

## SUBSTANCE ABUSE POLICY

The Rockefeller University (“University”) is committed to protecting the safety, health and well-being of its employees and students. The University recognizes that alcohol abuse and illicit drug use pose a significant threat to our community. It is the policy of The Rockefeller University to make every effort to ensure a drug-free workplace to protect the health, safety, and welfare of its employees, its students, and the public<sup>1</sup>. It is a condition of employment that each university employee comply with the terms of this policy. **A student or employee who violates this Policy will be subject to university sanctions and criminal sanctions provided by federal, state, and local law.** The following guidelines have been established to maintain a drug-free environment.

- (1) University policy prohibits the unlawful manufacture, possession, use, distribution, dispensation, sale, or purchase of non-prescribed controlled substances (drugs) and intoxicants (alcohol) on university premises or at off campus University-sponsored events.

This does not include the lawful consumption and/or possession of alcohol by those over the age of 21 at university-sponsored events (on or off campus) or in the Abby Aldrich Dining Room, the Faculty and Students Club, or University Housing.

- (2) All employees are required to report to their jobs in a good mental and physical condition. As a federal contractor, the Rockefeller University prohibits employees from reporting to work and/or working at the university, while under the influence of drugs or alcohol. Any individual whose work performance is impaired by the use of drugs, alcohol, and/or other intoxicants will be considered a threat to the safety of their work environment, and subject to immediate discipline, up to and including termination of employment.
- (3) As required by the Drug-Free Workplace Act of 1988, an employee working on projects funded through federal contracts or grants must notify Human Resources or the Dean’s Office of a conviction of any criminal drug violation that occurred on university property within five (5) days of such conviction. The University is required to notify the relevant federal contracting or granting agency within ten (10) days and to take the appropriate personnel action within thirty (30) days of receipt of the notice.

A conviction includes: a plea or finding of guilty, any plea of “nolo contendere”, or an imposition of a fine or penalty.

- (4) Members of the University community who need drug and/or alcohol counseling, rehabilitation, or support services are urged to use the Employee Assistance Program (EAP), which provides immediate and confidential assistance for any work, health, or life concern. The EAP can help with addictions such as alcohol and drug abuse. The EAP can provide short-term counseling and referrals for long-term treatment, utilizing your health insurance. The EAP is available 24 hours a day, seven days a week. For more information visit [www.workhealthlife.com/Standard3](http://www.workhealthlife.com/Standard3), download the app, text MSEAP to 53342, or call 1-888-293-6948 and identify your employer as The Rockefeller University.

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<sup>1</sup> The University also acknowledges the existence of drug and alcohol addiction. Employees are encouraged to voluntarily seek treatment and assistance. Please see section 4 of this policy for substance abuse assistance resources. The University will address such matters on a case-by-case basis.

The Oxford also has a program available through their Oxford Live and Work Well Program. It is also available 24 hours a day, seven days a week and can be accessed at [www.liveandworkwell.com](http://www.liveandworkwell.com) and by calling its substance abuse hotline at 1-855-780-5955.

Campus communities in need of substance use or abuse assistance may also contact Occupational Health Services (“OHS”) by phone (212) 327-8414 or by visiting OHS in Room 118 of the Rockefeller University Hospital.

The Drug-Free Schools and Communities Act of 1990 requires that this Policy include descriptions of the health risks associated with drug and alcohol abuse and the legal sanctions under local, state, or federal law for illicit use, possession, or distribution of alcohol and controlled substances.

### **THE HEALTH RISKS OF ALCOHOL USE AND ABUSE**

Alcohol consumption causes several marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse.

Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person’s ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce these effects.

Repeated use of alcohol can lead to dependence. Alcoholism is defined as a complex, chronic psychological and nutritional disorder associated with compulsive and/or excessive drinking. Alcohol is addictive in nature; it poisons the body, destroys the brain, heart, liver, and pancreas; it damages the digestive tract and immune system. Alcoholics are more vulnerable to heart disease, cancer, organ failure, and mental illnesses. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than others of becoming alcoholics.

### **THE HEALTH RISKS OF DRUG ABUSE**

Drugs are chemicals which cause physical and psychological dependence. Please review Chart A below, which describes the uses and effects of controlled substances.

### **FEDERAL TRAFFICKING PENALTIES**

Please review Charts B and C below for a description of federal penalties for the trafficking of controlled substances.

### **FEDERAL PENALTIES AND SANCTIONS FOR THE ILLEGAL POSSESSION OF CONTROLLED SUBSTANCES**

**First Conviction** - Up to one-year imprisonment and fine of at least \$1,000, or both.

**After one prior drug conviction** - At least 15 days in prison, not to exceed two years and fine of at least \$2,500, or both.

**After two or more prior drug convictions** – At least 90 days in prison, not to exceed three years and a fine of at least \$5,000, or both.

In addition, the offender may be forced to relinquish personal and real property used to possess or facilitate possession of a controlled substance if the violation is punishable by more than one year in prison. Any vehicle used to transport or conceal a controlled substance must be forfeited and a civil fine may be imposed. For first-time offenders, federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, can be denied for up to one year. For the second and subsequent offenses, federal benefits can be denied for up to five years.

## **NEW YORK STATE AND CITY PENALTIES FOR DRUG POSSESSION**

New York State law also forbids the possession, use, or distribution of illicit drugs and imposes criminal penalties, which may include imprisonment. The penalty imposed for a conviction will generally depend upon the specific drug and the amount of the drug held or sold, as well as the individual's history of prior convictions. Judges have some discretion to consider the circumstances in sentencing. The following are a few examples of potential criminal penalties for drug infractions under New York law.

- The criminal possession of 500 milligrams or more of cocaine is a class D felony, punishable by up to 2 ½ years in prison.
- The possession of one-half an ounce of cocaine or more is a Class C felony punishable by 1 - 9 years in prison.
- The criminal possession of eight to sixteen ounces of marijuana is a class E felony, punishable by up to 4 years in prison and up to \$5000.00.

This list is not intended to be exhaustive and is subject to change. The full list of NY drug crimes and their penalties can be found in the New York Penal Code.

Under New York City law, a person who has been convicted of felony possession or sale of a controlled substance may be subject to a civil penalty between \$10,000 and \$100,000 for each count that resulted in a conviction and for the costs of the investigation and prosecution of the individual.

## **PENALTIES FOR UNLAWFUL DISTRIBUTION OF ALCOHOL**

Under both federal and New York State laws, selling or otherwise furnishing alcohol to an individual under the age of 21 is a misdemeanor punishable by fine and/or imprisonment. In New York State the punishment may include up to one-year imprisonment and \$1000.00 fine. Selling alcohol without a license or permit is unlawful and punishable by a fine and/or imprisonment.

## **DRIVING WHILE INTOXICATED (DWI)**

Driving while intoxicated (DWI), as determined by a blood alcohol content of .08 or higher is a misdemeanor punishable by up to a year imprisonment and/or a \$1,000 fine for a first offense plus six months license revocation; a second or subsequent offense is a felony. Driving while impaired by alcohol (DWAI, not necessarily legally intoxicated, but with a relevant level of blood alcohol content of at least

.05) is also a violation, punishable by up to 15 days imprisonment and/or a \$500 fine plus a 90-day license suspension. Repeated offenses result in more serious penalties.

## **MARIJUANA**

Under federal law, marijuana is considered a Schedule 1 controlled substance and has no acceptable medical use. The federal government, however, does acknowledge that several states permit the use of marijuana for medical purposes and personal use. The federal government has stated in various publications that it will focus its enforcement resources on 8 priorities<sup>2</sup> and trust that state and local marijuana laws will address the enforcement of penalties relating to such activity. While the federal government allows the states to enforce marijuana infractions, the federal government has not relinquished its enforcement or penalties to the states.

### **RECREATIONAL USE**

New York State passed the Marijuana Regulation and Taxation Act (MRTA) in March 2021. The MRTA permits adults over the age of 21 to purchase and possess marijuana in limited amounts for recreational use. When outside their homes, individuals over the age of 21, may possess up to 3 ounces of cannabis (marijuana) and 24 grams of cannabis concentrate. The rules for home possession and home growth are specified in the new law. With certain restrictions, employers may not discriminate against employees for recreational use of marijuana when conducted outside of work hours.

### **DRIVING WHILE IMPAIRED BY DRUGS (DWAI)**

It remains illegal to operate a motor vehicle while under the influence of marijuana. Driving while under the influence of marijuana (cannabis) can result in a charge against you. To date, no legal limit THC, the active ingredient in marijuana/cannabis, has been established in New York State.

### **MEDICAL MARIJUANA**

New York State recognizes the medical use of marijuana in limited circumstances. Medical marijuana is not considered a drug under New York Education Law. Marijuana may be legally prescribed for severe and debilitating or life-threatening conditions when accompanied by complicating conditions. These conditions are listed in Article 33, Title 5-A of the Public Health Law and are listed below and may be amended at any time by the Commissioner of Health.

- Cancer
- AIDS or HIV positive
- ALS (Amyotrophic lateral sclerosis)
- Parkinson's Disease
- Multiple Sclerosis
- Spinal Cord Injury with spasticity
- Epilepsy
- Inflammatory Bowel Disease (IBD)
- Neuropathy
- Huntington's Disease
- Post-Traumatic Stress Disorder
- Chronic Pain
- As an alternative to Opioid Use

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<sup>2</sup> The 8 federal enforcement priorities concern marijuana activity relating to the distribution to minors, funding criminal enterprises, diverting state laws, trafficking other drugs, firearms and violence, drugged driving and adverse public health consequences, growth on public lands and use or possession on federal property.

- Substance Use Disorder

When such conditions are accompanied by one or more the following associated or complicating conditions:

- Cachexia or wasting syndrome
- Severe or chronic pain
- Severe nausea
- Seizures
- Severe or persistent muscle spasms
- Post-Traumatic Stress Disorder
- Opioid Use Disorder.

New York Law requires individuals who lawfully use or possess medical marijuana products to register with the New York State Medical Marijuana Program (“NYSMMP”). New York State does not accept certification or registry identification cards from other states. Only New York State residents are eligible to register with NYSMMP and must be certified by an NYSMMP registered practitioner. Once certified, patients may designate up to two registered caregivers who must also register with the NYSMMP. Certified patients and their designated caregivers may possess up to a 30- day supply of medical marijuana in the form prescribed by practitioner per the New York State Prescription Monitoring Program. Certified patients and designated caregivers must carry a New York State Medical Marijuana ID card whenever they possess approved medical marijuana products. Medical marijuana may not be transported outside of state lines. In addition, marijuana used for medical purposes under the laws of other states may not be transported to New York State.

Campus community members who are registered with the NYSMMP to safely possess medical marijuana, as either certified patients or designated caregivers, are required to declare their registration with OHS. Such members will be required to provide a copy of their New York State Medical Marijuana ID card, as well as the form and dose for the marijuana product prescribed to them. In accordance with New York State Law, the University does cannot recognize medical marijuana registry programs outside of New York State.

## **VIOLATIONS OF THE SUBSTANCE ABUSE POLICY**

The Rockefeller University will impose disciplinary sanctions on students and employees (consistent with local, state, and federal law), up to and including expulsion or termination of employment and referral for prosecution, for violations of this Policy.

**CHART A**

**CONTROLLED SUBSTANCES - USES AND EFFECTS**

DRUGS CSA	OTHER NAME	MEDICAL USES	DEPENDENCE		Tolerance	Duration (Hours)	Usual Methods	Possible Effects	Effects of Overdose	Withdrawal Syndrome
			Physical	Psychol.						
<b>NARCOTICS</b>										
Opium II III V	Dover's Powder, Paregonic	Analgesic, Antidiarrheal	High	High	Yes	3-6	Oral, smoked	Euphoria, drowsiness, respiratory depression, constricted pupils, nausea	Slow and shallow breathing, clammy skin, convulsions, coma, possible death	Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating
Morphine II III	MS-Contin, Roxanol	Analgesic, Antitussive	High	High	Yes	3-6	Oral, smoked, injected			
Oxycodone II	Percocet, OxyContin	Analgesic	High	High	Yes	3-12	Oral, injected			
Heroin I	Diacetylmorphine Horse, Smack	None	High	High	Yes	3-6	Injected, sniffed, smoked			
Hydromorphone II	Dilaudid	Analgesic	High	High	Yes	3-6	Oral, injected			
Meperidine II	Demoral, Mepergan	Analgesic	High	High	Yes	3-6	Oral, injected			
Methadone II	Dolophine, Methadose	Analgesic	High	High-Low	Yes	12-24	Oral, injected			
Others I II III IV V	Percodan, Lomotil	Analgesic, antidiarrheal	High-Low	High-Low	Yes	Variable	Oral, injected			
<b>DEPRESSANTS</b>										
Chloral Hydrate IV	Noctee	Hypnotic	Moderate	Moderate	Yes	5-8	Oral	Slurred speech, disorientation drunken behavior without odor	Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death	Anxiety, insomnia, tremors, delirium, convulsions, possible death
Barbiturates II III IV	Seconal, Tuinal Phenobarbital	Anesthetic sedative, hypnotic	High-Mod.	High-Mod.	Yes	1-16	Oral			
Benzodiazepines IV	Valium, Xanax, Atvian, Dalmane	Antianxiety, sedative, hypnotic	Low	Low	Yes	4-8	Oral			
Methaqualone I	Quaalude	Sedative, hypnotic	High	High	Yes	4-8	Oral			
Glutethimide III	Doriden	Sedative, hypnotic	High	Moderate	Yes	4-8	Oral			
Others III IV	Valmid, Noludar, Placidyl GHB	Varies	Moderate	Moderate	Yes	4-8	Oral			

STIMULANTS										
Cocaine II	Coke, Crack, Flake, Snow	Local anesthetic	Possible	High	Yes	1-2	Sniffed, smoked injected	Increased alertness, excitation, euphoria, increased pulse rate & blood pressure, insomnia, loss of appetite	Agitation, increase in body temperature, hallucinations, convulsions, possible death	Apathy, long periods of sleep, irritability, depression, disorientation
Amphetamines II	Delcobese, Biphetamine	Weight control, narcolepsy	Possible	High	Yes	2-4	Oral, injected			
Phenmetrazine II	Preludin	Weight control	Possible	High	Yes	2-4	Oral, injected			
Methylphenidate II	Ritalin	Attention deficit, narcolepsy	Possible	Moderate	Yes	2-4	Oral, injected			
Others III IV	Adipex, Cylert, Didrex, Ionamin Khat	Weight control	Possible	High	Yes	2-4	Oral, injected			
HALLUCINOGENS										
LSD I	Acid, Microdot	None	None	Unknown	Yes	8-12	Oral	Illusions and hallucinations, poor perception of time and distance	Longer, more intense "trip" episodes, psychosis, possible death	Withdrawal syndrome not reported
Mescaline I	Peyote, Cactus, Buttons	None	None	Unknown	Yes	8-12	Oral			
Amphetamine Variants I	2.5-DMA PMA STP MDA DOM	None	Unknown	Unknown	Yes	Variable	Oral, injected			
Phencyclidine II	PCP, Angel Dust, Hog	None	Unknown	High	Yes	Days	Smoked, oral, injected			
Phencyclidine Analogues I	PCE, PcPy, TCP	None	Unknown	High	Yes	Days	Smoked, oral, injected			
Others I	Psilocyn, DMT, Bufotenine, DET	None	None	Unknown	Possible	Variable	Smoked, sniffed injected, oral			
CANNABIS										
Marijuana I	Grass, Reefer, Pot, Thai Sticks		Unknown	Moderate	Yes	2-4	Smoked, oral	Euphoria, relaxed inhibitions, increased appetite, disoriented behavior	Fatigue, paranoia, possible psychosis	Insomnia, hyperactivity, and decreased appetite, occasionally reported
Tetrahydrocannabinol I II	THC, Marinol	Chemotherapy antinauseant	Unknown	Moderate	Yes	2-4	Smoked, oral			
Hashish I	Hash	None	Unknown	Moderate	Yes	2-4	Smoked, oral			
Hashish Oil I	Hash Oil	None	Unknown	Moderate	Yes	2-4	Smoked, oral			

**CHART B**

<b>FEDERAL TRAFFICKING PENALTIES FOR SCHEDULES I, II, III, IV, AND V (EXCEPT MARIJUANA)</b>				
<b>SCHEDULE</b>	<b>SUBSTANCE/ QUANTITY</b>	<b>PENALTY</b>	<b>SUBSTANCE/ QUANTITY</b>	<b>PENALTY</b>
II	Cocaine 500-4999 grams mixture	<p><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.</p> <p><b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	Cocaine 5 kilograms or more mixture	<p><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.</p> <p><b>Second Offense:</b> 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.</p> <p><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.</p>
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	
<b>SUBSTANCE/QUANTITY</b>		<b>PENALTY</b>		
Any Amount Of Other Schedule I & II Substances		<p><b>First Offense:</b> Not more that 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.</p>		
Any Drug Product Containing Gamma Hydroxybutyric Acid		<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 not an individual.</p>		
Flunitrazepam (Schedule IV) 1 Gram		<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 not an individual.</p>		



**CHART B**

Any Amount Of Other Schedule III Drugs	<p><b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more that 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p><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.</p>
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><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.</p>
Any Amount Of All Schedule V Drugs	<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>

**CHART C**

<b>FEDERAL TRAFFICKING PENALTIES FOR MARIJUANA, HASHISH AND HASHISH OIL</b>	
<b>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><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 More than 10 kilograms</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 of weight)</p> <p>1 to 49 marijuana plants</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> <p><b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
<p>Hashish 10 kilograms or less</p>	
<p>Hashish Oil 1 kilogram or less</p>	