstances are stated specifically on the record. (See § 901.10.) Probation is still a possibility. *State v. Farley*, 351 N.W.2d 537 (Iowa 1989); *State v. Draper*, 457 N.W.2d 600 (Iowa 1990); *Kinnersley v. State*, 494 N.W.2d 698 (Iowa 1993). If the conviction is under § 124.401(1) (b) or (c), the court may further lower the minimum eligibility for parole or work release from one-half of the minimum 1/3 to the full 1/3 minimum to serve of the maximum sentence. Iowa Code 124.413(3).

RESTRICTION ON THE REDUCTION OF A MANDATORY MINIMUM SENTENCE Iowa Code § 901.10(2)--A person convicted of an amphetamine or a methamphetamine offense under § 124.401(1)(a) or (b), (i.e., greater than 5 grams), is not eligible for a reduction of the mandatory minimum period of confinement imposed pursuant to § 124.413, unless the person pleads guilty, and then, the mandatory minimum may only be reduced by a maximum of one-third. In addition, if the defendant cooperates with the prosecution of others AND the prosecutor recommends it, the court may reduce the remaining mandatory minimum sentence by up to one-half. If the violation is for § 124.401D, the same applies, but there is apparently no "one-half" limit on reduction if the prosecutor requests further reduction.

RECONSIDERATION OF FELONY SENTENCE Iowa Code § 902.4--The District Court retains jurisdiction for a period of ninety (90) days to reconsider a felon's sentence (other than a Class A felony or for which a mandatory minimum is imposed). The Court shall not disclose its decision to reconsider or not to reconsider until the date reconsideration is ordered, or the 90-day period for reconsideration is past. If an individual is sentenced for a violation of § 124.401 and § 124.413, he would not be eligible for reconsideration. *State Canas*, 571 N.W.2d 20 (Iowa 1997). *However, if it is a first offense and the mandatory minimum is not imposed (see above), then the Court may reconsider.*

REOPENING OF 99-YEAR SENTENCE Iowa Code § 901.5A--The Court may reopen a 99-year sentence if the prosecutor requests it and the Court finds that the defendant cooperated in the prosecution of others. Any reduction in sentence is based on § 901.10(3). Reopening of the sentence does NOT toll or stay any other proceedings or time deadlines.

COMMITMENT FOR TREATMENT Iowa Code § 124.409--When someone is charged under § 124.401 and they consent thereto, or upon a conviction of § 124.401, the Court may find that someone is addicted to, dependent upon, or a chronic abuser of controlled substances, and the Court may order commitment for treatment and rehabilitation. If successful at rehabilitation, the Court may remit all or part of the sentence and place the individual on probation.

POSSESSION OF CERTAIN SUBSTANCES WITH INTENT TO MANUFACTURE Iowa Code § 124.401(4)--It is a Class "D" felony to possess the following with the intent to manufacture a controlled substance: ephedrine, pseudoephedrine, ethyl ether, anhydrous ammonia, red phosphorous, lithium, iodine, thionyl chloride, chloroform, palladium, perchloric acid, tetrahydrofuran, ammonium chloride, and magnesium sulfate.

POSSESSION OF A CONTROLLED SUBSTANCE Iowa Code § 124.401(5)--A first-offense conviction for possession of any controlled substance (except marijuana) is a serious misdemeanor with a fine of at least \$250, but not more than \$1,500; in addition, the court may order imprisonment for up to one year. The maximum penalty for a first-offense conviction for possession of marijuana is imprisonment for 6 months and/or a \$1,000 fine. All or part of the sentence may be suspended, and the person placed on probation, with

conditions that may include participation in a drug treatment, rehabilitation, or education program. If first offense, the sentence may be deferred. (See § 124.409.) For second and subsequent offenses, see the chart on the previous page. Aggravated misdemeanors are punishable by a fine of at least \$500, but not more than

\$5,000; in addition, the court may order imprisonment for up to two years. A Class "D" Felony is punishable by an indeterminate term of imprisonment of not more than 5 years, and in addition, is punishable by a fine of at least \$500, but not more than \$7,500.

DRUG PARAPHERNALIA Iowa Code § 124.414--It is a simple misdemeanor for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia. Drug paraphernalia is defined as all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, to knowingly and intentionally, and primarily:

1. manufacture a controlled substance;
2. inject, ingest, inhale, or otherwise introduce into the human body a controlled substance;
3. test the strength, effectiveness, or purity of a controlled substance;
4. enhance the effect of a controlled substance. There is an exception for items used with lawful controlled substances and hypodermic needles or syringes used for a lawful purpose.

DISTRIBUTION TO MINORS Iowa Code § 124.406

1. If someone greater than or equal to 18 years distributes or possesses with the intent to distribute a Schedule I or II controlled substance to someone less than 18 years, the offense is a Class "B" Felony and the person shall serve a minimum of 5 years. If it is a counterfeit or a simulated controlled substance, then no minimum of 5 years. However, in either case, if the offense occurs within a school or a public recreation zone, then the person shall serve a minimum of 10 years.
2. If someone greater than or equal to 18 years distributes or possesses with the intent to distribute a Schedule III controlled substance (includes a counterfeit or a simulated controlled substance) to someone less than 18 years and there is greater than or equal to 3 years difference, the offense is a Class "C" Felony.
3. If someone greater than or equal to 18 years distributes a Schedule IV or V controlled substance (includes a counterfeit or a simulated controlled substance) to someone less than 18 years and there is greater than or equal to 3 years difference, the offense is an Aggravated Misdemeanor.
4. If someone delivers a controlled substance to another in order to act with, enter into a common scheme or design with, conspire with, or recruit that other person to deliver any Schedule I, II, III, IV, or V controlled substance to someone less than 18 years, the offense is a Class "D" Felony.
5. A court sentencing a person for the first time under § 124.406 may, at its discretion, sentence the person to a term less than provided for by statute if mitigating circumstances exist and those circumstances are stated specifically on the record.
(See § 901.10.)

RECRUITMENT OF MINORS Iowa Code § 124.406A--If someone greater than or equal to 18 years conspires with or recruits someone less than 18 years to deliver or manufacture a Schedule I through IV controlled substance, the offense is a Class "C" Felony.

GATHERINGS WHERE CONTROLLED SUBSTANCES UNLAWFULLY USED Iowa Code § 124.407--

It is unlawful for any person to sponsor, promote or aid, or assist in a meeting, gathering, or assemblage with the knowledge or intent that a controlled substance be distributed, used, or possessed there. If it is anything other than marijuana, it is a Class "D" Felony. If it is marijuana, it is a Serious Misdemeanor. Injunctions may also be issued.

DATE RAPE DRUG PENALTIES Iowa Code § 709.4(3)--It is Sex Abuse in the Third Degree (a Class "C" Felony) when an individual performs a sex act on a person who is under the influence of a

controlled substance, including flunitrazepam (Rohypnol), and 1) the controlled substance prevents the victim from consenting, and 2) the accused knows or should reasonably know that the victim is under the influence of the controlled substance.

GAMMA-HYDROXYBUTYRATE (GHB) Iowa Code § 126.27--Unless covered by a legitimate prescription, it is unlawful to possess gamma-hydroxybutyrate (an Aggravated Misdemeanor). Furthermore, it is an Aggravated Misdemeanor to distribute or possess with the intent to distribute gamma-hydroxybutyrate when it is intended to promote its unlawful use, or it is known that the other will use it for unlawful purposes.

DRIVER'S LICENSE SUSPENSION Iowa Code § 901.5(10)--The court shall order the D.O.T. to revoke the driver's license and/or the operating privileges of a person convicted of certain drug-related offenses for a period of one hundred eighty (180) days. If the license or operating privileges are already under suspension or revocation, then the 180 days begin after all other suspensions or revocations have expired. The triggering offenses include violations of § 124.401, § 124.401A, § 124.402, § 124.403, § 126.3, and Chapter 453B. This provision does not violate "Due Process" or "Equal Protection." *State v. Bell*, 572 N.W.2d 910 (Iowa 1997). The Iowa Supreme Court has also ruled that revocation is mandatory. *State v. Klein*, 574 N.W.2d 347 (Iowa 1997).

DENIAL OF FEDERAL AND STATE BENEFITS Iowa Code § 901.5(11)--The Court shall consider 21 U.S.C.A. § 862 (see below), and may order the denial of federal benefits, such as school loans, grants, contracts, professional or commercial licenses. Does not include retirement, welfare, Social Security, health, disability, veterans' benefits, public housing, or similar benefits. For any violation of Chapter 124, the Court shall consider the denial of state benefits and may order their denial comparable to the federal benefits. Iowa Code § 901.5(12).

DENIAL OF FEDERAL BENEFITS TO DRUG TRAFFICKERS AND POSSESSORS		
	Drug Traffickers	Drug Possessors
First Offense	ineligible for any or all federal benefits for up to 5 years	) ineligible for any or all federal benefits for up to 1 year; and/or) successfully complete an approved drug treatment program with periodic future testing; and/or) perform appropriate community service
Second Offense	ineligible for any or all federal benefits for up to 10 years	) ineligible for any or all federal benefits for up to 5 years; and/or 2) successfully complete an approved drug treatment program with periodic future testing; and/or 3) perform appropriate community service
Third or Greater Offense	permanently ineligible for all federal benefits	N/A

NOTE: The period of ineligibility referred to above may be suspended if the individual has completed a supervised drug rehabilitation program or otherwise has been rehabilitated. These penalties do not apply to any individual who cooperates or testifies for the government.

CONTROLLED SUBSTANCE TAX STAMP Iowa Code Chapter 453B--If certain minimum levels of various controlled substances are possessed, then a tax is due according to the schedule below. If the tax is not paid when first due, there is an immediate 100% penalty also assessed. In addition, it is a Class "D" Felony, punishable by an indeterminate term of imprisonment of not more than 5 years, and in addition, punishable by a fine of at least \$500, but not more than \$7,500, for failure to properly affix the tax stamp to the controlled substances.

Taxable Substance	Unprocessed Marijuana Plants	Processed Marijuana	Other Than Marijuana	
			Sold by weight	Sold by dosage unit
Minimum Triggering Amount	1 plant	42 1/2 grams	7 grams	10 dosage units
Tax Rate	\$750 per plant	\$5 per gram or portion thereof	\$250 per gram or portion thereof	\$400 per 10 units or portion thereof

Operating While Intoxicated or Drugged: Iowa's OWI Laws

The following information is taken from the Iowa Code. These laws and sanctions were in effect on July 1, 2014.

It is unlawful to operate a motor vehicle in Iowa in either of the following conditions:

1. While under the influence of an alcoholic beverage or other drug or combination of such substances.
2. While having an alcohol concentration of .08 or more.
3. While having a blood alcohol content of .02 and under 21 years of age.

Iowa's implied consent law means that all drivers automatically consent to a chemical test of the blood, breath, or urine, to determine their alcohol concentration or presence of drugs. Before requesting such a test, a peace officer must have reasonable grounds for believing the person was operating under the influence.

Criminal Penalties for OWI

First Offense: A serious misdemeanor, punishable by up to one year in the county jail or a fine of \$1,250 minimum or both. If any jail time is given, it must be at least 48 hours. As an alternative to a portion or all of the fine, the court may order the person to perform not more than 200 hours of unpaid community service.

Second Offense: An aggravated misdemeanor, punishable by up to two years in prison or a fine ranging from \$1,875 to \$6,250. A minimum of seven days confinement is mandatory. (The court cannot defer judgment or sentence and cannot suspend the minimum of seven days.)

Third or Subsequent Offense: Class D felony, punishable by imprisonment up to five years, not less than 30 days, or such imprisonment and a fine ranging from \$3,125 to \$9,375. (The court cannot defer judgment or sentence and cannot suspend the minimum of 30 days.)

Note: OWI convictions and deferred judgments that occurred within the last 12 years will count in determining whether the offense charged is a second, third, or subsequent offense.

The court may also order the person to successfully complete a prescribed course for drinking drivers.

Any person with an alcohol concentration of .20 or higher or any person charged with a second or subsequent offense shall be ordered upon conviction to undergo a substance abuse evaluation and to follow any recommendations for treatment. This may include inpatient treatment. Time spent as an inpatient receiving such treatment shall be credited against the sentence. The person may also be required to attend a post-treatment program.

Driver's License Revocations

Administrative:

1. When a chemical test indicates an alcohol concentration of .08 or more,
and the person has had no OWI- related revocations in the last 12 years 180 days revocations
30 days hard suspension

One or more revocations in the last 12 years 1 year
2. When a person refuses to submit to a chemical test, and the person has had
no previous OWI convictions or revocations in the last 12 years 365 days revocation
90 days hard suspension

One or more revocations in the last 12 years 2 years revocation
1-year hard suspension

Court-ordered:

1. Upon conviction (No previous OWI convictions or revocations in the last 12 years) 180 days
2. Upon conviction (One or more previous OWI convictions or revocations in the last 12 years) 1 year
3. When the court defers judgment and no other revocation applies 30 to 90 days
4. Upon a plea or verdict of guilty of a third or subsequent violation (However, after two years,
the person may apply to the court for restoration of eligibility for a motor vehicle license) 6 years*
5. If a person is responsible for an accident that causes serious injury to another (in addition to any other
suspension or revocation) 1 year
6. If a person is responsible for an accident that causes loss of life 6 years

*Effective July 1, 1991, the court shall also impound the registration certificate and license plates of all vehicles leased or owned by or registered to the person or the person and the person's spouse. These shall remain impounded until the person's license is reissued or reinstated. During the

period of impoundment, special license plates may be obtained if certain conditions are met. Law enforcement officers may stop a vehicle bearing these special license plates at any time.

*In 2018, House File 2338 amended Iowa Code chapter 321J and significantly altered the interlock device (IID) and temporary restricted license (TRL) requirements for Operating While Intoxicated (OWI) revocations. This bill requires all OWI offenders to install an IID as a condition of their TRL, removes hard suspensions for most OWI offenders, and removes TRL location restrictions of OWI offenders.

Youthful Violators

Any driver under 21 who is stopped, and test.02 Blood Alcohol content will lose his/her driver's license for at least 60 days. No school or work driving permit will be allowed.

If a license or permit is revoked or denied under Sections 321J.4, 321J.9 or 321J.12, the license revocation shall remain in effect until the person reaches 18, or until the end of the revocation period, whichever is later.

Civil Penalty for OWI

Upon a drunk driving-related revocation of the license, the person will be assessed a civil penalty of \$200. No driver's license or permit of any type will be issued to the person until it is paid.

For additional information, see CODE OF IOWA, Chapters 321J and 707

Blood Alcohol Concentration (%) Within One Hour

The following chart is only a guideline; how fast you drink, your mood and the amount of food in your stomach may also affect your BAC. Driving ability is impaired at blood alcohol levels as low as .05% (one-half the legal limit.) For some people, EVEN ONE DRINK MAY BE TOO MANY!

Body Weight	1 Drink	2 Drinks	3 Drinks	4 Drinks	5 Drinks
100	.04	.09	.15	.20	.25
120	.03	.08	.12	.16	.21
140	.02	.06	.10	.14	.18
160	.02	.05	.09	.12	.15
180	.02	.05	.08	.10	.13
200	.01	.04	.07	.09	.12

Figures are rounded to the nearest .01. BACs shown are approximate, since they can be affected by factors other than weight.

Most people don't know that beer and wine are just as potent as hard liquor; 12 ounces of beer, 5 ounces of wine, and 1-1/2 ounces of 80-proof liquor all contain about the same amount of pure alcohol (ethanol) -- .6 ounces.