

## **Drug and Alcohol Prevention Program**

### **AP 3550 Drug and Alcohol-Free Environment and Drug and Alcohol Prevention Program**

The District provides students and employees with prevention information and referrals for treatment for students or employees with drug and alcohol issues. The District works closely with its college communities to share educational programs; and events to combat the use of illicit drugs and alcohol abuse by District students. Students may call or come to Student Health Services, Student Affairs Office or Counseling for additional information or help for illicit drug use or alcohol abuse. For employees, the District provides confidential referrals through an Employee Assistance Program, addressed below.

**Prohibition of Illicit Drugs and Alcohol** The unlawful manufacture, distribution, dispensing, possession, sale, or use of alcohol or any controlled substance is prohibited on District property, during District-sponsored field trips, activities or workshops, and in any facility or vehicle operated by the District. Students and employees are prohibited from being under the influence of illicit drugs and alcohol on District property, during District activities, while operating a District vehicle, and in any facility operated by the District. Alcoholic beverages are not permitted on District owned or operated property, except in limited circumstances as set forth in Administrative Procedure 3560 and in compliance with Business and Professions Code Sections 24045.4, 24045.6, and 25608.

### **Standards of Conduct**

**Sanctions for Violating Standards of Conduct** Violation of this prohibition will result in appropriate action up to and including termination of employment, expulsion, and referral for prosecution, or, as permitted by law, may require satisfactory participation in an alcohol or drug abuse assistance or rehabilitation program. For students, see Board Policy 5500 Standards for Student Conduct. For employees, see applicable board policies, administrative procedures, employee handbooks, and bargaining agreements.

For additional information regarding the policy, refer to AP3550.

### **Grounds for Student Code of Conduct Violation**

(These procedures also apply to distance education.) Student conduct must conform to District and College rules and regulations. If a Student Code of Conduct violation occurs while a student is enrolled in any program of instruction or co-curricular offering within the District, to include distance education programs, he or she may be subject to Student Conduct Action for one or more of the following causes that must be District related. Except in response to conduct specified in subdivisions (g) and (h) of Section 76033, no student shall be removed, suspended,

or expelled unless the conduct for which the student is disciplined is related to college activity or college attendance. This section is not intended to limit provisions of federal law, or limit the ability of community college districts to take appropriate action under federal law. These categories of behavior are not intended to be an exhaustive list, but are examples of causes and are good and sufficient causes for Conduct, including but not limited to the removal, suspension, or expulsion of a student. Other misconduct not listed may also result in Conduct if good cause exists (Education Code Section 76033, 76034).

1. Causing, attempting to cause, or threatening to cause physical injury to another person.
2. Possession, sale or otherwise furnishing any firearm, knife, explosive, or other dangerous object, including but not limited to any facsimile firearm, knife, or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from the Vice President of Student Services or designee.
3. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code Sections 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
4. Committing or attempting to commit robbery or extortion.
5. Causing or attempting to cause damage to District property or to private property on campus.
6. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
7. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
8. Committing sexual harassment as defined by law or by District policies and procedures.
9. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation or any other status protected by law.
10. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.
11. Willful misconduct that results in injury or death to a student or to District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
12. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.

13. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty as defined by the College's academic integrity standards.
14. Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.
15. Unauthorized entry upon or use of District facilities.
16. Lewd, indecent or obscene conduct or expression on District-owned or controlled property, or at District sponsored or supervised functions.
17. Engaging in expression which is obscene, libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises, or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District.
18. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
19. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any district policy or administrative procedure.
20. Engaging in physical or verbal intimidation or harassment of such severity or pervasiveness as to have the purpose or effect of unreasonably interfering with a student's academic performance, or District employee's work performance, or of creating an intimidating, hostile or offensive educational or work environment.
21. Engaging in physical or verbal disruption of instructional or student services activities, administrative procedures, public service functions, authorized curricular or co-curricular activities or prevention of authorized guests from carrying out the purpose for which they are on District property.
22. Sexual assault and sexual exploitation as defined in Education Code section 76033(g), (h).
23. Misconduct where good cause exists (Education Code Section 76033). District students who engage in any of the above are subject to the procedures outlined herein as authorized by AP 5520 Student Conduct Procedures

**Appropriate sanctions for violation of federal, state, and local law**

**HEALTH AND SAFETY CODE - HSC**

**DIVISION 10. UNIFORM CONTROLLED SUBSTANCES ACT [11000 - 11651]**

*( Division 10 repealed and added by Stats. 1972, Ch. 1407. )*

**CHAPTER 6. Offenses and Penalties [11350 - 11392]**

*( Chapter 6 added by Stats. 1972, Ch. 1407. )*

**ARTICLE 5. Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs [11377 - 11382.5]**

*( Heading of Article 5 amended by Stats. 1973, Ch. 1078. )*

**11377.**

(a) Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.

(b) The judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates subdivision (a), with the proceeds of this fine to be used in accordance with Section 1463.23 of the Penal Code. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied

probation because of his or her inability to pay the fine permitted under this subdivision.

(c) It is not unlawful for a person other than the prescription holder to possess a controlled substance described in subdivision (a) if both of the following apply:

(1) The possession of the controlled substance is at the direction or with the express authorization of the prescription holder.

(2) The sole intent of the possessor is to deliver the prescription to the prescription holder for its prescribed use or to discard the substance in a lawful manner.

(d) This section does not permit the use of a controlled substance by a person other than the prescription holder or permit the distribution or sale of a controlled substance that is otherwise inconsistent with the prescription.

*(Amended (as amended by Proposition 47) by Stats. 2017, Ch. 269, Sec. 6. (SB 811) Effective January 1, 2018. Note: This section was amended on Nov. 4, 2014, by initiative Prop. 47.)*

### **11377.5.**

(a) Except as otherwise provided in this division, every person who possesses any controlled substance specified in paragraph (11) of subdivision (c) of, or subdivision (g) of, Section 11056 of this code, or paragraph (13) of subdivision (d) of Section 11057 of this code, with the intent to commit sexual assault, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

(b) For purposes of this section, “sexual assault” means conduct in violation of Section 243.4, 261, 262, 286, 287, or 289 of, or former Section 288a of, the Penal Code.

*(Amended by Stats. 2018, Ch. 423, Sec. 36. (SB 1494) Effective January 1, 2019.)*

### **11378.**

Except as otherwise provided in Article 7 (commencing with Section 4110) of Chapter 9 of Division 2 of the Business and Professions Code, a person who possesses for sale a controlled substance that meets any of the following criteria shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code:

(1) The substance is classified in Schedule III, IV, or V and is not a narcotic drug, except the substance specified in subdivision (g) of Section 11056.

(2) The substance is specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), (20), (21), (22), and (23) of subdivision (d).

(3) The substance is specified in paragraph (11) of subdivision (c) of Section 11056.

(4) The substance is specified in paragraph (2) or (3) of subdivision (f) of Section 11054.

(5) The substance is specified in subdivision (d), (e), or (f), except paragraph (3) of subdivision (e) and subparagraphs (A) and (B) of paragraph (2) of subdivision (f), of Section 11055.

*(Amended by Stats. 2013, Ch. 76, Sec. 110. (AB 383) Effective January 1, 2014.)*

#### **11378.5.**

Except as otherwise provided in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses for sale phencyclidine or any analog or any precursor of phencyclidine which is specified in paragraph (21), (22), or (23) of subdivision (d) of Section 11054 or in paragraph (3) of subdivision (e) or in subdivision (f), except subparagraph (A) of paragraph (1) of subdivision (f), of Section 11055, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of three, four, or five years.

*(Amended by Stats. 2011, Ch. 15, Sec. 173. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

#### **11379.**

(a) Except as otherwise provided in subdivision (b) and in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport any controlled substance which is (1) classified in Schedule III, IV, or V and which is not a narcotic drug, except subdivision (g) of Section 11056, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), (20), (21), (22), and (23) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d) or (e), except paragraph (3) of subdivision (e), or specified in subparagraph (A) of paragraph (1) of subdivision (f), of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of two, three, or four years.

(b) Notwithstanding the penalty provisions of subdivision (a), any person who transports any controlled substances specified in subdivision (a) within this state from one county to another noncontiguous county shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, six, or nine years.

(c) For purposes of this section, “transports” means to transport for sale.

(d) Nothing in this section is intended to preclude or limit prosecution under an aiding and abetting theory, accessory theory, or a conspiracy theory.  
(Amended by Stats. 2014, Ch. 54, Sec. 8. (SB 1461) Effective January 1, 2015.)

### 11379.2.

Except as otherwise provided in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses for sale or sells any controlled substance specified in subdivision (g) of Section 11056 shall be punished by imprisonment in the county jail for a period of not more than one year or in the state prison.  
(Added by Stats. 1991, Ch. 294, Sec. 5.)

### 11379.5.

(a) Except as otherwise provided in subdivision (b) and in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport phencyclidine or any of its analogs which is specified in paragraph (21), (22), or (23) of subdivision (d) of Section 11054 or in paragraph (3) of subdivision (e) of Section 11055, or its precursors as specified in subparagraph (A) or (B) of paragraph (2) of subdivision (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of three, four, or five years.

(b) Notwithstanding the penalty provisions of subdivision (a), any person who transports for sale any controlled substances specified in subdivision (a) within this state from one county to another noncontiguous county shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, six, or nine years.

(c) For purposes of this section, “transport” means to transport for sale.

(d) This section does not preclude or limit prosecution for any aiding and abetting or conspiracy offenses.

(Amended by Stats. 2015, Ch. 77, Sec. 2. (AB 730) Effective January 1, 2016.)

### 11379.6.

(a) Except as otherwise provided by law, every person who manufactures, compounds, converts, produces, derives, processes, or prepares, either directly or

indirectly by chemical extraction or independently by means of chemical synthesis, any controlled substance specified in Section 11054, 11055, 11056, 11057, or 11058 shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, five, or seven years and by a fine not exceeding fifty thousand dollars (\$50,000).

(b) Except when an enhancement pursuant to Section 11379.7 is pled and proved, the fact that a person under 16 years of age resided in a structure in which a violation of this section involving methamphetamine occurred shall be considered a factor in aggravation by the sentencing court.

(c) Except when an enhancement pursuant to Section 11379.7 is pled and proved, the fact that a violation of this section involving methamphetamine occurred within 200 feet of an occupied residence or any structure where another person was present at the time the offense was committed may be considered a factor in aggravation by the sentencing court.

(d) The fact that a violation of this section involving the use of a volatile solvent to chemically extract concentrated cannabis occurred within 300 feet of an occupied residence or any structure where another person was present at the time the offense was committed may be considered a factor in aggravation by the sentencing court.

(e) Except as otherwise provided by law, every person who offers to perform an act which is punishable under subdivision (a) shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, four, or five years.

(f) All fines collected pursuant to subdivision (a) shall be transferred to the State Treasury for deposit in the Clandestine Drug Lab Clean-up Account, as established by Section 5 of Chapter 1295 of the Statutes of 1987. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by the county.

*(Amended by Stats. 2015, Ch. 141, Sec. 1. (SB 212) Effective January 1, 2016.)*

### **11379.7.**

(a) Except as provided in subdivision (b), any person convicted of a violation of subdivision (a) of Section 11379.6 or Section 11383, or of an attempt to violate subdivision (a) of Section 11379.6 or Section 11383, as those sections relate to methamphetamine or phencyclidine, when the commission or attempted commission of the crime occurs in a structure where any child under 16 years of age is present, shall, in addition and consecutive to the punishment prescribed for the felony of which he or she has been convicted, be punished by an additional term of two years in the state prison.

(b) Any person convicted of a violation of subdivision (a) of Section 11379.6 or Section 11383, or of an attempt to violate subdivision (a) of Section 11379.6 or Section 11383, as those sections relate to methamphetamine or phencyclidine, where



the commission of the crime causes any child under 16 years of age to suffer great bodily injury, shall, in addition and consecutive to the punishment prescribed for the felony of which he or she has been convicted, be punished by an additional term of five years in the state prison.

(c) As used in this section, “structure” means any house, apartment building, shop, warehouse, barn, building, vessel, railroad car, cargo container, motor vehicle, housecar, trailer, trailer coach, camper, mine, floating home, or other enclosed structure capable of holding a child and manufacturing equipment.

(d) As used in this section, “great bodily injury” has the same meaning as defined in Section 12022.7 of the Penal Code.

*(Added by Stats. 1996, Ch. 871, Sec. 1. Effective January 1, 1997.)*

### **11379.8.**

(a) Any person convicted of a violation of subdivision (a) of Section 11379.6, or of a conspiracy to violate subdivision (a) of Section 11379.6, with respect to any substance containing a controlled substance which is specified in paragraph (21), (22), or (23) of subdivision (d) of Section 11054, or in paragraph (1) or (2) of subdivision (d) or in paragraph (3) of subdivision (e) or in paragraph (2) of subdivision (f) of Section 11055 shall receive an additional term as follows:

(1) Where the substance exceeds three gallons of liquid by volume or one pound of solid substances by weight, the person shall receive an additional term of three years.

(2) Where the substance exceeds 10 gallons of liquid by volume or three pounds of solid substance by weight, the person shall receive an additional term of five years.

(3) Where the substance exceeds 25 gallons of liquid by volume or 10 pounds of solid substance by weight, the person shall receive an additional term of 10 years.

(4) Where the substance exceeds 105 gallons of liquid by volume or 44 pounds of solid substance by weight, the person shall receive an additional term of 15 years.

In computing the quantities involved in this subdivision, plant or vegetable material seized shall not be included.

(b) The additional terms provided in this section shall not be imposed unless the allegation that the controlled substance exceeds the amounts provided in this section is charged in the accusatory pleading and admitted or found to be true by the trier of fact.

(c) The additional terms provided in this section shall be in addition to any other punishment provided by law.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(e) The conspiracy enhancements provided for in this section shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the direction or supervision of, or in a significant portion of the financing of, the underlying offense.

*(Amended by Stats. 1998, Ch. 425, Sec. 3. Effective January 1, 1999.)*

### **11379.9.**

(a) Except as provided by Section 11379.7, any person convicted of a violation of, or of an attempt to violate, subdivision (a) of Section 11379.6 or Section 11383, as those sections relate to methamphetamine or phencyclidine, when the commission or attempted commission of the offense causes the death or great bodily injury of another person other than an accomplice, shall, in addition and consecutive to any other punishment authorized by law, be punished by an additional term of one year in the state prison for each death or injury.

(b) Nothing in this section shall preclude prosecution under both this section and Section 187, 192, or 12022.7, or any other provision of law. However, a person who is punished under another provision of law for causing death or great bodily injury as described in subdivision (a) shall not receive an additional term of imprisonment under this section.

*(Amended by Stats. 1998, Ch. 936, Sec. 2. Effective September 28, 1998.)*

### **11380.**

(a) Every person 18 years of age or over who violates any provision of this chapter involving controlled substances which are (1) classified in Schedule III, IV, or V and which are not narcotic drugs or (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), specified in paragraph (11) of subdivision (c) of Section 11056, specified in paragraph (2) or (3) or subdivision (f) of Section 11054, or specified in subdivision (d), (e), or (f) of Section 11055, by the use of a minor as agent, who solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate any provision of this article involving those controlled substances or who unlawfully furnishes, offers to furnish, or attempts to furnish those controlled substances to a minor shall be punished by imprisonment in the state prison for a period of three, six, or nine years.

(b) Nothing in this section applies to a registered pharmacist furnishing controlled substances pursuant to a prescription.

*(Amended by Stats. 2001, Ch. 841, Sec. 8. Effective January 1, 2002.)*

**11380.1.**

(a) Notwithstanding any other provision of law, any person 18 years of age or over who is convicted of a violation of Section 11380, in addition to the punishment imposed for that conviction, shall receive an additional punishment as follows:

(1) If the offense involved phencyclidine (PCP), methamphetamine, lysergic acid diethylamide (LSD), or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for one year.

(2) If the offense involved phencyclidine (PCP), methamphetamine, lysergic acid diethylamide (LSD), or any analog of these substances and occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high school, or high school, during hours that the school is open for classes or school-related programs, or at any time when minors are using the facility where the offense occurs, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for two years.

(3) If the offense involved a minor who is at least four years younger than the defendant, the defendant shall, as a full and separately served enhancement to any other enhancement provided in this subdivision, be punished by imprisonment in the state prison for one, two, or three years, at the discretion of the court.

(b) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(c) The additional punishment provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other provision of law.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(e) The definitions contained in subdivision (e) of Section 11353.1 shall apply to this section.

(f) This section does not require either that notice be posted regarding the proscribed conduct or that the applicable 1,000-foot boundary limit be marked.

*(Amended by Stats. 1993, Ch. 556, Sec. 3.5. Effective January 1, 1994.)*

**11380.7.**

(a) Notwithstanding any other provision of law, any person who is convicted of trafficking in heroin, cocaine, cocaine base, methamphetamine, or phencyclidine (PCP), or of a conspiracy to commit trafficking in heroin, cocaine, cocaine base, methamphetamine, or phencyclidine (PCP), in addition to the punishment imposed for the conviction, shall be imprisoned pursuant to subdivision (h) of Section 1170 of the Penal Code for an additional one year if the violation occurred upon the grounds of, or within 1,000 feet of, a drug treatment center, detoxification facility, or homeless shelter.

(b) (1) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(2) The additional punishment provided in this section shall not be imposed if any other additional punishment is imposed pursuant to Section 11353.1, 11353.5, 11353.6, 11353.7, or 11380.1.

(c) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment. In determining whether or not to strike the additional punishment, the court shall consider the following factors and any relevant factors in aggravation or mitigation in Rules 4.421 and 4.423 of the California Rules of Court.

(1) The following factors indicate that the court should exercise its discretion to strike the additional punishment unless these factors are outweighed by factors in aggravation:

(A) The defendant is homeless, or is in a homeless shelter or transitional housing.

(B) The defendant lacks resources for the necessities of life.

(C) The defendant is addicted to or dependent on controlled substances.

(D) The defendant's motive was merely to maintain a steady supply of drugs for personal use.

(E) The defendant was recruited or exploited by a more culpable person to commit the crime.

(2) The following factors indicate that the court should not exercise discretion to strike the additional punishment unless these factors are outweighed by factors in mitigation:

(A) The defendant, in committing the crime, preyed on homeless persons, drug addicts or substance abusers who were seeking treatment, shelter or transitional services.

(B) The defendant's primary motive was monetary compensation.

(C) The defendant induced others, particularly homeless persons, drug addicts and substance abusers, to become involved in trafficking.

(d) For the purposes of this section, the following terms have the following meanings:

(1) “Detoxification facility” means any premises, place, or building in which 24-hour residential nonmedical services are provided to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

(2) “Drug treatment program” or “drug treatment” has the same meaning set forth in subdivision (b) of Section 1210 of the Penal Code.

(3) “Homeless shelter” includes, but is not limited to, emergency shelter housing, as well as transitional housing, but does not include domestic violence shelters.

“Emergency shelter housing” is housing with minimal support services for homeless persons in which residency is limited to six months or less and is not related to the person’s ability to pay. “Transitional housing” means housing with supportive services, including self-sufficiency development services, which is exclusively designed and targeted to help recently homeless persons find permanent housing as soon as reasonably possible, limits residency to 24 months, and in which rent and service fees are based on ability to pay.

(4) “Trafficking” means any of the unlawful activities specified in Sections 11351, 11351.5, 11352, 11353, 11354, 11378, 11379, 11379.6, and 11380. It does not include simple possession or drug use.

*(Amended by Stats. 2011, Ch. 15, Sec. 177. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

### **11381.**

As used in this article “felony offense” and offense “punishable as a felony” refer to an offense prior to October 1, 2011, for which the law prescribes imprisonment in the state prison, or for an offense on or after October 1, 2011, imprisonment in either the state prison or pursuant to subdivision (h) of Section 1170 of the Penal Code, as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

*(Amended (as amended by Stats. 2011, Ch. 15) by Stats. 2011, Ch. 39, Sec. 3. (AB 117) Effective June 30, 2011. Operative October 1, 2011, pursuant to Secs. 68 and 69 of Ch. 39.)*

### **11382.**

Every person who agrees, consents, or in any manner offers to unlawfully sell, furnish, transport, administer, or give any controlled substance which is (a) classified in Schedule III, IV, or V and which is not a narcotic drug, or (b) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of

subdivision (d), specified in paragraph (11) of subdivision (c) of Section 11056, or specified in subdivision (d), (e), or (f) of Section 11055, to any person, or offers, arranges, or negotiates to have that controlled substance unlawfully sold, delivered, transported, furnished, administered, or given to any person and then sells, delivers, furnishes, transports, administers, or gives, or offers, or arranges, or negotiates to have sold, delivered, transported, furnished, administered, or given to any person any other liquid, substance, or material in lieu of that controlled substance shall be punished by imprisonment in the county jail for not more than one year, or pursuant to subdivision (h) of Section 1170 of the Penal Code.

*(Amended by Stats. 2011, 1st Ex. Sess., Ch. 12, Sec. 5. (AB 17 1x) Effective September 21, 2011. Operative October 1, 2011, by Sec. 46 of Ch. 12.)*

### **11382.5.**

All controlled substances in Schedules I, II, III, IV, and V, in solid or capsule form, except for such controlled substances in the possession or inventory of a wholesaler, retailer, or pharmacist on January 1, 1975, shall not be sold, furnished, or distributed in this state unless they have on the controlled substance if in solid form, or on the capsule if in capsule form, an identifying device, insignia, or mark of the manufacturer of such controlled substance. However, the exception for such controlled substances in the possession or inventory of a wholesaler, retailer, or pharmacist shall not be available to any wholesaler, retailer, or pharmacist under the control or jurisdiction of a manufacturer of controlled substances.

This section shall not apply to a pharmacist who, in accordance with applicable state law, compounds such controlled substance in the course of his practice as a pharmacist for direct dispensing by him upon a prescription of any person licensed to prescribe such controlled substances.

*(Added by Stats. 1974, Ch. 926.)*

## **Federal Law**

Federal law provides criminal and civil penalties for unlawful possession or distribution of a controlled substance. Under the Controlled Substance Act, as well as other related federal laws, the penalties for controlled substance violations include but are not limited to: incarceration, fines, potential for the forfeiture of property used in possession or to facilitate possession of a controlled substance (which may include homes, vehicles, boats, aircrafts and any other personal or real property), ineligibility to possess a firearm, and potential ineligibility to receive federal educational benefits (such as student loans and grants). 21 U.S.C. Section 812 U.S Code.

## State Law

The State of California has numerous laws regulating the possession and use of controlled substances and alcohol. As an example, under current California state law, “a person shall not knowingly or intentionally possess or distribute a controlled substance.” If an individual is found guilty of a violation of the state law, they may be subject to large fines and imprisonment. California Health and Safety Code Section 11350-11356.5

A minor (defined as a person under the age of 21) may not “purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content.” Violations of the law may subject the individual to fines, participation in a substance abuse program, imprisonment, community service hours, and/or out of pocket expenses related to required substance abuse screenings. Business and Professions Code 25662 BP / Vehicle Code 13202.5 VC.

Additional information regarding California State law can be found at:

<https://statelaws.findlaw.com/california-law/california-drug-distribution-laws.html>

## Local

The city of San Diego ordinances include but are not limited to: consumption in public places, possession and use of alcohol by minors, uncapped liquor in passenger compartments of vehicles, and all substance abuse ordinances. Sanctions could range from a civil infraction with attached fines to probation, rehabilitation, or even imprisonment. (Drug Enforcement Agency Website)

## Campus Policy

**If violated, GCCCD can impose the following sanctions on students:**

Types of Student Conduct Action Student Conduct actions that may be imposed for violations of the Student Code of Conduct include the following:

**Warning:** Written or oral notice to the student that continuation or repetition of misconduct may be cause for further Student Conduct action.

**Student Conduct Probation:** Specific period of conditional participation in campus and academic affairs that may involve exclusion from designated privileges or extracurricular activities. If a student violates any condition of probation, or is charged a second time with a violation of the Standards of Student Conduct during the probationary period, it shall be grounds for revocation of the student’s probationary status and for further Student Conduct action to be taken in accordance with these procedures.

**Removal from Class by Instructor (Education Code 76032):** An instructor may remove, for good cause, any student from his or her class for up to two (2) class sessions. The student shall

not return to the class during the period of the removal without concurrence of the instructor, and if required the consent of the CSSO or designee. Nothing herein will prevent the College President or Designee or CSSO from recommending further Conduct in accordance with these procedures based on the facts that led to the removal. As used in this rule, “good cause” includes those offenses listed in the Student Code of Conduct. The instructor shall immediately report the removal to the respective Division Administrator and to the College President or designee. If the student is a minor, the College President or designee shall schedule a conference with the student and the student’s parent or guardian regarding the removal. Instructors are not obliged to provide makeup opportunities for class work, including quizzes, tests or examinations, missed during the two (2) class periods of removal.

**Suspension or Termination of Financial Aid:** In the event a student is suspended for willfully and knowingly disrupting the orderly operation of the campus, this action will result in ineligibility for State Financial Aid, as defined in Education Code Sections 69810 and 69813, for the period of suspension.

**Immediate Interim Suspension:** The College President, the President’s designee, or the CSSO may order immediate suspension of a student when he or she concludes that immediate interim suspension is required to protect lives or property and to ensure the maintenance of order. A reasonable opportunity shall be afforded the suspended person to have a hearing within ten (10) days of the time that the CSSO or designee, or the College President became aware of the infraction unless mutually agreed upon by the student and the designated Administrator that more time is required. In cases where an immediate interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student according to the provisions above. In the event that a student does not request a hearing within the ten (10) days or contact the College President, CSSO or his or her designee or Administrator, to establish a mutually agreed upon time for hearing, the College where the infraction occurred will proceed with a due process hearing twenty (20) days after the point that the aforementioned administrators became aware of the infraction with or without the accused student being present. Students placed on Immediate Interim Suspension shall have holds placed on all records and transcripts pending the outcome of the due process hearing (Education Code Section 66017).

Instructors are not obliged to provide makeup opportunities for class work, including quizzes, tests or examinations, missed during the period of suspension. Short-term Suspension: Temporary exclusion from student status, or other privileges or activities, for one (1) or more classes for a period of up to ten (10) consecutive days of instruction. Faculty members are not obliged to provide makeup opportunities, including quizzes, tests or examinations, for class work missed during the period of suspension. Long-term Suspension: Temporary exclusion from student status, or other privileges or activities, for the remainder of the current semester and/or one or more terms. Instructors are not obliged to provide makeup opportunities for class work missed, including quizzes, tests or examinations, during the period of suspension. If any student is suspended or expelled from the GCCCD, he or she shall not be present on any of the campuses



or at the District Office without authorization from the College President, CSSO, or the District Vice Chancellor of Human Resources and must be escorted by a District Public Safety officer. The student may not attend any official campus sanctioned events or activities during the term of the suspension. **Expulsion Subject to Reconsideration:** Permanent termination of student status, subject to reconsideration by the Board of Trustees after a specified length of time.

**Reconsideration** may be requested in accordance with the procedure for Reconsideration.

**Permanent Expulsion:** Permanent termination of student status. There shall be no right of reconsideration of a permanent expulsion at any time. On its own motion, the Board of Trustees may reconsider such actions at any time.

**Restitution:** Appropriate restitution shall be sought from any student found responsible of theft, vandalism, or willful destruction of District or College property.

**Sanctions:** Educational sanctions may be assigned instead of, or in addition to those specified in this section at the discretion of the Administrator. Educational sanctions may include, but are not limited to, reflection papers, participation in alcohol or drug education programs, or meeting with college officials.

**Community Service:** Community Service may be assigned instead of, or in addition to, those specified in this section at the discretion of the Administrator. Community Services assignments will require a student to perform unpaid work of benefit to the College community. Community Service provides an opportunity for the student to contribute positively to their community. The assigned tasks shall support and supplement services existing on campus. The Dean of Student Affairs shall approve the community service site. Student must present hours to the Dean of Student Affairs upon completion.

**Referral:** A student may be referred by the Administrator to any college/ community resource deemed necessary for the assistance of the student.

**For employees, please refer to AP3550.**

Information regarding the various drugs and their effects is available at:  
<https://www.dea.gov/factsheets>

## **Health Risks**

GCCCD is committed to providing a drug free environment which includes the use of tobacco products and electronic delivery devices on campus or at college/district sponsored events. Any type of drug use, including alcohol, is dangerous and potentially life threatening. Drugs and alcohol adversely affect the body, mind and behavior. The effects vary from person to person

and from usage to usage. The range of health risks associated with the use of illicit drugs and the abuse of alcohol are varied. The health risks associated with the use of illicit drugs and the abuse of alcohol include but are not limited to:

- Death including by alcohol poisoning or drug overdose
- Risk of addiction and withdrawal symptoms including pain, convulsions and depression;
- Impaired judgment and resulting safety and health risks including accidents; Impaired performance including drowsiness, impaired memory, and impaired concentration; and
- Psychological problems including depression, anxiety, paranoia, panic reactions, psychosis and hallucinations.

### **Possible Short-term Effects**

Even low doses of drugs and alcohol can impair judgment and coordination. If you use drugs or alcohol, you risk overdose, accidents, dependence, ill health, as well as legal, financial and personal problems. Acute health problems may include heart attack, stroke, and sudden death, which can occur for first-time cocaine users.

### **Possible Long-term Effects**

Long lasting effects caused by drug and alcohol abuse can cause problems such as disruption of normal heart rhythm, high blood pressure, leaks of blood vessels in the brain, bleeding and destruction of brain cells, possible memory loss, infertility, impotency, immune system impairment, kidney failure, cirrhosis of the liver and pulmonary damage. Drug use during pregnancy may result in fetal damage and birth defects causing hyperactivity, neurological abnormalities, and developmental difficulties.

### **Alcohol Abuse**

- Known health risks include increased risk of injuries, violence, fetal damage (in pregnant women), depression, neurologic deficits, hypertension, liver and heart disease, addiction and fatal overdose
- Alcohol affects every organ in the drinker's body and can damage a developing fetus. Intoxication can impair brain function and motor skills; heavy use can increase risk of certain cancers, stroke, and liver disease. Alcoholism or alcohol dependence is a diagnosable disease characterized by a strong craving for alcohol, and/or continued use despite harm or personal injury. Alcohol abuse, which can lead to alcoholism, is a pattern of drinking that result in harm to one's health, interpersonal relationships, or ability to work.

### **Other Substances**

**Amphetamines** *uppers, speed, crank*

### **Some Possible Long-Term Effects**

*loss of appetite, delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis, rebound depression*

<b>Barbiturates</b> <i>barbs, bluebirds, blues</i>	<i>severe withdrawal symptoms, possible convulsions, toxic psychosis, depression, physical dependence, impaired judgment</i>
<b>Benzodiazepines</b> (Valium, Xanax, Ativan, Dalmane, Rohypnol) <i>benzos, downers, sleepers, tranqs, roofies</i>	<i>impaired judgment, sedation, panic reaction, seizures, psychological dependence, physical dependence</i>
<b>Cocaine &amp; Cocaine freebase</b> <i>coke, crack</i>	<i>loss of appetite, depression, weight loss, seizure, heart attack, stroke, hypertension, psychosis, chronic cough, nasal passage injury, hallucinations</i>
<b>Codeine</b>	<i>physical dependence, constipation, loss of appetite, lethargy, respiratory depression</i>
<b>Heroin</b> <i>H, junk, smack</i>	<i>physical dependence, constipation, loss of appetite, lethargy, respiratory depression</i>
<b>Inhalants</b> <i>ames, gas, laughing gas, poppers, snappers</i>	<i>psychological dependence, psychotic reactions, confusion, frozen airway, sudden death</i>
<b>LSD</b> <i>acid</i>	<i>may intensify existing psychosis, panic reactions, can interfere with psychological adjustment and social functioning, insomnia, flashbacks</i>
<b>MDA, MDMA, MOMA</b> <i>ecstasy, xtc</i>	<i>same as LSD, sleeplessness, nausea, confusion, increased blood pressure, sweating, paranoia</i>
<b>Marijuana (cannabis)</b> <i>pot, grass, dope, weed, joints</i>	<i>bronchitis, conjunctivitis, mood swings, paranoia, lethargy, impaired concentration</i>
<b>Mescaline (peyote cactus)</b> <i>mesc, peyote</i>	<i>may intensify existing psychosis, hallucinations at high dose</i>
<b>Methamphetamine</b> <b>meth, crystal, chalk, ice</b> <b>Methaqualone</b> <i>ludes</i>	<i>increased wakefulness, increased physical activity, decreased appetite, increased respiration, rapid heart rate, irregular heartbeat, increased blood pressure, and increased body temperature</i>  <i>coma, convulsions</i>
<b>Morphine</b> <i>M, morf</i>	<i>physical dependence, constipation, loss of appetite, lethargy</i>
<b>PCP</b> <i>crystal, tea, angel dust</i>	<i>psychotic behavior, violent acts, psychosis, hallucinations at high dose</i>
<b>Psilocybin</b> <i>magic mushrooms, shrooms</i>	<i>may intensify existing psychosis</i>
<b>Steroids</b> <i>roids, juice</i>	<i>cholesterol imbalance, acne, baldness, anger management problems, masculinization of women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage, depression</i>

### Assistance, Resources and Referrals

Drug or alcohol counseling, treatment, or rehabilitation or re-entry programs or referrals are available to employees and students. The District provides confidential referrals through an Employee Assistance Program (EAP) for employees and their families needing assistance with drug or alcohol abuse. Please contact the Human Resources for more information or visit the Human Resources website for information on contacting the District's EAP.

Students should contact Student Health Services or their college' Dean or designee for resources and/or assistance. Student Health Services also provides counseling, alcohol and drug abuse education information, and resources for students.

For further information, please contact Student Health Services or visit:

<http://www.grossmont.edu/student-services/offices-and-services/health-services/default.aspx>

<http://cuyamaca.edu/services/health/default.aspx>

#### **Cuyamaca College Substance Abuse Prevention/Mental Health Partners**

	<b>Organization</b>	<b>Contact</b>	<b>Address</b>
1	McAlister Institute	619/442-0277	1400 N. Johnson Ave., El Cajon, CA
2	MHS ACTION East Residential and Treatment	619/383-6969	10201 Mission Gorge Rd. Santee
3	Halcyon Center Short Term Residential	619/579-8685	1664 Broadway, El Cajon, CA
4	Kickstart Mental Illness/Substance Abuse Prevention/Pathways	Katherin Torres 619/481-3790 <a href="mailto:katherin.torres@pathways.com">katherin.torres@pathways.com</a>	
5	San Diego Youth Services	619/401-3836	
6	Vet Center/Substance Abuse Prevention Services	Alfonso Carmona (858) 642-1500 <a href="mailto:alfonso.carmona@va.gov">alfonso.carmona@va.gov</a>	2790 Truxtun Road, Suite 130 San Diego, CA 92106
7	Homestart, Inc. (TAY) Transitional Assistance to Youth	619/906-4401	
8	El Cajon Family Health Center (FHCS)	619/515-2498	525 E. Main St., El Cajon, CA
9	Volunteers of America Residential Substance Abuse Services		7 <sup>th</sup> St. National City, CA

10	Heartland Wellness Recovery Center	619/440-5133	460 N. Magnolia Ave. Suite 100, El Cajon, CA
11	Crisis House	619/444-1194	1034 N. Magnolia Ave., El Cajon, CA

### **Community Crisis Lines**

- Students who are experiencing a Behavioral Health emergency should call 9-1-1.
- Students who need information about handling a mental health crisis should speak to a trained counselor who can help with their specific situation.
- Access and Crisis Line: 1-888-724-7240.
- The toll-free call is available 24-hours a day, 7-days a week. (TDD for the hearing impaired: 619-641-6992.)

### **Collaborative Activities with Substance Abuse/Mental Health Partners/Community Resources**

- Participation in college health fairs with exhibits explaining services and resources (February, May, August 2019)
- Semi-annual Substance abuse prevention/mental health on-campus trainings and workshops for students and staff (October 2018 and May 2019)
- Weekly outreach and education tables during months (May 2019) that highlight substance abuse prevention, mental health, violence prevention, and healthy relationships.

### **Online Resources of Possible Interest:**

- [www.alcoholscreening.org/](http://www.alcoholscreening.org/)
- [www.aa.org/](http://www.aa.org/) for Alcoholics Anonymous
- <http://www.drugabuse.gov/nidamed/> for National Institute of Drug Abuse (NIDA)
- <http://www.drugabuse.gov/scienceofaddiction/brain.html> for NIDA handout on biology of addiction
- <http://www.nlm.nih.gov/medlineplus/substanceabuseproblems.html> for MedlinePlus, substance abuse problems
- <http://familydoctor.org/familydoctor/en/diseases-conditions.html> for familydoctor.org, for tobacco, alcohol and drugs patient education downloads
  - <http://rethinkingdrinking.niaaa.nih.gov/> for NIAAA website -- offers drinking habits assessment and management tools for anyone who drinks

### **Community Drug and Alcohol Treatment**

1. Volunteers of America / 101 16<sup>th</sup> Street / (619) 232-9343 / detox for unfunded patients
2. Crash / outpatient group treatment / (619) 263-6663 / inpatient treatment / (619) 233-8054.
3. Escondido Community Sobering / 401 North Spruce Street/ detox and outpatient group / (760) 747-1553

4. McAlister East / detox and outpatient group / sliding fee scale / (619) 442-0277
5. Salvation Army / 1335 Broadway/ inpatient treatment / no detox / walk-ins M-F 7:30am-4pm / (619) 239-4037
6. Scripps McDonald Center / 9896 Genesee Avenue/ detox, inpatient, outpatient, group and individual / (858) 626-4300