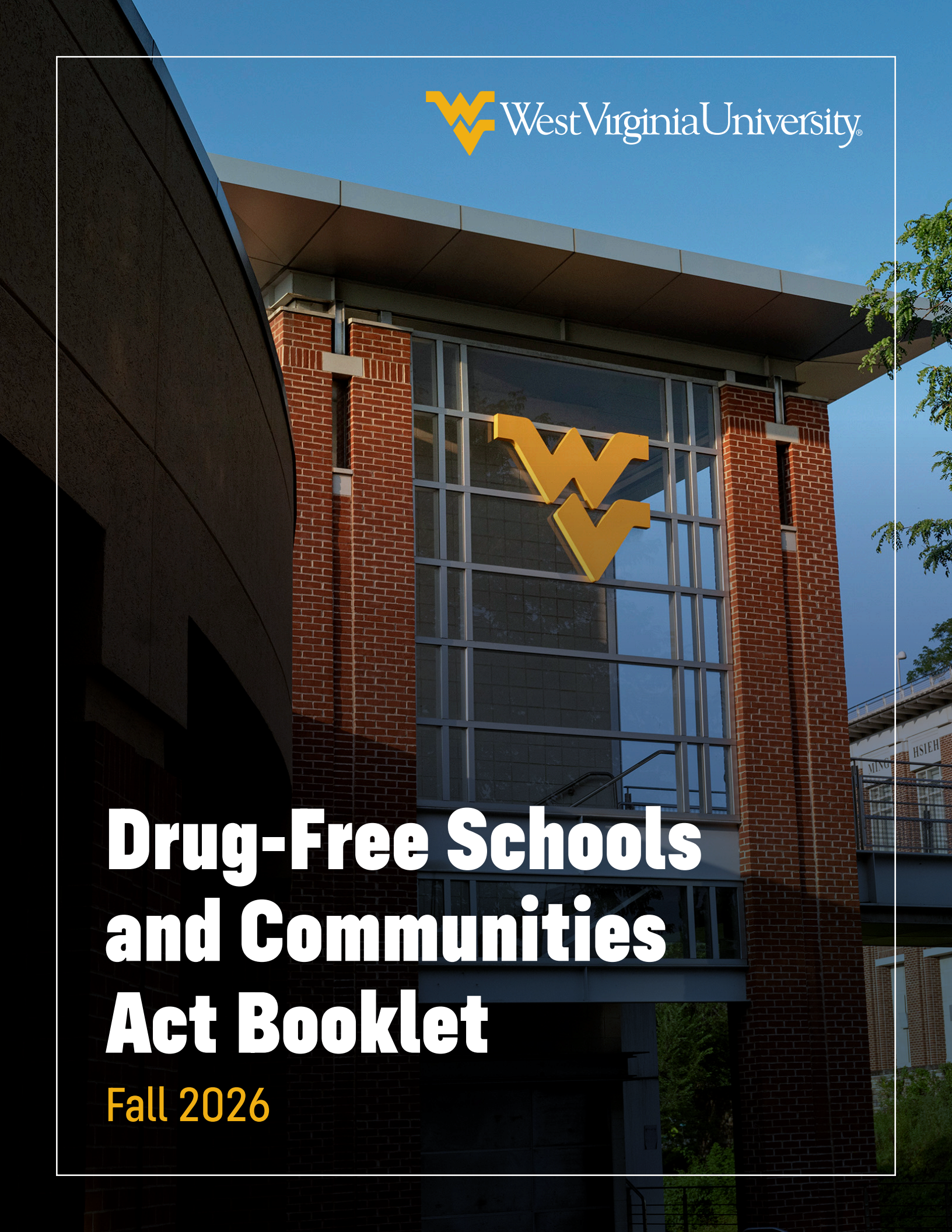

Drug-Free Schools and Communities Act Booklet

Fall 2026

INTRODUCTION AND OVERVIEW

West Virginia University, including its divisional campuses of West Virginia University Potomac State College and West Virginia University Institute of Technology, considers the wellbeing of its University community to be essential to the success of the University and its mission. The misuse of alcohol and the use of illicit substances by members of the University community are incompatible with the goals of an academic institution. Substance misuse on campus hinders the learning process, jeopardizing the University's mission to educate students and prepare them for responsible participation in society. With a combination of education and counseling, students and employees can be made aware of the consequences that may arise from substance misuse and learn more about the support and recovery resources that are available.

As directed by federal law, the University is providing this information to explain its substance use policies for both students and employees. The unlawful possession, use, or distribution of alcohol and/or other substances on campus and at University functions is prohibited.

The University recognizes that substance use disorder is a disease which affects not only the student or employee, but also one's family, workplace, and community. Referral services for substance use counseling and treatment are provided by the University for students and employees. A list of support and treatment centers is provided in this booklet.

West Virginia University is committed to building a culture of health and wellbeing for everyone. As a part of the University's efforts to comply with state and federal law, we urge you to read the attached information. If you have any questions or comments about any of the information, please contact:

Division of Talent and Culture

Employee Relations
(304) 293-5700 (ext. 5)
EmployeeRelations@mail.wvu.edu

Division of Student Life

Elizabeth Moore Hall
(304) 293-5811
studentlife@mail.wvu.edu

Thank you for your cooperation in assuring that West Virginia University is a substance-free workplace and community.

The purpose of this booklet is to comply with the applicable provisions of the Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101 to 8106; 22 C.F.R. Part 513; 48 C.F.R. § 26.504; 48 C.F.R. § 52.223-6; the Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. § 1011i; 34 C.F.R. Part 86); the Drug-Induced Rape Prevention and Punishment Act of 1996 (21 U.S.C. § 841(b)(7)(A)-(B); see also 21 U.S.C. § 801); and the Federal Motor Carrier Safety Regulations (49 C.F.R. §§ 382.101 to 382.727).

Specifically, it sets forth the applicable standards of conduct for employees and students; the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit substances and alcohol; descriptions of the health risks associated with the use of illicit substances and the misuse of alcohol; a description of the substance use counseling, treatment, or rehabilitation or re-entry programs that are available to students and employees; provides a clear statement that the University will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law); and a description of those disciplinary sanctions.

I. STANDARDS OF CONDUCT[1] AND POLICIES OF MAINTAINING A DRUG AND ALCOHOL-FREE WORKPLACE[2]

A. Employees – Controlled Substances

Controlled Substances Prohibited. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited at West Virginia University, including on its property or as part of any of its programs or activities. Under the Drug Free Workplace Act, these properties also include the WVU Research Corporation and the WVU Innovation Corporation. Further, reporting to work or any University function under the influence of an illicit controlled substance is prohibited.

Notice to University. All employees must notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after the conviction.[3]

B. Students – Controlled Substances

Prohibited Drug Related Conduct. As stated in the applicable Campus Student Code of Conduct, the University prohibits the following "drug related conduct." Specifically, "[p]rohibited drug related conduct" means:

> (1) possessing; (2) manufacturing; (3) producing; (4) distributing; (5) selling; (6) possessing with the intent to distribute or sell; or (7) being under the influence of any illicit drug, synthetic drug, or other controlled substance. It also means (8) using any prescribed drug in a manner inconsistent with the prescription; (9) driving or operating a vehicle while under the influence of any illicit drug, synthetic drug, or other controlled substance; or (10) intentionally or recklessly inhaling, ingesting, or using in any manner inconsistent with its purpose any chemical, liquid, substance or other compound.

Failure to abide by these standards of conduct will result in disciplinary sanctions consistent with local, state, and federal law.[4]

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[1] 20 U.S.C. § 1011i(a)(1)(A).

[2] 41 U.S.C. § 8102 (a)(1)(A), (a)(1)(B)(ii); see generally 48 C.F.R. § 26.504(a).

[3] If the University is operating under a grant, it must notify the granting agency within ten (10) days after receiving notice from an employee. See 41 U.S.C. § 8103(a)(1)(D), (E). See also 48 C.F.R. § 26.504(a)(4), (5).

[4] This provision is found in all three campus codes of conduct, which can be found at the following websites:
Morgantown: studentresponsibility.wvu.edu/campus-student-code
Potomac State College: studentexperience.potomacstatecollege.edu/student-life/office-of-student-conduct
WVU Tech: students.wvutech.edu/bear-facts/student-code-of-conduct

C. All Members of University Community - Alcoholic Beverages

Section 4 of West Virginia University Board of Governors Rule 5.5, Use of University Facilities, addresses Alcoholic Beverages at the University. Specifically, the possession or sale of Alcoholic Beverages is prohibited on or in University Facilities, including student housing, except as provided below:

- The possession or sale of Alcoholic Beverages is permissible on or in properly licensed property or Facilities.
- Subject to other applicable laws, Alcoholic Beverages are permissible in dwellings occupied as private residences, including University-owned apartments.
- The possession or sale of Alcoholic Beverages at a Facility may be authorized by the President on a case-by-case basis consistent with the following guidelines:
  - *Alcoholic Beverages shall never be the primary reason for a gathering.*
  - *The majority of persons in attendance must be of legal drinking age.*
  - *No person under the legal drinking age will be served.*
  - *Non-alcoholic beverages and food must be served.*
  - *No person under the age of eighteen (18) may serve Alcoholic Beverages. Servers of Alcoholic Beverages must be appropriately trained to adhere to all laws and regulations regarding the services thereof.*
  - *No state funds may be used to purchase Alcoholic Beverages.*

The entire BOG Rule can be found here: policies.wvu.edu/finalized-bog-rules/bog-finance-and-administration-rule-5-5-use-of-university-facilities

Failure by an employee to follow this Rule will subject them to discipline under the terms of the employee's appointment.

Failure by a student to follow this Rule will subject them to discipline under the applicable campus student code.

II. DISCIPLINARY SANCTIONS[5] AND PENALTIES IMPOSED FOR VIOLATIONS[6]

As required under 20 U.S.C. § 1011i(a)(1)(E), the University will impose sanctions on students and employees (consistent with local, State, and Federal law as well as University rules and policies) if it determines that violations of the standards governing the use of drugs and alcohol have occurred.

The sanctions imposed will be commensurate with the violation, based on the totality of the circumstances, and will take into consideration all of the relevant facts.

A. Range of Sanctions

i. Any employee found in violation of this provision shall be subject to appropriate disciplinary action, up to and including termination, and/or may be required to participate in a substance use assistance or rehabilitation program, and/or referred for criminal prosecution.

ii. For students, sanctions range from requiring a reflection exercise to expulsion and referral for criminal prosecution. Under the applicable campus conduct code, specifically Section 7, the following sanctions are also available:

[5] 20 U.S.C. § 1011i(a)(1)(E).

[6] 41 U.S.C. § 8102 (a)(1)(A), (a)(1)(B)(iv); see generally 48 C.F.R. § 26.504(a)(2)(iv).

Range of Sanctions for Students[7]

Expulsion

Permanent separation of the student from the University. Permanent notification will appear on the student's transcript. The student may be denied access to University premises, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. If a student is expelled, the student will not receive a refund of any tuition or fees that have been paid to the University. This is reserved for persistent violations of the Campus Student Code or a single violation of marked severity.

Suspension

Separation of the student from the University for a specified period of time. Permanent notification will appear on the student's transcript. The student may be denied access to University premises and to all other University activities or privileges for which the student might otherwise be eligible, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. Suspended time will not count against any time limits for completion of a degree. If a student is suspended, the student will not receive a refund of any tuition or fees that have been paid to the University. Any student who is serving a suspension may be subject to a review and evaluation meeting prior to re-enrolling to ensure that all conditions of the suspension have been satisfied and that the student is prepared for return. This is reserved for persistent violations of the Campus Student Code or a single violation of marked severity that may not rise to the level of expulsion.

Deferred Suspension

The student will be given a certain set of expectations, but any suspension will be deferred and does not go into effect as long as the student complies with all requirements during the interim period. In those cases where the student completes all expectations during the interim period, the student's record will show that the sanction was never imposed. In the event that a student fails to comply with a sanction and the Office of Student Conduct has decided to seek the suspension, the student will be given written notice of the apparent failure to comply and of the intent to suspend, and provided an opportunity to be heard prior to a final decision, consistent with this Code.

Probation

A written reprimand for prohibited conduct that specifies a designated period of time and includes the probability of more severe disciplinary sanctions if, during the designated probationary period, the student violates any applicable law or fails to comply with the policies of the West Virginia University Board of Governors, with institutional or campus rules and regulations, or with directives issued by any University official acting in the course of his or her authorized duties.

Warning

A notice in writing to the student that the student is violating or has violated Board of Governors policies, institutional rules and regulations, or the Campus Student Code, and that any further prohibited conduct may result in more severe disciplinary action.

Loss of Privileges

Denial of specified privileges for a designated period of time.

Restitution

Students may be required to make payment to the University or to other persons, groups, or organizations for loss, damage, or injury incurred as a result of a violation of any Campus Student Code. This may take the form of appropriate service and/or monetary or material replacement. Once restitution is satisfied, the student must provide documentation to the Office of Student Conduct.

Other Sanctions

Other sanctions may be imposed instead of or in addition to those specified. For example, students may be subject to dismissal from University housing for disciplinary violations which occur in the residence halls. Likewise, community service, educational classes, fines (if such fines are established by the Office of Student Conduct), and other work or research projects may also be assigned.

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[7] Additionally, please note that professional students may also be sanctioned pursuant to the professionalism standards of their programs, which may include additional programmatic sanctions.

The exception being if a student qualifies for amnesty under the applicable campus student conduct code. In general, the codes provide as follows:

Bystander: Any student or student organization who, in good faith and in a timely manner, seeks emergency medical assistance for a person who reasonably appears to be experiencing an overdose from alcohol or drugs may not be held responsible for a violation of prohibited alcohol or drug related conduct only, as defined in this Code, if the student or student organization does all of the following:

a) Remains with the person who reasonably appears to be in need of emergency medical assistance due to an overdose until such assistance is provided;

b) Identifies himself or herself, if requested by emergency medical assistance personnel, law-enforcement officers, or University officials;

c) Cooperates with and provides any relevant information requested by emergency medical assistance personnel, law-enforcement officers, or University officials needed to treat the person reasonably believed to be experiencing an overdose;

d) Completes any additional conditions imposed on the student or student organization by the Campus Student Code Administrator.

Distressed Student: If the person who reasonably appears to be experiencing an overdose from alcohol or drugs is also a student, he or she will not be held responsible for a violation of prohibited alcohol or drug related conduct, as defined in this Code, but may be required to complete additional conditions imposed by the Campus Student Code Administrator in order to receive amnesty.

Additional resources for alcohol and other drug education, can be found here:
well.wvu.edu/educational-resources/alcohol-and-other-drugs

This provision only applies to violations of this Code. As it relates to any criminal prosecution, students should see the West Virginia Alcohol and Drug Overdose Prevention and Clemency Act, W. Va. Code §§ 16-47-1 to -6, which can be found here:
code.wvlegislature.gov/16-47/

III. CAMPUS PROGRAMMING AND RESOURCES FOR STUDENTS, STAFF, AND FACULTY

Resources for Students

i. Counseling and Treatment

a. Student Assistance Program (SAP); (304) 293-4431

i. The purpose of SAP is to educate students about the nature and consequences of substance misuse. This is done through individual assessment, individual and group counseling, and educational activities. Self-referrals are welcomed.

ii. Recovery Support

a. Collegiate Recovery Program; (304) 293-2547

i. The CRP supports students in recovery by promoting a healthy, balanced, and meaningful life on campus. Through activities centered around health, wellness, adventure, community, service, and fun, the WVU CRP's goal is to provide the support and resources necessary for students to thrive in their recovery and develop meaning and purpose as they move forward in life.

iii. Substance use education

a. AlcoholEdu

i. Incoming first year and transfer students under the age of 24 are required to complete an online education module entitled "AlcoholEdu" by Vector Solutions. This program covers safer substance use strategies for college students. It is evidence-based and listed on the College Alcohol Intervention Matrix.

ii. This program is facilitated by WELLWVU.

iii. WVU requires students complete a second online training, "AlcoholEdu Part 2" approximately 45 days after arriving on campus. This is provided by the same vendor.

b. ScreenU

i. ScreenU is a web-based, anonymous screening tool which helps to identify students who are at-risk of negative consequences from substance misuse. This is available through WELLWVU.

c. eCheckup To Go

i. Online prevention interventions for alcohol and cannabis. Programs provide students with personalized feedback regarding their substance use. Available through the SAP program and the Office of Student Rights and Responsibilities.

d. WELLWVU Substance Use Education

i. The department responsible for health promotion and education implements campus programming, presentations, and health communication campaigns. Campus programming includes hydration stations, a cannabis panel, TIPS training, Narcan training, and bartender school (standard drink size education).

Resources for Staff and Faculty

i. Faculty and Staff Assistance Program (FSAP)

a. West Virginia University has established awareness programs for faculty and staff through the Faculty and Staff Assistance Program (FSAP). Educational programs have been established by FSAP for the purpose of educating employees about the nature and consequences of substance misuse. This program informs individuals about the policy of maintaining a substance-free workplace and addresses the dangers of substance use in the workplace, as well as provide the appropriate education, consultation, and referral information. The Faculty and Staff Assistance Program (FSAP) may be reached at (304) 293-5590.

ii. Effective March 17, 1989, the University will:

1. Notify employees of the policy regarding a substance-free workplace;

2. Provide a copy of the policy and procedures as part of the award package on all grants received by the University;

3. Provide a copy of the policy to each new employee at the time of initial employment processing;

4. Notify the contracting agency or others, if required, within ten (10) days after receiving notice from an employee or otherwise receiving notice of a drug related conviction;

5. Impose sanctions as stated earlier within thirty (30) days of receiving notice from an employee of a criminal drug statute conviction in the workplace.

Below is a list of Support and Treatment Centers available to students and employees at West Virginia University:

WVU Morgantown Campus and Bridgeport Nursing Campus[8]

WVU Carruth Center for Counseling and Psychological Services: (304) 293-4431

Student Assistance Program (SAP)/ Substance Abuse: (304) 293-4431

WVU Faculty and Staff Assistance Program (FSAP): (304) 293-5590

Collegiate Recovery Program (CRP): (304) 293-2547

WVU HSC Charleston Division

WVU Behavioral Medicine and Psychiatry Department: (304) 341-1500

WVU HSC Eastern Division

WVU Behavioral Medicine and Psychology Department: (304) 264-1230

This list of treatment facilities and services is not intended to be exhaustive; it is merely a helpful list of some contacts in areas around West Virginia University campuses. West Virginia University is not affiliated with and does not accept liability for any services, treatment, or counseling provided by these third-parties or their employees for any acts of misfeasance, nonfeasance, or malfeasance by same. The individual and their family should conduct reviews of these facilities before accepting their services.

WVU Potomac State College

WVU Faculty and Staff Assistance Program (FSAP): (304) 293-5590

PSC Center for Counseling and Psychological Services: (304) 788-6976

PSC Student Health Center: (304) 788-6913

Alcohol and Other Drug (AOD) Prevention Office: (304) 788-6910

WVU Institute of Technology

WVU Tech Counseling Services: (304) 293-1237

FMRS Health Systems, Inc. (Beckley): (304) 256-7100

Brian's Safehouse (Mount Hope): (304) 763-7655

Pyramid Counseling LLC (Beckley): (304) 256-0200

Appalachian Regional Healthcare (Beckley): (304) 255-300

FMRS Health Systems, Inc. (Fayetteville): (304) 574-2100

Charleston Treatment Center (Charleston): (304) 344-5924

Rea of Hope Fellowship Home (Charleston): (304) 344-5363

Thomas Behavioral Health (Charleston): (304) 766-3553

[8] Programs offered to the WVU Morgantown Campus are also available to employees at the WVU Research Corporation and WVU Innovation Corporation

IV. HEALTH RISKS ASSOCIATED WITH THE MISUSE OF ALCOHOL AND OTHER DRUGS (TAKEN FROM THE NATIONAL INSTITUTE ON DRUG ABUSE)[9]

SUBSTANCE	SHORT-TERM EFFECTS	LONG-TERM EFFECTS
Alcohol	Slurred speech; drowsiness; lowered inhibitions; impaired reactions; impaired judgment; blackouts; distorted vision and hearing; decreased perception and coordination; vomiting; difficulty breathing; passing out; blackouts; potential alcohol poisoning	Trouble learning; cirrhosis of the liver; high blood pressure; memory loss; diminished gray and white matter in the brain; sexual dysfunction; loss of attention span; cancer; cardiomyopathy; stroke; steatosis (fatty liver); Hepatitis; irregular heartbeat
Cannabis (Marijuana)	Slowed reaction time; problems with balance and coordination; increased heart rate; increased appetite; problems with learning and memory; anxiety; enhanced sensory perception and euphoria followed by drowsiness/ relaxation	Mental health problems; chronic cough; frequent respiratory infections
Central Nervous System Depressants (Benzos)	Drowsiness; slurred speech; poor concentration; confusion; dizziness; problems with movement and memory; lowered blood pressure; slowed breathing In Combination with Alcohol: Further slows heart rate and breathing, which can lead to death.	Unknown
Cocaine	Euphoria; dilated pupils; elevated body temperature; increased heart rate; increased energy, alertness; insomnia; restlessness; anxiety; erratic and violent behavior; increased blood pressure; heart attack; seizure; stroke; nausea	Loss of sense of smell; nosebleeds; nasal damage and problems with swallowing; infection and death of bowel tissue from decreased blood flow; poor nutrition and weight loss; lung damage from smoking
Gamma Hydroxy Butyrate (GHB)	Euphoria, drowsiness; nausea; vomiting; confusion; memory loss; unconsciousness; slowed breathing decreased body temperature; lowered heart rate; lowered blood pressure; seizures; coma; death	Unknown
Heroin	Euphoria; dry mouth; itching; nausea; vomiting; analgesia; slowed breathing and heart rate	Collapsed veins; abscesses; infection of the lining and valves in the heart; constipation; stomach cramps; liver or kidney disease; pneumonia; higher risk of HIV, Hepatitis and other diseases from shared needle use deterioration of the brain's white matter

[9] National Institute on Drug Abuse, *Drugs A to Z,* nida.nih.gov/research-topics/drugs-a-to-z (last visited May 15, 2026).

SUBSTANCE	SHORT-TERM EFFECTS	LONG-TERM EFFECTS
Inhalants	Confusion; nausea; slurred speech; lack of coordination; dizziness; drowsiness; lowered inhibitions; lightheadedness; hallucinations/delusions; headaches; sudden sniffing death; asphyxiation; suffocation; convulsions; seizures; coma; choking Nitrites: enlarged blood vessels; enhanced sexual pleasure; increased heart rate; brief sensation of heat and excitement; dizziness; headache	Liver and kidney damage; bone marrow damage; limb spasms; brain damage resulting in problems with thinking, movement, vision, and hearing Nitrites: increased risk of pneumonia
Ketamine	Problems with attention, learning, and memory; hallucinations; confusion; loss of memory; raised blood pressure; unconsciousness; dangerously slowed breathing	Ulcers and pain in the bladder; kidney problems; stomach pain; depression; poor memory
LSD	Rapid mood swings; distortion of reality; hinders rational thinking; raised blood pressure; elevated heart rate; elevated body temperature; dizziness; loss of appetite; tremors; enlarged pupils	Frightening flashbacks; ongoing visual disturbances; disorganized thinking; paranoia; mood swings
MDMA (Methylenedioxy-methamphetamine)	Lowered inhibitions; enhanced sensory perception; increased heart rate; elevated blood pressure; muscle tension; nausea; faintness; chills or sweating; sharp rise in body temperature that could lead to kidney failure or death	Long-lasting confusion; depression; problems with attention, memory, and sleep; increased anxiety; increased impulsiveness; less interest in sex
Mescaline (Peyote)	Enhanced perception and feeling; hallucinations; euphoria; anxiety; increased body temperature; elevated heart rate and blood pressure; sweating; problems with movement	Unknown
Methamphetamine	Increased wakefulness and activity; decreased appetite; increased breathing rate; elevated heart rate; elevated blood pressure; elevated body temperature; irregular heartbeat	Anxiety; confusion; insomnia; mood problems; violent behavior; paranoia; hallucinations; delusions; weight loss; several dental problems; intense itching leading to skin sores; decreased sexual function in men
Morphine/Opiates	Pain relief; drowsiness; nausea; constipation; euphoria; slowed breathing; death	Increased risk of overdose or addiction if misused

SUBSTANCE	SHORT-TERM EFFECTS	LONG-TERM EFFECTS
Over-the-Counter Medicines – Dextromethorphan (DXM)	Cough relief; euphoria; slurred speech; increased heart rate and blood pressure; dizziness; nausea; vomiting Other Health-Related Issues: Breathing problems, seizures, and increased heart rate may occur from other ingredients in cough/cold medicines	Unknown
PCP	Delusions; hallucinations; paranoia; problems thinking; anxiety; dissociative experiences Low doses: slight increase in breathing rate; increased blood pressure and heart rate; shallow breathing; face redness and sweating; numbness of hands and feet; problems with movement. High doses: nausea; vomiting; flicking up and down of the eyes; drooling; loss of balance; dizziness; violence; seizures; coma; death	Memory loss; problems with speech and thinking; loss of appetite; anxiety
Prescription Stimulants	Increased alertness, attention, and energy; increased blood pressure and heart rate; narrowed blood vessels; increased blood sugar; opened-up breathing passages High doses: dangerously high body temperature and irregular heartbeat; heart disease; seizures	Heart problems; psychosis; anger; paranoia
Psilocybin	Hallucinations; altered perception of time; inability to tell fantasy from reality; panic; muscle relaxation or weakness; problems with movement; enlarged pupils; nausea; vomiting; drowsiness Other health-related issues: risk of poisoning if poisonous mushroom is accidentally used.	Risk of flashbacks and memory problems

SUBSTANCE	SHORT-TERM EFFECTS	LONG-TERM EFFECTS
Rohypnol (Roofies)	Drowsiness, sedation, sleep; amnesia, blackout; decreased anxiety; muscle relaxation; impaired reaction time and motor coordination; impaired mental functioning and judgment; confusion; aggression; excitability; slurred speech; headache; slowed breathing and heart rate In Combination with Alcohol: severe sedation, unconsciousness, and slowed heart rate and breathing, which can lead to death	Unknown
Salvia	Short-lived but intense hallucinations; altered visual perception, mood, and body sensations; mood swings; feelings of detachment from one's body; sweating	Unknown
Steroids	Builds muscles; improved athletic performance; acne; fluid retention; oily skin; yellowing of the skin; infection	Kidney damage or failure; liver damage; high blood pressure; enlarged heart; changes in cholesterol leading to increased risk of heart attack or stroke; aggression; extreme mood swings; anger; extreme irritability; delusions; impaired judgment
Synthetic Cannabinoids (K2/Spice)	Increased heart rate; vomiting; agitation; confusion; hallucinations; anxiety; paranoia; increased blood pressure	Unknown
Tobacco/Nicotine and Vaping	Increased blood pressure, breathing, and heart rate; exposes lungs to variety of chemicals; vaping exposes lungs to metallic vapors created by heating the coils in the device. Other health-related issues: Nicotine: in teens it can affect brain circuitry development [circuitry that controls attention and learning] Vaping products: some are mixed with the filler Vitamin E acetate and other chemicals, leading to serious lung illnesses and deaths	Increased blood pressure, breathing, and heart rate; exposes lungs to variety of chemicals; vaping exposes lungs to metallic vapors created by heating the coils in the device. Other health-related issues: Nicotine: in teens it can affect brain circuitry development [circuitry that controls attention and learning] Vaping products: some are mixed with the filler Vitamin E acetate and other chemicals, leading to serious lung illnesses and deaths

V. DESCRIPTION OF APPLICABLE LEGAL SANCTIONS FOR UNLAWFUL POSSESSION AND DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL[10]

A. Local Ordinances

i. Morgantown. Intoxication or drinking in public places and illegal possession of alcoholic liquor or beer is prohibited by 521.06 of the Morgantown Municipal Code. A violation of this provision is a misdemeanor for a first offense. Section 529.03 of the Municipal Code addresses controlled substances and provides, in relevant part as follows: "Except as authorized by West Virginia Code Chapter 60A, no person shall manufacture, deliver or possess with intent to manufacturer or deliver, a controlled substance[.]" Notably, whoever violates this provision, since there is no specific penalty provided, shall be fined not more than five hundred dollars ($500.00),[11] with the exception of possessing no more than 15 grams of marijuana, which, pursuant to Section 529.99, has a penalty of a fine of no more than fifteen ($15.00).[12]

ii. Beckley. Public intoxication, under Section 10-15 of the Beckley Code of Ordinances, is prohibited as well as underage possession under Section 10-56. Moreover, Section 10-32 of the Beckley Code of Ordinances provides that "[i]t shall be unlawful for any person knowingly or intentionally to possess an amount of marijuana, less than fifteen (15) grams in weight, unless the marihuana was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of such person's professional practice."[13] The penalties for violation of Beckley ordinances is set forth in Section 1-8 and generally provides "the violation of any such provision of this Code or of any such ordinance, resolution, rule, regulation or order shall be punished by a fine not exceeding two thousand dollars ($2,000.00)."

iii. Keyser. The City of Keyser also prohibits the manufacture, delivery or possession with intent to manufacturer or deliver a controlled substance classified in Schedule V under West Virginia Code 60A-2-211 or 60A-2-212. If found guilty, Section 501.99 provides that the individual shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both.[14]

iv. Charleston. The City of Charleston makes it "unlawful for any person knowingly or intentionally to possess a controlled substance, specifically a drug, substance or immediate precursor in schedules I through V as set forth in W. Va. Code §§ 60A-2-204, 60A-2-206, 60A-2-208, 60A-2-210 and 60A-2-212 (W. Va. Code § 60A-2-204 et seq.), unless the substance was obtained directly from or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized."[15] If convicted, a person will "be guilty of a misdemeanor and be fined not less than $500.00 nor more than $1,000.00 for the first offense and succeeding offenses. Each day that such violation shall continue shall be deemed a separate and distinct offense."[16]

v. Martinsburg. The City of Martinsburg also prohibits the manufacture, delivery or possession with intent to manufacture or deliver, or knowingly or intentionally possession a controlled or counterfeit controlled substance, except as authorized by W. Va. law.[17] If violated, the penalty is a fine of not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both. Each day such violation continues shall constitute a separate offense.[18]

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[10] 20 U.S.C. § 1011i(a)(1)(D).

[11] City Code of Morgantown, West Virginia. which can be found here: library.municode.com/wv/morgantown/codes/code_of_ordinances

[12] Agenda, Morgantown City Council (Feb. 4, 2020), the link to watch can be found at this website: morgantownwv.gov/AgendaCenter/ViewFile/Agenda/_02042020-1270

[13] Beckley Code of Ordinances: library.municode.com/wv/beckley/codes/code_of_ordinances

[14] Codified Ordinances of Keyser, West Virginia, § 529.03, codelibrary.amlegal.com/codes/keyserwv/latest/overview

[15] Id. § 501.99

[16] Code of the City of Charleston, West Virginia § 78-373, which can be found at the following website: library.municode.com/wv/charleston/codes/code_of_ordinances

[17] Id. § 78-383.

[18] Codified Ordinances of the City of Martinsburg, West Virginia § 529.06, which can be found at the following website: codelibrary.amlegal.com/codes/martinsburg/latest/martinsburg_wv/0-0-0-1

vi. Bridgeport. Finally, the City of Bridgeport prohibits the consumption or use of any controlled substance, including marijuana, on any public place, or in a motor vehicle, while in a public place.[19] In addition, the City prohibits the possession of any controlled substance, including marijuana and substances that were manufactured or acquired in violation of the provisions of West Virginia Code Chapter 60A. Lastly, the City prohibits the possession of "any paraphernalia as listed in West Virginia Code 60A-4-403a, typically associate with consumption of any controlled substance, including marijuana." Any person found in violation of "possessing any controlled substance, including marijuana, in which the amount recovered is less than fifteen grams as referenced in 521.14 (d) and (e) and /or is in violation of the possession of paraphernalia as referenced in section 521.14 (f), is guilty of a misdemeanor, and will be referred to Bridgeport Municipal Court." Similarly, "[a]ny person convicted of violation of Section 521.141 above by possession less than fifteen grams of any controlled substance, including marijuana or possessing paraphernalia typically associate with eh consumption of a controlled substance, including marijuana, will be fined not more than five hundred dollars ($500.00), plus all court costs.[21]"

B. Marijuana Disclaimer

Although Marijuana and extract have been moved to Schedule III controlled substances, as defined by 21 U.S.C. 802(16) and 21 C.F.R. 1308.11(d)(58), respectively, they are still classified as controlled substances and have legal consequences if used illegally. [22]

C. West Virginia Law

Chapter 60A of the West Virginia Code sets forth the applicable state laws regarding controlled substances. It is known as the West Virginia Uniform Controlled Substance Act and is modeled after the Uniform Controlled Substance Act, which is similar to portions of the Federal Comprehensive Drug Abuse Prevention and Control Act, 21. U.S.C. § 801.[23]

In general, except as authorized by the Act, "it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance." W. Va. Code § 60A-4-401(a).[24] Furthermore, "[i]t is unlawful 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 while acting in the course of his or her professional practice, or except as otherwise authorized by" the Act. W. Va. Code § 60A-4-401(c).[25]

1. Punishment

The punishment for violations of the Act range from imprisonment in a state correctional facility for not less than one year nor more than fifteen years (15), or fined not more than $25,000, or both fined and imprisoned for Schedule I or II controlled substances, which is a narcotic drug or which is methamphetamine. Any other controlled substance classified in Schedule I, II, or III is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than five years, or fined not more than $15,000, or both fined and imprisoned. W. Va Code § 60A-4-401(a)(ii). Confinement in jail for not less than six months nor more than one year, or fined not more than $5,000, or both fined and confined for Schedule V controlled substances.

Notably, W. Va. Code § 60A-4-401(a)(i) makes it unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver fentanyl either alone or in combination with any other substance shall be fined not more than $50,000, or be imprisoned in a state correctional facility for not less than 3 nor more than 15 years, or both fined and imprisoned.

W. Va. Code § 60A-4-409(b)(c) prohibits any person to transport, or cause to be transported into this state five or more grams of fentanyl, and is guilty of a felony if violated and, upon conviction thereof, shall be imprisoned in a state correctional facility for an indeterminate sentence of not less than 15 years nor more than 30 years.

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[19] Id. § 501.99

[20] Codified Ordinances of Bridgeport, § 521.14 Illegal Possession of Controlled Substances and Marijuana, which can be found here: codelibrary.amlegal.com/codes/bridgeport/latest/bridgeport_wv/0-0-0-8

[21] Id. § 521-99.

[22] Alphabetical listing of controlled substances, United States Drug Enforcement Administration, dea.gov/drug-information/drug scheduling (last visited May 26, 2026).

[23] Chapter 60A, Notes to Decisions, Derivation of chapter (Lexis 2024).

[24] Under the Act, there are three types of prohibited acts, A, B, and C. For purposes of this booklet, prohibited acts A contains the prohibitions on possession and distribution, which is based on the schedule of drug involved. See W. Va. Code § 60A-4-402 and -403.

[25] This also applies to counterfeit and imitation controlled substances in some circumstances. See W. Va. Code § 60A-4-401(b), (d).

D. Federal Statutes

The possession and distribution of illegal drugs under federal law is primarily governed by, among other statutes, 21 U.S.C. § 841 and 21 U.S.C. § 844. Under 21 U.S.C. § 841, it is unlawful for any person knowingly or intentionally "to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance" or "to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance,"[26] whereas 21 U.S.C. § 844 provides that is unlawful "for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice . . ."[27]

Specifically, the following controlled substances are mentioned in 21 U.S.C. § 841: heroin, cocaine, ecgonine, cocaine base, phencyclidine (PCP), lysergic acid diethylamide (LSD), N-phenyl-N- [1- (2-phenylethyl) -4-piperidinyl] propanamide, fentanyl-related substance, mari[j]uana, and methamphetamine, its salts, isomers, and salts of its isomers.

The penalties for violating federal laws governing controlled substances depends on a variety of factors, such as the controlled substances involved, the amount of controlled substances, where the alleged offense took place, and any other relevant factor under the United States Sentencing Guidelines.[28] The penalties range from probation/supervised release, to mandatory minimum sentences of not less than ten years or more, to life in prison. The mandatory minimum increases for factors such as whether death or serious bodily injury results, and whether there have been two or more prior convictions.[29]

[26] 21 U.S.C. § 841(a)(1)-(2).

[27] 21 U.S.C § 844(a).

[28] See, e.g., U.S.S.G. §§ 2D1.1 to 2D3.2 (last visited May 25, 2026), ussc.gov/guidelines/2025-guidelines-manual

[29] 21 U.S.C. § 841(b)(1); see also 21 U.S.C. § 844(a).