

DRUGS & the LAW

A wooden gavel with a brass band and a pair of metal handcuffs are shown in a close-up, slightly blurred view. The gavel is positioned diagonally across the upper right, and the handcuffs are in the lower right. The background is a light, neutral color.

A Handbook for
Parents and Teens

Brought to you by the Drug Free Coalition of Hall County & Center Point

PARENTS can make a difference

Teens face difficult challenges when resisting the use of alcohol and other drugs. Together, parents and communities can prevent drug use among youth.

The following are some steps parents can take to help keep teens safe and drug free.

1. Make sure your home is drug free.
2. Actively chaperone all underage parties in your home.
3. Do not serve or allow alcoholic beverages to be served (or even be on the premises) at underage parties or activities in or at your home.
4. Take reasonable non-physical steps to prevent any teenager in your presence who appears to be intoxicated to drive; alert his/her parents of his/her condition.
5. Call parents. Know your teen's friends' parents and encourage them to call you. Network with them.

Other basics:

- Know where your teen is going.
- Know who your teen is with.
- Know what your teen is doing.
- Know when he/she will be home; be awake when he/she arrives.
- Know what the consequences are if the rules are broken. Make lists or a contract with expectations spelled out. Put them in a prominent place, like the refrigerator. Make rules before problems start and be sure your teen is involved in the process.

QUESTIONS ASKED BY PARENTS & TEENS

When can a teenager be criminally charged as an adult? A teen will be charged as an adult the day he or she turns 17 (except for certain very serious crimes when adult charges may apply).

Will a minor convicted of dealing drugs get a lighter punishment because he/she is not an adult? No. A minor can be sentenced to serve time in a juvenile detention center. He/she could also be sent to live at a facility away from home for two years.

Is it possible for a person under 18 to be charged and go to prison for injuring someone else while driving under the influence of alcohol? Yes, if that person is 17 years old and while driving under the influence causes serious bodily harm to another person. The sentence could be up to 15 years in prison. If the person is 16 years or younger, he/she might have to serve time in detention or be sent to live in a place away from home for two years. (O.C.G.A. § 40-6-394)

Is drinking alcohol by someone under 21 in a public place, regardless of who purchased it, against the law? Yes, if under the age of 21 consumption and/or possession is the offense, not how possession was obtained or the manner in which it was acquired. It does not matter how much alcohol one has in his/her possession or whether it is consumed in a public or private place.

Is it legal for a minor to buy alcohol if he/she has his/her parent's permission? No, it is never legal for a minor to buy, or attempt to buy, alcohol.

What is the penalty for possessing marijuana? If a person is 17 or older, possessing less than one ounce of marijuana could result in a fine of up to \$1000 and/or up to 12 months in jail. Upon the second offense, there would likely be jail time. Possession of more than one ounce of marijuana is a felony, punishable by up to 10 years in prison.

Is it legal to purchase drug paraphernalia (drug related objects)? No, possession of drug related objects is a crime. (O.C.G.A. § 16-13-32.2)

If I am stopped for a traffic violation, can the car and its occupants be searched? Will I be responsible if someone in my car has marijuana in his/her possession? Yes, if the officer has probable cause, they can search the car. You may be charged if someone in the car has illegal drugs, alcohol or drug related objects and the officer cannot determine who they belong to.

If there were traces of marijuana found in my possession, could I be convicted of possession of a controlled substance? If there is enough of the substance to test to determine what it is, there is enough to convict you, even if it is all consumed in the test, or even if you are merely holding a few marijuana seeds.

If a teen injures someone while driving under the influence of alcohol, can the parents be held liable? If you knowingly allow your teen to drive a vehicle while intoxicated, and he/she injures someone as a result, you could be liable in civil court for damages.



Jurisdiction of the Courts

For criminal liability, any person 17 years of age or older is considered an adult in the State of Georgia. Any person under 17 years of age is considered a juvenile by the law in the State of Georgia. There are certain serious violent crimes which would cause a juvenile 13-16 to be charged as, and prosecuted as, an adult.

Misdemeanors are offenses punishable with confinement of up to one (1) year and a fine of up to \$1000 (\$5000 in some circumstances).

Examples of Misdemeanors:

- Possession or consumption of alcohol under 21
- Driving under the influence of alcohol and/or drugs
- Possession of marijuana weighing less than one (1) ounce
- Possession of drug related objects
- Providing alcohol to a minor (except your own child)
- Possession of dangerous drugs (including certain prescribed medications without the appropriate prescription in the name of the possessor)
- Possession of an open container in a vehicle and that container has any amount of alcohol
- Possession of prescription drugs not in original containers

Felonies are offenses punishable with confinement of more than one (1) year in the State Prison.

Examples of Felonies:

- Possession of more than one (1) ounce of marijuana
- Possession of any amount of any controlled substance (excluding marijuana - less than an ounce) including, but not limited to the following:
 1. Cocaine - powder form (purity varies),
 2. "Crack" - rock form of cocaine (usually 100% pure),
 3. "Crank" - methamphetamine (meth) powder or solid (ice),
 4. Hallucinogenics (mescaline, LSD, PCP, "Angel Dust", ecstasy),
 5. Amphetamines, depressants and many prescription drugs (Lortab, Xanax, Soma, Oxycontin) if no legal prescription.
- Serious injury by vehicle (when someone deprives another of a part of his/her body as a result of DUI)
- 1st degree vehicular homicide (when someone causes the death of another as a result of DUI or reckless driving)
- If you commit a felony, the record can be there forever. Rights that are enjoyed by other citizens are taken away from convicted felons. If convicted of a felony, you...
 - Cannot hold public office
 - Will not be allowed to vote, unless you have completed your sentence and probation/parole
 - Could be denied admission to professional schools such as medical, law, or dental
 - Might not be able to secure a surety bond (bond that protects one against losses resulting from another's failure to meet an obligation)
 - May not be allowed to take the Civil Service examinations
 - Could be excluded from military service and military academies
 - May not be issued a passport
 - Could be denied a license by the state for certain professions which require state licensure
 - May not possess a firearm
 - May not be hired by some employers



KNOW THE LAW

POSSESSION OF ALCOHOL UNDER 21

Any person under the age of 21 who has alcohol in his or her possession, or has consumed alcohol, may be guilty of a delinquent offense or a misdemeanor. It is also illegal to attempt to purchase alcohol, including the use of a fake ID. (O.C.G.A. § 3-3-23)

If you attempt to purchase alcohol with a fake ID, your license may be suspended for at least 6 months the first time, and 1 year the second time. (O.C.G.A. § 3-3-23.1)

FURNISHING ALCOHOL TO A MINOR

It is unlawful for any person to furnish alcohol to a person under 21 years old except to their own minor children and in their own home when they are present. (O.C.G.A. § 3-3-23)

It is not legal for an adult to give alcohol to anyone else's child.

DRIVING UNDER THE INFLUENCE

It is illegal for any person to operate any motor vehicle while under the influence of alcohol or any other drug to the extent it would be less safe to drive than if the alcohol or drug had not been consumed. It is illegal for an adult to drive with a Blood Alcohol Level (BAC) of 0.08 or higher. For drivers under the age of 21, it is illegal to drive with a BAC of 0.02 or higher. A first offense requires no less than 24 hours in jail, a minimum fine of \$300, 40 hours of community service, DUI School and one (1) year on probation. Subsequent offenses result in more jail time and intensive probation. (O.C.G.A. § 40-6-391)

SUSPENSION OF LICENSES

A first DUI offense for a driver under 21 results in a suspension of his/her driver's license for 6 months unless that person's BAC is .08 or over, in which case the suspension will be for 12 months. A second DUI conviction results in an 18 month suspension. A third or subsequent DUI conviction results in the driver being declared a Habitual Violator and a 5 year license revocation. Once a person is declared a Habitual Violator, the simple act of driving a vehicle becomes a felony punishable by up to five years in prison.

CONTRIBUTING TO DELINQUENCY OF A MINOR

A person commits the offense of contributing to the delinquency of a minor when he/she knowingly or willfully encourages, causes, abets, connives or aids a minor in committing a delinquent or illegal act. The first two offenses of contributing to the delinquency of a minor are misdemeanors. Subsequent offenses would be treated as felonies. (O.C.G.A. § 16-12-1)

POSSESSION OF MARIJUANA

It is unlawful for any person knowingly or intentionally to possess marijuana. Possession of less than an ounce of marijuana is a misdemeanor. (O.C.G.A. § 16-13-2)

Possession of one ounce or more of marijuana is a felony, punishable by up to 10 years in prison. (O.C.G.A. § 16-13-30)

POSSESSION OF LOW THC OIL

Low TCH oil is defined as an oil that contains not more than 5 percent by weight of tetrahydrocannabinol and an amount of cannabidiol equal to or greater than the amount of tetrahydrocannabinol. It shall be lawful for any person to have in their possession 20 fluid ounces or less of THC oil if such person is registered with the Department of Health, such person has in their possession a registration card registered by the Department of Health, and such substance is in a pharmaceutical container labeled by the manufacturer indicating the percentage of tetrahydrocannabinol therein. However, any person who possesses Low THC oil and is not qualified under the law to do so will be punished by a misdemeanor and up to a year in jail, or if such person possesses more than 20 fluid ounces that person will be guilty of a felony and sentenced to up to 10 years in prison. (O.C.G.A. § 16-12-191)

HUFFING

It is a misdemeanor to intentionally inhale the fumes from any model glue, cement, solvent, or chemical substance for the purpose of causing intoxication, stupefaction, euphoria, excitement, exhilaration or dulling of the senses of the nervous system. (O.C.G.A. § 16-13-90-91)

It is illegal for any person under 18 to possess any of the above substances unless it is for the purpose of model building or other legal reason. (O.C.G.A. § 16-13-93 and O.C.G.A. § 16-13-96 and O.C.G.A. § 16-13-92)

TOBACCO AND VAPOR PRODUCT STATUTES IN GEORGIA

It is unlawful for a person under the age of 18 years (a minor) to possess or purchase cigarettes, tobacco products, tobacco related objects, alternative nicotine products, or vapor products. However, this does not apply if the parent or guardian gives to the minor, possession and use is in the home of the parent or guardian and the parent or guardian is present.

It is unlawful for a minor to misrepresent his/her age or falsify any identification for the purpose of purchasing any cigarettes, tobacco products, tobacco related objects, alternative nicotine products, or vapor products. It is illegal for any person to provide, advise, counsel or compel any minor to use any type of tobacco.

It is unlawful for anyone to sell to a minor (under the age of 18) or to encourage a minor to use cigarettes, tobacco products, tobacco related objects, alternative nicotine products, or vapor products. However, this does not apply if the parent or guardian gives to the minor, possession and use is in the home of the parent or guardian and the parent or guardian is present. (O.C.G.A. § 16-12-171)

911 MEDICAL AMNESTY LAW

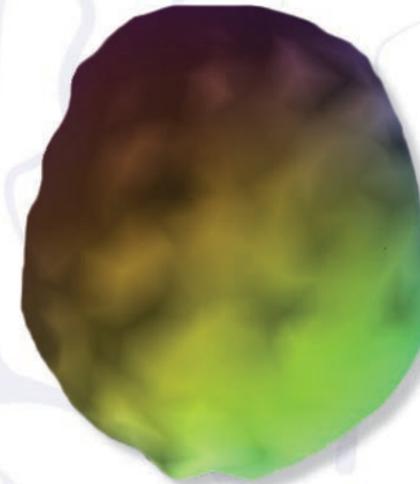
Any person who in good faith seeks emergency medical assistance for a person (including him- or herself) experiencing or believed to be experiencing a drug or alcohol overdose shall not be arrested, charged or prosecuted for certain drug violations if the evidence for the arrest, charge or prosecution of such violation resulted solely from such assistance. (O.C.G.A. § 16-13-5 and O.C.G.A. § 3-3-23(j))

Can drug use damage the brain?

The effect of **alcohol** on the adolescent brain:

The effect of **marijuana** on the adolescent brain:

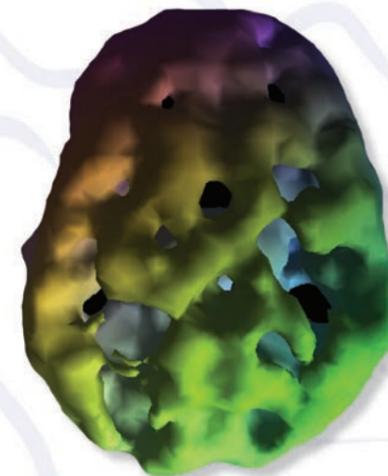
Healthy Brain
(top scan)



Healthy Brain
(underside scan)



Effect of long-term alcohol use



Effect of long-term marijuana use



Based on responses to the 2015 Georgia Student Health Survey, alcohol is the drug most used by teens in Hall County.

Source: GSHS 2015

Brain scans courtesy of Amen Clinics, Inc. Visit amenclinics.com for more information.

Help prevent alcohol & drug abuse

Talk, they will listen

Parents are the most influential force in the life of a child. Talking with youth about sensitive subjects such as alcohol and drug usage can be difficult. We have resources to help. Two such resources are highlighted here.

Talk Brochure

This brochure provides 10 suggestions for parents and other adults as opportunities to engage with youth and begin conversations about alcohol and drug abuse prevention.



Online Resources

Below are some online resources that parents may find useful:

- centerpointga.org
- faceitpeople.org
- sadd.org/who-we-are
- drugfree.org
- drugfreeworld.org
- stopalcoholabuse.gov

For more information, please contact:
Judy Brownell with Center Point at prevention@centerpointga.org.

Conversation Cards

There are 13 question cards and 13 answer cards (in English and Spanish) addressing difficult concerns parents and youth may have about alcohol and drugs. There is also a pledge card for parents and youth to discuss and initiate together, plus 13 cards on various topics that provide a fun way to engage youth in meaningful conversations.





Center Point
1050 Elephant Trail
Gainesville, GA 30501

770-535-1050
centerpointga.org



Drug Free Coalition of Hall County
711 Green Street
Gainesville, GA 30501

770-534-1080 x277
faceitpeople.org



Help Lines

City

Police Department (main line):
770-534-5252

Criminal Investigations Division
"Tip Line" (Spanish/English):
770-534-5254 Ext. 7654

County

Sheriff's Department (main line):
770-531-6900

Criminal Investigations Division:
770-531-6879

Other Important Numbers

Hall County Multi-Agency Narcotics
Squad "Tip Line" (English ONLY):
770-536-7157

Hall County Central Communications
(non-emergency number):
770-536-8812

Hall County Juvenile Court:
770-531-6927

Emergency

Call "911" (service also provided in
Spanish through "Language Line")

Special thanks to the following people for their legal review and assistance in the preparation of this document:

*Bill Brownell, local attorney
Daniel Sanmiguel, Solicitor's Office
Stephanie Woodard, Hall County Solicitor-General*