

Virginia RULES

Teens Learn & Live the Law



Drugs

Lesson goal:

To introduce students to Virginia laws related to controlled substances and the serious penalties for violating these laws.

Students will learn:

- Virginia laws concerning controlled substances
- Virginia laws restricting underage prescription drug and inhalant possession and use
- drug abuse is a serious health and safety threat to young people

Suggested grade levels:

Middle and high school students

Materials:

Virginia Rules "Drugs" student handout

Before the lesson:

1. Read the entire lesson plan.
2. Make copies of handouts and any activity/worksheets used in the lesson.
3. Become familiar with drug issues (including prescription drug and inhalant abuse) and resources in the locality where the lesson is being taught.
4. Give thought to appropriate local examples that will help students better understand the lesson.

Introduction

Explain the following:

Today's lesson is part of the Virginia Rules Program, a program designed to help teens learn and live the law. The program provides teens with information about the laws of Virginia which are the rules by which we live.

Not knowing about laws is like trying to play a game or a sport without knowing the rules. It would be difficult to win the game – or even to be a good player – without knowing the rules. Knowing about laws is especially important because our society is based on the "rule of law."

Today's lesson focuses on laws of Virginia concerning drugs. You will learn about:

- Virginia laws concerning controlled substances, health risks, and serious penalties associated with violating these laws.
- Virginia laws restricting underage prescription drug possession and use, health risks, and penalties associated with violating these laws.
- Virginia laws restricting underage inhalant possession and use, health risks, and penalties associated with violating these laws.

Main presentation

Introduction

We'll look at laws related to drug control including how drugs are classified, types of drug crimes, penalties associated with the different classifications of drugs, and other drug-related laws, and the serious health risks associated with using drugs.

Refer students to their Drugs handout.

Explain:

A controlled substance is defined in *Code of Virginia* § 54.1-3401 as a drug or substance listed in Schedules I through VI of the Virginia Drug Control Act. Alcohol and tobacco

are excluded from this definition of a controlled substance; laws governing alcohol and tobacco are included elsewhere in the Code.

Schedules in Virginia's Drug Control Act

Explain:

The Virginia Drug Control Act places controlled substances into five categories called "schedules." Virginia's Drug Control Act reflects the drug classifications in federal law and adds a sixth category in Virginia law that includes substances that are not "drugs" in the conventional sense, but are nonetheless used or abused. (*Code of Virginia* §§ 54.1-3446 through 54.1-3456)

These are the categories:

Schedule I drugs have a high potential for abuse and no accepted medical use, and include heroin and LSD. When we look at penalties, you'll see that these carry the most severe penalties.

Schedule II drugs have a high potential for abuse and severe dependence, but have a currently accepted medical use. Schedule II drugs include PCP, cocaine, methadone, and methamphetamine.

Schedule III drugs have less potential for abuse than Schedule II drugs, a potential for moderate dependency and an accepted medical use. Anabolic steroids and codeine fall into this category.

Schedule IV drugs have less potential for abuse than Schedule III drugs, a limited potential for dependency, and are accepted in medical treatment. Schedule IV drugs include Valium, Xanax, and other tranquilizers and sedatives.

Schedule V drugs have a low potential for abuse, limited risk for dependency, and accepted medical uses. These include drugs like cough medicines with codeine.

Schedule VI includes certain substances which are not "drugs" in the conventional sense, but are nonetheless used, or abused, recreationally; these include toluene (found in many types of paint, especially spray paint) and similar inhalants such as amyl nitrite (or "poppers"), butyl nitrite, and nitrous oxide (found in many types of aerosol cans; though it is pharmacologically active, it is considered an inhalant). Many state and local governments enforce age limits on the sale of products containing these substances.

Drug crimes in Virginia Law

Explain:

Virginia law defines three major types of drug crimes: possession, distribution, and manufacturing.

Drug **possession** occurs when a person possesses any controlled substance without a valid prescription. (*Code of Virginia* § 18.2-250)

Drug **sale or distribution** occurs when a person sells, provides, gives away, delivers, or distributes a controlled substance.

Drug **manufacturing** occurs when a person produces a controlled substance without legal authorization or possesses chemicals used in the manufacture of a controlled substance with intent to manufacture.

Code of Virginia § 54.1-3401 contains the following definitions:

"Sale" includes barter, exchange, or gift, or offer therefore, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

Explain:

Virginia law also defines drug paraphernalia as materials of any kind used in producing or using drugs. Examples include pipes, bongos, smoking papers, and certain kits used for injecting drugs. (*Code of Virginia* § 18.2-265.1)

Penalties

Penalties depend on the schedule of controlled substance and the type of crime, whether the crime involves possession, sale or distribution, or manufacturing drugs.

Refer students to the table in their handout and review.

| Violations | Penalties (<i>Code of Virginia</i> § 18.2-248) |
|---|--|
| Possession | |
| Possession of Schedule I or II controlled substance | Class 5 felony - imprisonment of one to 10 years, or confinement in jail for up to 12 months and a fine of up to \$2,500, either or both. |
| Possession of Schedule III controlled substance | Class 1 misdemeanor - confinement in jail for up to 12 months and a fine of up to \$2,500, either or both. |
| Possession of Schedule IV controlled substance | Class 2 misdemeanor - confinement in jail for up to six months and a fine of up to \$1,000, either or both. |
| Possession of Schedule V controlled substance | Class 3 misdemeanor - fine of up to \$500. |
| Possession of Schedule VI controlled substance | Class 4 misdemeanor - fine of up to \$250. |
| Possession of marijuana, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is: | Misdemeanor confinement in jail for up to 30 days and a fine of up to \$500, either or both. Upon a second conviction, punishment is confinement in jail for up to one year and a fine of up to \$2,500, either or both. |
| Intent to sell or distribute (<i>Code of Virginia</i> § 18.2-248) | |
| Possession of Schedule I or II controlled substance with the intent to sell or otherwise distribute | Felony conviction - imprisonment from five to 40 years and a fine of up to \$500,000. Upon a second conviction, the violator must be imprisoned for not less than five years but may suffer life imprisonment, and fined up to \$500,000. |
| Possession of Schedules III, IV, or V controlled substance with the intent to sell or otherwise distribute | Misdemeanor conviction - confinement in jail for up to one year and a fine of up to \$2,500, either or both. |

| | |
|--|--|
| Possession of less than one-half ounce of marijuana with intent to sell or otherwise distribute | Misdemeanor conviction - confinement in jail for up to one year and a fine up to \$2,500, either or both. |
| Possession of more than one-half ounce to five pounds of marijuana with intent to sell or otherwise distribute | Felony conviction - imprisonment from one to 10 years, or at the discretion of the jury or the court trying the case without a jury; confinement in jail for up to one year and a fine of up to \$2,500, either or both. |

Felony conviction, see *Code of Virginia* § 18.2-10; Misdemeanor conviction, see *Code of Virginia* § 18.2-11

Prescription and over-the-counter drugs

Explain:

A growing trend in substance abuse that has been recognized and received significant media attention is prescription and over-the-counter drug abuse.

Prescription drug abuse is when someone takes a prescription drug that was prescribed for someone else or in a manner or dosage other than what was prescribed to get high, help with studying, or treat pain. They can be swallowed, crushed up and sniffed, or "cooked" (which turns it in to liquid) and then injected.

Under *Code of Virginia* § 18.2-250, it is illegal for "any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner." This means that it is illegal to take a relative's or friend's prescription for any reason.

1.9 million teens (or 7.7 percent) age 12 to 17 abuse prescription drugs, with 1.6 million (or 6.5 percent) abusing prescription pain medication. That makes painkillers one of the most commonly abused drugs after tobacco, alcohol, and marijuana.

There are many different types of prescription drugs.

Examples of frequently abused **pain killer** drugs include OxyContin, Percocet, and Demerol. They can cause drowsiness, physical dependence, and can slow breathing so much that it can cause death.

Commonly abused **depressants** include drugs such as Valium, Ambien and Xanax. They can make you feel drowsy and confused and can slow breathing and cause death.

Commonly abused **stimulants** include drugs such as Ritalin, Dexedrine, and Adderall. They increase the levels of these chemicals in the brain and body and can cause anxiety, panic, tremors, irregular heartbeat, high body temperature, and heart attack. People who suddenly stop taking stimulants can become tired and depressed.

Even over-the-counter (OTC) drugs that you can buy at any pharmacy or grocery store can be abused.

The most commonly abused OTC drug is **Dextromethorphan (DXM)**. DXM is the active ingredient found in over-the-counter cough and cold medicine. These can cause impaired motor and mental functioning, numbness, nausea/vomiting, loss of coordination, hallucination, and increased heart rate and blood pressure.

Although DMX is not illegal, many stores limit the amount you can purchase at one time or require shoppers to specifically ask for the product in an effort to help prevent their abuse.

Synthetic cannabinoids or Spice

Synthetic cannabinoids, or "Spice," is an herbal product sold as incense. Its "high" is thought to be similar to that of marijuana. Spice is a new drug and little is known about its effects on the body. Some of the known health risks can include agitation, anxiety, vomiting, tremors, seizures, and psychotic episodes.

Beginning in 2011, synthetic cannabinoids are now a Schedule I drug. This means that it has a high potential for abuse and no accepted medical use. (*Code of Virginia* § 54.1-3445 and 54.1-3446)

Code of Virginia § 18.2-248.1:1 makes it illegal to possess, sell, or distribute Spice. Possession of Spice is a **Class 1** misdemeanor punishable by imprisonment for up to 12 months and/or a fine of up to \$2,500. Sale, distribution, or possession with intent to sell or distribute is a **Class 6** felony punishable by imprisonment for one to 10 years or imprisonment for up to 12 months and a fine of up to \$2,500. (*Code of Virginia* §§ 18.2-10 and 18.2-11)

Bath salts

Beginning in 2011, *Code of Virginia* § 54.1-3446 makes it illegal to possess, use, or distribute methylenedioxypyrovalerone (MDPV) or methylmethcathinone (mephedrone), two common synthetic cathinones found in drugs known as "bath salts." These drugs are sometimes also sold with the label of "plant food," "bath crystals," "herbal incense," or "research chemicals." All carry a warning that they are not intended for human consumption.

Synthetic cathinones act as cathinone, a central nervous system stimulant that comes from the African shrub, Khat.

Bath salts are not the traditional cosmetic bath salts and instead are chemical synthetic stimulants often sold in powder form which are often ingested by sniffing/snorting or can be taken orally, smoked, or put into solution and injected.

Not much is known about the long term effects of bath salts because they are still a relatively new drug. What is known is that these drugs can cause rapid heart rate, which can lead to heart attack and stroke, chest pains, nosebleeds, vomiting, and seizures. These effects are similar to those caused by cocaine, LSD, MDMA (ecstasy), and amphetamine.

As a Schedule I drug, bath salts have been found to have a high potential for abuse and have no accepted medical use. (*Code of Virginia* § 54.1-3445)

Any person who is found in possession of bath salts will be guilty of a **Class 5** felony and can be imprisoned for one to 10 years or can be imprisoned for up to 12 months and be required to pay a fine of up to \$2,500. (*Code of Virginia* §§ 18.2-10 and 18.2-250 (A)(a))

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Definition of Controlled Substance Schedules

Drugs and other substances that are considered controlled substances under the Controlled Substances Act (CSA) are divided into five schedules. An updated and complete list of the schedules is published annually in Title 21 Code of Federal Regulations (C.F.R.) 65.1308.11 through 1308.15. Substances are placed in their respective schedules based on whether they have a currently accepted medical use in treatment in the United States, their relative abuse potential, and likelihood of causing dependence when abused. Some examples of the drugs in each schedule are listed below.

Schedule I Controlled Substances

Substances in this schedule have no currently accepted medical use in the United States, a lack of accepted safety for use under medical supervision, and a high potential for abuse.

Some examples of substances listed in Schedule I are: heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), peyote, methaqualone, and 3,4-methylenedioxymethamphetamine ("Ecstasy").

Schedule II/IIN Controlled Substances (2/2N)

Substances in this schedule have a high potential for abuse which may lead to severe psychological or physical dependence.

Examples of Schedule II narcotics include: hydromorphone (Dilaudid®), methadone (Dolophine®), meperidine (Demerol®), oxycodone (OxyContin®, Percocet®), and fentanyl (Sublimaze®, Duragesic®). Other Schedule II narcotics include: morphine, opium, codeine, and hydrocodone.

Examples of Schedule IIN stimulants include: amphetamine (Dexedrine®, Adderall®), methamphetamine (Desoxyn®), and methylphenidate (Ritalin®).

Other Schedule II substances include: amobarbital, glutethimide, and pentobarbital.

Schedule III/IIIN Controlled Substances (3/3N)

Substances in this schedule have a potential for abuse less than substances in Schedules I or II and abuse may lead to moderate or low physical dependence or high psychological dependence.

Examples of Schedule III narcotics include: products containing not more than 90 milligrams of codeine per dosage unit (Tylenol with Codeine®), and buprenorphine (Suboxone®).

Examples of Schedule IIIN non-narcotics include: benzphetamine (Didrex®), phendimetrazine, ketamine, and anabolic steroids such as Depo®-Testosterone.

Schedule IV Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances in Schedule III.

Examples of Schedule IV substances include: alprazolam (Xanax®), carisoprodol (Soma®), clonazepam (Klonopin®), clorazepate (Tranxene®), diazepam (Valium®), lorazepam (Ativan®), midazolam (Versed®), temazepam (Restoril®), and triazolam (Halcion®).

Schedule V Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances listed in Schedule IV and consist primarily of preparations containing limited quantities of certain narcotics.

Examples of Schedule V substances include: cough preparations containing not more than 200 milligrams of codeine per 100 milliliters or per 100 grams (Robitussin AC®, Phenegan with Codeine®), and ezogabine.