

WINONA STATE UNIVERSITY



DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM REPORT 2024-2026

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INTRODUCTION OF THE DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM REPORT

Winona State University (WSU) is committed to fostering a campus environment that prioritizes the holistic personal, social, and academic growth of its students and staff. Central to this commitment is our comprehensive Drug and Alcohol Abuse Prevention Program, which aligns with federal and state regulations, including the Drug-Free Schools and Communities Act. This program aims to decrease illegal and high-risk use of alcohol and other drugs, thereby enhancing academic success, retention, and overall well-being of our students.

Our approach is multifaceted, incorporating educational initiatives such as the CHOICES program and the E-Checkup To Go assessments, both designed to help students make informed decisions about alcohol and marijuana use. Additionally, WSU collaborates with local and state partners to implement evidence-based strategies tailored to the unique needs of our student population. These efforts are regularly evaluated to ensure their effectiveness and relevance.

This report provides an overview of our ongoing efforts to promote a safe and supportive learning environment, detailing the policies, educational programs, and collaborative partnerships that constitute our Drug and Alcohol Abuse Prevention Program.

UNIVERSITY POLICIES, STANDARDS OF CONDUCT, AND SANCTIONS

[WSU's policy](#) supports the [Minnesota State Board policy](#) , which prohibits excessive or illegal use, sale, or distribution of alcoholic beverages at Minnesota State Colleges and Universities and University-sponsored events on or off-campus.

Definitions:

Student: all persons who:

- Are enrolled in one or more courses, either credit or non-credit, through the University
- Are not officially enrolled for a particular term but who have a continuing relationship with the University
- Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid
- Are living in a University residence hall although not enrolled in the University

University Recognized Organization: Any student group and/or organization that has successfully completed the process outlined by the Student Senate on forming a club or organization.

Travel Status: The period from departure until return to campus by students who have obtained travel authorization through the appropriate University representative for a University sponsored event.

Policy Applicability

Violation of the [Alcohol and Other Drug Policy](#), the [Student Code of Conduct](#), Minnesota State and University policies including Residence Life policies, Technology policies and/or local, state, or federal laws regarding use, possession, or distribution of alcohol and/or other drugs, or drug paraphernalia may result in issuance of a court summons, arrest, or referral for University conduct action or any combination of the above.

These policies apply to all on-campus and off-campus activities that are considered University activities, such as events and officially sanctioned field trips. They also apply to student organization-sponsored activities and events.

These policies apply to students, student groups and organizations, and their guests or visitors on University property and facilities engaged in a University activity.

WSU Policy 8-4 (Drug and Alcohol Use):

The purpose of [WSU Policy 8-4](#) is to establish Winona State University's (WSU) policy prohibiting drug and alcohol use and distribution on campus in order to maintain a safe and healthy campus environment. Winona State University prohibits the manufacture, use, possession, sale, or distribution of alcohol, illegal drugs, or controlled substances on university grounds. This includes marijuana or any product that contains THC, which, despite its legal status in Minnesota, is still illegal according to federal law.

This policy applies to students, employees, and campus visitors. WSU employees are prohibited from performing work for the university while impaired or under the influence of drugs or alcohol. Advertising or promotion of alcohol or drugs in university buildings or any other public campus area is also prohibited, including display of alcohol containers, banners, signs, or other advertising.

Exceptions to this policy include:

- Use of alcohol by legal-aged adults at specific university sponsored events when approved by the President in accordance with [Minnesota State Board Policy 5.18](#).
- Use of alcohol in authorized classroom or laboratory instruction when approved by the dean, Provost/Vice President for Academic Affairs, and President.
- Use of prescription medications or over the counter medications taken by employees when taken in standard dosage and/or according to a physician's prescription. Employees taking prescribed or over the counter medications are responsible for consulting the prescribing doctor and/or pharmacist to determine whether the medication may interfere with the safe performance of the employee's job.

Employees and students who violate this policy are subject to disciplinary sanctions, in accordance with [Minnesota Management and Budget Policy #1418](#), [employee bargaining unit agreements](#) up to and including expulsion or termination, and the [WSU Student Code of](#)

Conduct. Students should refer to [WSU Procedure 8-4A](#) (Drug and Alcohol Use Procedure for Students), and Employees should refer to [WSU Procedure 8-4B](#) (Drug and Alcohol Use Procedure for Employees).

Violations or alleged violations of local ordinances, state or federal laws may subject student(s) and/or student organizations to conduct action by the University when these violations occur on campus, on University owned property, during a University activity or event, or when behavior on or off-campus adversely affects the University's educational, research or service functions.

Examples of off-campus behavior which may be subject to University conduct action include, but are not limited:

- underage consumption or possession
- selling or otherwise providing alcohol to underage persons
- hosting underage drinking or disruptive parties
- actions that threaten or endanger the health or safety of individuals
- using, selling, or distributing illegal drugs
- sexual violence
- Hazing
- Cyberbullying

STUDENT ALCOHOL AND OTHER DRUG POLICIES

Student Code of Conduct

On-Campus: The use, possession, distribution, manufacture or sale of any controlled substances, illegal drugs, or alcoholic beverage is prohibited on campus. Students may use and possess prescription drugs (including controlled substances) for which they have a valid/current prescription

Off-Campus: As members of the University community, students are expected to behave responsibly and comply with the law. University community members violating civil or criminal

law may be subject to University conduct procedures when that conduct occurs off-campus and adversely affects the educational, research, or service functions of the University.

Unlawful behavior by individual students or student organizations should be reported to the University (i.e. President, Vice Presidents, Deans, Directors and Supervisors either verbal or in writing). If reported, the University may take appropriate conduct action.

The illegal use, possession, distribution, manufacture or sale of any controlled substance, drugs, or alcoholic beverages is prohibited for individual students and/or student organizations:

- at University events on or off-campus
- on travel status when representing the University (e.g., as a member of athletic team, sports club, Student Senate, student organizations and groups, member of a University group, delegation, etc.). Further restrictions or allowances for legal and responsible use of alcohol may apply to individual students or student groups on travel status, based on the specific program's needs and direction of the faculty or staff supervisors and advisors.

Student leaders, faculty, staff supervisors/advisors and coaches assume responsibility for ensuring University policies and local, state, and federal laws are followed

Disruptive Use

Disruptive use of alcohol and other drugs is prohibited.

Disruptive use of alcohol and other drugs, regardless of where consumed or ingested, includes behavior that disrupts the University community, endangers the health or safety of self or others, results in damage to University or personal property, or requires the intervention of University or community resources. Examples of disruptive use include, but are not limited to, disorderly conduct, excessive noise, violence, threats, vandalism, or intoxication (regardless of age), that leads to intervention by University personnel, law enforcement personnel or medical personnel.

Public Display or Promotion

The public display of advertising or promotion of alcoholic beverages or illegal drugs, in University buildings or any other public campus area including all University-owned housing areas is prohibited. This includes alcohol containers, banners, lighted beer or liquor signs, and large inflatable advertising.

The possession or display of alcohol “trophies,” or other forms of empty alcohol containers, is not allowed on campus. The presence of empty containers, devices designed or intended to be used for the rapid consumption of alcohol (i.e., races, games, etc.), or drug paraphernalia, is prohibited. Possessing any of these materials may be considered evidence of use, consumption, or distribution.

The following advertising and promotional activities are prohibited for any student, University employee, registered student organization, or University office, department or program:

- Using alcoholic beverages as awards or prizes in connection with University events
- Providing promotional items or advertising associated with alcohol and illegal drugs at University sponsored student events. This includes, but is not limited to, such items promoting alcohol or drug use on cups, shirts, beverage can coolers, or any other items advertising or promoting alcohol or illegal drug use
- Advertising alcohol and/or illegal drugs in University controlled or affiliated publications, or on University premises, including University affiliated websites
- Advertising that includes brand names, logos, prices, visual images or phrases that refer to consumption of alcoholic beverages and use of illegal drugs
- Use of alcohol for recruiting and student organization fund-raising activities and events
- Purchasing alcohol and other drugs with University or organization funds, including student activities fee allocations
- Consuming or transporting alcohol and other drugs in University vehicles

Exceptions to These Policies

An exception for instructional purposes in accordance with [Minnesota State Board Policy 5.18](#) allows for the use of alcohol in laboratory and classroom instruction or experiments

Students may use and possess prescription drugs (including controlled substances) for which they have a valid/current prescription.

The Chancellor or the Office of the Chancellor, and the President of Winona State University have delegated authority to approve use of alcohol at specific special events on campus or University sponsored events off campus. Students who are of legal age to consume alcohol may

choose to do so at these events. Approval shall be consistent with the Alcohol and Other Drug Policy and with Minnesota State procedures. The procedures shall address the following:

- compliance with local ordinances and state law relating to sale
- possession or consumption of alcohol
- providing adequate dram shop/public liability insurance
- and any other matters deemed necessary

Students studying abroad are expected to comply with the laws of the foreign country and the policies of the host institution or sponsoring program. Additionally, all enrolled students, including students who are studying abroad, must abide by all University policies, including but not limited to the Student Code of Conduct.

The University recognizes that various violations of the Student Code of Conduct involve use of alcohol. The University encourages the reporting of conduct violations such as sexual assault, hazing, physical violence, harassment. Therefore, the University may choose not to hold students accountable for [Student Code of Conduct](#) violations related to alcohol and other drugs when a more serious violation/crime has occurred.

Housing and Residence Life Policies

In accordance with Minnesota State Law and Minnesota state guidelines, Winona State University adheres to the following alcohol & drug policies in the residence halls. Any alcohol, paraphernalia and/or drug substance will be confiscated and destroyed.

Alcohol: Regardless of age, possession and/or consumption of alcohol is prohibited.

Alcohol Containers: Any container (empty or full) or device designed to be used to consume alcohol in is not permitted. This includes, but is not limited to, cans, bottles, shot glasses, kegs, party balls, crates, cases, wine boxes, and bongs. The display of such items is not permitted.

Display of Alcohol Container: Empty containers that were originally used to hold alcoholic beverages (cans and bottles) in any form; empty, sealed or open, may not be possessed by any person. Obscene or drug/alcohol-related materials posted on the outside of an individual's door/room is prohibited.

Incapacitation: Students who are incapacitated as a result of drinking or other drug use will receive medical care and follow-up intervention.

In the Presence: Individuals present in a room/suite/apartment that contains alcohol may be found in violation of the alcohol policy, regardless of their level of participation. The presence in a location where a policy violation is occurring indicates acceptance of this behavior. Residents are expected to remove themselves from such situations. Reporting policy violations to the appropriate university personnel or making a reasonable effort to stop the behavior is encouraged.

Use and/or Possession of Drugs: The use, possession, sale, giving, or exchange of illegal drugs, chemicals for use as drugs, or controlled substances is strictly prohibited in all university residence hall facilities.

Cannabis: It is illegal for anyone (regardless of age) to have or use marijuana on campus in any form, even with a prescription. Per the H.R.3614 - Drug-Free Schools and Communities Act Amendments of 1989, it is illegal to have or use regardless of age.

Drug Paraphernalia: (Homemade or Retail) No person may use, or possess with the primary intent to use, drug paraphernalia. Examples include, but are not limited to, “bongs”, pipes, scales, rolling papers, “roach clips”, and blow tubes.

Prescription Drugs: Possession and/or use of prescription drugs by anyone other than the person to whom they are prescribed is strictly prohibited. The sale of prescription drugs is prohibited. Prescription drugs should remain in their original container with proper labeling.

LOCAL, STATE, AND FEDERAL LAWS AND SANCTIONS

In order to comply with the Federal law, including but not limited to, the Drug-Free Schools and Community Act (34 CFR Part 86), the Drug-Free Workplace Act (34 CFR Part 85)

Federal Laws and Sanctions

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. Fine of not more than \$5 million if an individual, \$25 million if not an individual. Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 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. Fine of not more than \$10 million if an individual, \$50 million if not an individual. Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 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		1 kg or more mixture	
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	
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	
Other Schedule III drugs	Any amount	First Offense: Not more than 10 years. 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. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Flunitrazepam (Schedule IV)	Other than 1 gram or more	
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.

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 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.	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 less 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 marijuana (but does not include 50 or more marijuana plants regardless of weight) marijuana plants; 1 to 49 marijuana plants;	Not less than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not less than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

State of Minnesota Statutes

152.021 CONTROLLED SUBSTANCE CRIME IN THE FIRST DEGREE.

Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the first degree if:

- (1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 17 grams or more containing cocaine or methamphetamine;
- (2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine and:
 - (i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or
 - (ii) the offense involves two aggravating factors;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more, or 40 dosage units or more, containing heroin or fentanyl;

(4) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 grams or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine; or

(5) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or more dosage units.

Subd. 2. **Possession crimes.** (a) A person is guilty of a controlled substance crime in the first degree if:

(1) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing cocaine or methamphetamine;

(2) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing cocaine or methamphetamine and:

(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves two aggravating factors;

(3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more, or 100 dosage units or more, containing heroin or fentanyl;

(4) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;

(5) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 500 or more dosage units; or

(6) the person unlawfully possesses:

- (i) 50 kilograms or more of cannabis flower;
 - (ii) ten kilograms or more of cannabis concentrate; or
 - (iii) edible cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or any combination of those infused with more than one kilogram of tetrahydrocannabinols.
- (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.

Subd. 2a. **Methamphetamine manufacture crime.** Notwithstanding subdivision 1, sections [152.022, subdivision 1](#), [152.023, subdivision 1](#), and [152.024, subdivision 1](#), a person is guilty of controlled substance crime in the first degree if the person manufactures any amount of methamphetamine.

Subd. 2b. **Aggravated controlled substance crime in the first degree.** A person is guilty of aggravated controlled substance crime in the first degree if the person violates subdivision 1, clause (1), (2), (3), (4), or (5), or subdivision 2, paragraph (a), clause (1), (2), or (3), and the person or an accomplice sells or possesses 100 or more grams or 500 or more dosage units of a mixture containing the controlled substance at issue and:

- (1) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or
- (2) the offense involves two aggravating factors.

§Subd. 3. **Penalty.** (a) A person convicted under subdivisions 1 to 2a, paragraph (a), may be sentenced to imprisonment for not more than 30 years or to payment of a fine of not more than \$1,000,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivisions 1 to 2a, paragraph (a), shall be committed to the commissioner of corrections for not less than four years nor more than 40 years and, in addition, may be sentenced to payment of a fine of not more than \$1,000,000.

(c) If the defendant is convicted under subdivision 1, clause (1), (2), (3), (4), or (5), or subdivision 2, paragraph (a), clause (1), (2), or (3), and the defendant or an accomplice sold or

possessed 100 or more grams or 500 or more dosage units of a mixture containing the controlled substance at issue, that person shall be committed to the commissioner of corrections for not less than 65 months or the presumptive fixed sentence under the Minnesota Sentencing Guidelines, whichever is greater, nor more than 40 years and may be sentenced to payment of a fine of not more than \$1,000,000, or both. If a person to be sentenced under this paragraph for a conviction under subdivision 2, paragraph (a), clause (1), (2), or (3), has not previously been convicted of an offense under section [152.021](#), [152.022](#), or [152.023](#), or of a similar offense by the United States or another state, the prosecutor may, prior to the time of sentencing, file a motion to have the person sentenced without regard to the mandatory minimum sentence established by this paragraph. The motion shall be accompanied by a statement on the record of the reasons for it. When presented with the motion, or on its own motion, the court may sentence the person without regard to this mandatory minimum sentence if the court finds substantial and compelling reasons to do so; such a sentence is a departure from the Sentencing Guidelines.

(d) A person convicted under subdivision 2b shall be committed to the commissioner of corrections for not less than 86 months or the presumptive fixed sentence under the Minnesota Sentencing Guidelines, whichever is greater, nor more than 40 years and may be sentenced to payment of a fine of not more than \$1,000,000, or both.

(e) In a prosecution under subdivisions 1 to 2b involving sales by the same person in two or more counties within a 90-day period, the person may be prosecuted for all of the sales in any county in which one of the sales occurred.

152.022 CONTROLLED SUBSTANCE CRIME IN THE SECOND DEGREE.

Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the second degree if:

(1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing a narcotic drug other than heroin or fentanyl;

(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of three grams or more containing cocaine or methamphetamine and:

- (i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or
 - (ii) the offense involves three aggravating factors;
- (3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of three grams or more, or 12 dosage units or more, containing heroin or fentanyl;
- (4) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or more dosage units;
- (5) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a person under the age of 18, or conspires with or employs a person under the age of 18 to unlawfully sell the substance; or
- (6) the person unlawfully sells any of the following in a school zone, a park zone, a public housing zone, or a drug treatment facility:
- (i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD), 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine; or
 - (ii) one or more mixtures containing methamphetamine or amphetamine.

Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the second degree if:

- (1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing cocaine or methamphetamine;
- (2) the person unlawfully possesses one or more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine and:
 - (i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or
 - (ii) the offense involves three aggravating factors;

- (3) the person unlawfully possesses one or more mixtures of a total weight of six grams or more, or 50 dosage units or more, containing heroin or fentanyl;
- (4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;
- (5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 100 or more dosage units; or
- (6) the person unlawfully possesses:
 - (i) 25 kilograms or more of cannabis flower;
 - (ii) five kilograms or more of cannabis concentrate; or
 - (iii) edible cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or any combination of those infused with more than 500 grams of tetrahydrocannabinols.
- (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.

§Subd. 3.**Penalty.** (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$500,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections for not less than three years nor more than 40 years and, in addition, may be sentenced to payment of a fine of not more than \$500,000.

(c) In a prosecution under subdivision 1 involving sales by the same person in two or more counties within a 90-day period, the person may be prosecuted for all of the sales in any county in which one of the sales occurred.

152.023 CONTROLLED SUBSTANCE CRIME IN THE THIRD DEGREE.

Subdivision 1.**Sale crimes.** A person is guilty of controlled substance crime in the third degree if:

- (1) the person unlawfully sells one or more mixtures containing a narcotic drug;
- (2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures containing phencyclidine or hallucinogen, it is packaged in dosage units, and equals ten or more dosage units;
- (3) the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule I, II, or III, except a Schedule I or II narcotic drug, cannabis flower, or cannabinoid products to a person under the age of 18; or
- (4) the person conspires with or employs a person under the age of 18 to unlawfully sell one or more mixtures containing a controlled substance listed in Schedule I, II, or III, except a Schedule I or II narcotic drug, cannabis flower, or cannabinoid products.

Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the third degree if:

- (1) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of ten grams or more containing a narcotic drug other than heroin or fentanyl;
- (2) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of: (i) a total weight of three grams or more containing heroin; or (ii) a total weight of five grams or more, or 25 dosage units or more, containing fentanyl;
- (3) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures containing a narcotic drug other than heroin or fentanyl, it is packaged in dosage units, and equals 50 or more dosage units;
- (4) on one or more occasions within a 90-day period the person unlawfully possesses any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid diethylamide (LSD), 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility;
- (5) on one or more occasions within a 90-day period the person unlawfully possesses:
 - (i) more than ten kilograms of cannabis flower;
 - (ii) more than two kilograms of cannabis concentrate; or

(iii) edible cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or any combination of those infused with more than 200 grams of tetrahydrocannabinol; or

(6) the person unlawfully possesses one or more mixtures containing methamphetamine or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.

§Subd. 3.**Penalty.** (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$250,000, or both.

(b) In a prosecution under subdivision 1 or 2 involving sales or acts of possession by the same person in two or more counties within a 90-day period, the person may be prosecuted in any county in which one of the sales or acts of possession occurred.

152.024 CONTROLLED SUBSTANCE CRIME IN THE FOURTH DEGREE.

§Subdivision 1.**Sale crimes.** A person is guilty of controlled substance crime in the fourth degree if:

(1) the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule I, II, or III, except marijuana or Tetrahydrocannabinols;

(2) the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule IV or V to a person under the age of 18; or

(3) the person conspires with or employs a person under the age of 18 to unlawfully sell a controlled substance classified in Schedule IV or V.

Subd. 2.**Possession crimes.** A person is guilty of controlled substance crime in the fourth degree if:

(1) the person unlawfully possesses one or more mixtures containing phencyclidine or hallucinogen, it is packaged in dosage units, and equals ten or more dosage units; or

(2) the person unlawfully possesses one or more mixtures containing a controlled substance classified in Schedule I, II, or III, except marijuana or Tetrahydrocannabinols, with the intent to sell it.

Subd. 3.**Penalty.** A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$100,000, or both.

152.025 CONTROLLED SUBSTANCE CRIME IN THE FIFTH DEGREE.

Subdivision 1.**Sale crimes.** A person is guilty of a controlled substance crime in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule IV.

Subd. 2.**Possession and other crimes.** A person is guilty of controlled substance crime in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

- (1) the person unlawfully possesses one or more mixtures containing a controlled substance classified in Schedule I, II, III, or IV, except cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products or a residual amount of one or more mixtures of controlled substances contained in drug paraphernalia; or
- (2) the person procures, attempts to procure, possesses, or has control over a controlled substance by any of the following means:
 - (i) fraud, deceit, misrepresentation, or subterfuge;
 - (ii) using a false name or giving false credit; or
 - (iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, pharmacist, physician, doctor of osteopathic medicine licensed to practice medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance.

Subd. 3. [Repealed, [2009 c 83 art 3 s 24](#)]

§Subd. 4.**Penalty.** (a) A person convicted under the provisions of subdivision 2, clause (1), who has not been previously convicted of a violation of this chapter or a similar offense in another jurisdiction, is guilty of a gross misdemeanor if: (1) the amount of the controlled substance possessed, other than heroin, is less than 0.25 grams or one dosage unit or less if the controlled

substance was possessed in dosage units; or (2) the controlled substance possessed is heroin and the amount possessed is less than 0.05 grams.

(b) A person convicted under the provisions of subdivision 1; subdivision 2, clause (1), unless the conduct is described in paragraph (a); or subdivision 2, clause (2), may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(c) If a peace officer encounters a person who is suspected of violating this section, the peace officer may refer the person to a local service provider that can offer substance use assistance to the person. Upon request at the time of initial contact, a peace officer must, if practicable and available, provide a person suspected of violating this section with a referral to local service providers. For purposes of this paragraph, "local service provider" includes but is not limited to substance use disorder treatment and recovery providers, peer support groups and systems, homeless shelters, detoxification centers, hospital systems, mental health crisis centers, naloxone providers, syringe service providers, and harm reduction programs.

Local Ordinances

Winona County

ORDINANCE #47 REGULATING THE USE OF CANNABIS FLOWER, CANNABIS PRODUCTS, LOWER-POTENCY HEMP EDIBLES, OR HEMP-DERIVED CONSUMER PRODUCTS IN A PUBLIC PLACE

CHAPTER 1

1.01 Statutory Authorization

This Ordinance is adopted pursuant to the authorization contained in Minn. Stat. §152.0263, Subd.5, or successor statutes. This statute allows local units of government to regulate the use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place.

1.02 Purpose and Intent This Ordinance is adopted by the Winona County Board of Commissioners for the purpose and intent of protecting the public health and safety of residents and visitors of Winona County by regulating the use of cannabis flower,

cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place.

1.03 Definitions

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in this Ordinance, shall have meanings ascribed to them except where the context clearly indicates a different meaning.

- A. Cannabis flower. “Cannabis flower” shall have the same meaning as defined in Minn. Stat. §342.01, Subd. 16, as amended from time to time.
- B. Cannabis product. “Cannabis product” shall have the same meaning as defined in Minn. Stat. §342.01, Subd. 20, as amended from time to time.
- C. Hemp-derived consumer product. “Hemp-derived consumer product” shall have the same meaning as defined in Minn. Stat. §342.01, Subd. 37, as amended from time to time.
- D. Lower-potency hemp edible. “Lower-potency hemp edible” shall have the same meaning as defined in Minn. Stat. §342.01, Subd. 50, as amended from time to time.
- E. Public place. “Public place” shall mean any indoor or outdoor area used by the general public, including, but not limited to, buildings, structures, lands, fairgrounds, parks, trails, streets, or sidewalks. A “public place” does not include the following:
 - 1. a private residence, including the individual’s curtilage or yard;
 - 2. private property not generally accessible by the public, unless the person is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or
 - 3. the premises of an establishment or event licensed to permit on-site consumption.
- F. Smoking. “Smoking” shall mean the act of inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from cannabis flower,

cannabis products, lower-potency hemp edibles, or hemp-derived consumer products. Smoking includes carrying or using an activated electronic delivery device for human consumption through inhalation of aerosol or vapor from the product.

1.04 Jurisdiction

This Ordinance shall be applicable within the legal boundaries of Winona County. This Ordinance shall govern a public place owned by Winona County within a city or town regardless of any local government adopted ordinance, which shall otherwise preempt and supersede this Ordinance within the respective jurisdiction.

1.04 Prohibition

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products by smoking in a public place owned by Winona County.

1.05 Penalty

A violation of this Ordinance shall be a petty misdemeanor. Nothing in this Ordinance prohibits Winona County from seeking prosecution for an alleged violation.

<https://www.co.winona.mn.us/DocumentCenter/View/4939/Ordinance-47-Regulating-Use-of-Cannabis-Flower-Products-Lower-Potency-Hemp-Edibles-or-Hemp-Derived-Products-in-a-Public-Place>

HEALTH RISKS OF DRUG AND ALCOHOL USE AND ABUSE

source: Drug-Free Workplace Policy

Alcohol consumption causes a number of marked changes in behavior. Even low doses of alcohol significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. The use of small amounts of alcohol by a pregnant woman can damage the fetus. Low to moderate doses of

alcohol also increase the incidence of a variety of aggressive acts.

Moderate to high doses of alcohol cause marked impairment in higher mental functions, severely altering a person's ability to learn and remember information. Heavy use may result in chronic depression and suicide and also may be associated with the abuse of other drugs. Very high doses can cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects described. Even occasional heavy drinking may be associated with the harmful effects described above. Binge drinking, which occurs over an extended period of time, involves repeated use of alcohol to the point of intoxication. A person may give up usual activities and responsibilities during this time in order to use the alcohol, and serious impairment in all areas of functioning may occur.

Long-term heavy alcohol use can cause digestive disorders, cirrhosis of the liver, circulatory system disorders, and impairment of the central nervous system—all of which may lead to early death. Repeated use of alcohol can lead to dependence, and at least 15 to 20 percent of heavy users eventually will become problem drinkers or alcoholics if they continue drinking. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions, which can be life threatening.

The use of illegal drugs and the misuse of prescription and other drugs also pose a serious threat to health. The use of marijuana (cannabis) may cause impairment of short-term memory, comprehension, and ability to perform tasks requiring concentration. Marijuana use also may cause lung damage, paranoia, and possible psychosis. The use of narcotics, depressants, stimulants, and hallucinogens may cause nervous system disorders and possible death as the result of an overdose. Illicit inhalants can cause liver damage.

Any person taking prescription drugs or over-the-counter medication is personally responsible for ensuring that while taking such drugs or medications, he or she is not a safety risk to themselves and others while on University property, while driving a University or privately owned vehicle, or while otherwise engaged in University business. It is illegal to misuse prescription medication, i.e. continue to use medication when the prescription is no longer valid,

use prescribed drugs contrary to the prescription, and give or sell prescribed drugs to another person. Individuals that have been prescribed medication must present a fit for duty document from their medical provider indicating that they can safely return to work if continued use of the prescribed medication is required.

UNIVERSITY DRUG AND ALCOHOL PROGRAMS AND INTERVENTIONS

In compliance with the Drug Free Schools and Communities Act, Winona State University publishes information regarding the University's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and university policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for WSU students and employees. A complete description of these topics, as provided in the University's biennial review to students and employees, is available online at: <https://www2.winona.edu/healthpromotion/alcohol.asp>

<https://www2.winona.edu/healthpromotion/Media/2022-biennial-review.pdf>

Drug and Alcohol Education and Intervention for Students

ScreenU Alcohol and ScreenU Cannabis

Incoming students are sent an email after registration that gives them the log in information for these two online self-assessments. Both are completely anonymous and provide information about alcohol and marijuana. Both self-assessments need to be completed prior to the student's first semester at WSU.

E Checkup To Go Program

WSU offers E CheckUp To Go Program for alcohol use to give students personalized evaluation of their use, negative consequences, and social norms clarification. Students may either self-refer or be required to complete the assessment as part of university adjudication. The E CheckUp To Go Program is developed and produced by San Diego State University. In addition to the web-based assessment, WSU utilizes trained staff, including the Health Promotion Coordinator and a graduate assistant to provide motivational interviewing.

Choices: Getting the Facts

In addition to the E CheckUp To Go program, WSU offers a 1-hour group based interactive alcohol abuse prevention program called Choices: Getting the Facts. This course utilizes the interactive journaling curriculum to engage students in self-reflection and discussion about facts, risks and norms associated with alcohol while equipping them with information, strategies, and skills to make wise decisions. The course is taught by a trained graduate assistant in Health & Wellness Services. The curriculum is based upon research by the University of Washington Addictive Behaviors Research, which has been recognized by NIAAA and SAMHSA as leading alcohol abuse prevention for college students. Students may either self-refer or be required to complete the course as part of university adjudication.

New Student Orientation

During first year student orientation, Health Services staff provide a presentation about alcohol safety, marijuana education, university policies, local ordinances, and promote medical amnesty policies to increase student safety.

Training/Professional Development

Various campus departments request alcohol and other drug prevention programs through Health & Wellness Services' Health Promotion Office for student staff training and education such as Residence Life and Housing, Freshman Orientation Committee, etc.

Order In/Don't Cancel That Class Programming

Order In and Don't Cancel That Class Programming are a set of 1 hour group based educational sessions offered by the staff of the Health Promotion Office to student groups/organizations, departments, university programs and professors utilizing participatory approaches in numerous topics. All the programs have evaluation tools, handouts and facilitator guide. The health promotion staff consists of trained graduate assistants and trained peer educators. Topics include nutrition, stress, sleep, sexual health, mental health/suicide 93 prevention, alcohol and other drugs, digital life presence, gender-based violence (stalking, harassment, sexual assault, etc.) and more.

Housing and Residence Life Alcohol Education programs

Resident Assistants and members of the Residence Housing Association annually plan numerous events designed to educate students on alcohol consumption and risk. These could include drunk goggle programs, mock tails, educational speakers, or bulletin boards.

Environmental Management

Environmental management strategies are those that seek to eliminate or modify the environmental factors that contribute to the problem (Langford and DeJong, 2008). There are five categories of environmental management: alcohol free options, alcohol marketing/promotion, promoting a healthy normative environment, reducing alcohol availability and policy development and enforcement (DeRicco, 2006).

Alcohol Free Options

The Warrior Entertainment Network sponsors numerous alcohol-free events multiple nights of the week throughout the academic year on a regular basis. All programming is designed to attract students to events on campus which are alcohol-free rather than off campus events.

The Department of Housing and Residence Life offers numerous social programs that allow students the opportunity to gather and connect in a safe environment free from alcohol or other substances. More than 500 social programs are offered each year.

Ongoing Alcohol-Free Activities WSU provides numerous community volunteer opportunities and service-learning projects throughout the university community. Numerous campus departments/programs offer alternative spring break trips annually.

Alcohol Marketing/Promotion

The campus alcohol and other drug policy restricts alcohol-related marketing in all university publications, by student organizations, and on-campus in general. The alcohol and other drug policy also restricts sponsorship by the alcohol industry for on-campus events and University events taking place off campus.

Promoting a Healthy Normative Environment

The University continues to promote a healthy normative environment through multiple ways including social norms messaging across campus. An alcohol and other drugs self-assessment is facilitated annually by Health & Wellness Services. This self-assessment is sent to

first-year students during or before their first semester on campus. Social norms are garnered from this self-assessment and shared via numerous channels to educate across campus. In addition to this, the University administers numerous evaluations and surveys, such as the College Student Health Survey conducted by Boynton Health Services, University of Minnesota, (implemented every other year) to better understand and address the behavior factors that may lead to risky actions. WSU provides many opportunities for activities that do not include alcohol. Housing & Residence Life has a robust list of ways for students to actively participate in campus life. The Warrior Entertainment Network provides activities for students including grocery Bingo, comedians, concerts, live music, and karaoke. There are over 170 student clubs and organizations on campus for students to join. On August 1, 2013, the state of Minnesota passed a state statute providing immunity from prosecution for individuals who seek medical assistance for students who require this due to intoxication. WSU has an amnesty policy which may provide immunity for students consuming alcohol or other substances in situations requiring medical assistance. On August 1, 2023, Minnesota legalized recreational marijuana use for those over 21, except multi-unit dwellings. WSU's policy continues to prohibit any marijuana possession or use on campus property, due to the Federal Drug Free School & Communities Act.

Winona State University Substance Abuse Resources

- Health, Counseling & Wellness Services, 507-457-5160, Integrated Wellness Complex 222 Offers medical care and counseling services.
- Health Promotion Office, 507-457-5619, Integrated Wellness Complex 138 Offers confidential substance use assessments and educational courses.
- WSU Security, 507-457-5555, Sheehan Hall Offers nighttime escorts if you are feeling unsafe within a 4-block radius of campus and provides shuttles to East Lake Apartments.