

## **Drug and Alcohol Prevention Program and the Drug-Free Workplace and Campus Program**

**Reviewed/Revised:** August 1, 2019

### **Standards of Conduct**

The use of illegal drugs and the abuse of alcohol on the campus of Western State College of Law or in facilities controlled by the Western State College of Law are prohibited by college regulations and are incompatible with the Western State College of Law goal of providing a healthy educational environment for students, faculty, staff and guests. The following information is provided in compliance with the Drug-Free Schools and Communities Act Amendments of 1989.

### **Effects of Drugs and Alcohol**

Although individuals often use drugs and alcohol to achieve a variety of effects on mind and body that are found to be temporarily useful or pleasurable, drugs can be highly addictive and injurious. A person can pay a price in terms of his or her physical, emotional, and social health.

This price can be paid in a number of ways. The risk of contracting sexually transmitted diseases, including AIDS, is increased through unwanted or unprotected sex when one is under the influence of drugs or alcohol. Drugs can be the trigger for violent crime. Economic and legal problems usually follow directly when one tries to support a drug habit by resorting to crime. The dependence, illness, loss of job, and loss of family or friends that can result from drug or alcohol use and abuse can be tragic.

In keeping with the mission of Western State College of Law and the requirements of state and federal law, Western State College of Law has adopted this program to ensure a drug-free campus and workplace and to prevent the use of controlled substances and the abuse of alcohol.

### **Health Risks Associated with the Use of Alcohol**

#### **Short Term Risks:**

- Increased risks of accidents and injuries
- Alcohol-related traffic accidents (the leading cause of death for teens)
- Alcohol slows reaction time, decreases muscle coordination, and impairs vision
- Fatal overdose
- Unconsciousness or blackout
- Death by aspiration of vomit
- Nausea
- Gastritis

#### **Long-Term Risks:**

- Increased blood pressure
- Increased risk of heart attack
- Brain damage resulting in permanent psychosis
- Cancer of the mouth, esophagus or stomach
- Liver damage (cirrhosis, alcohol hepatitis, cancer)
- Ulcers and Gastritis
- Pancreatitis
- Birth defects
- In males--testicular atrophy and breast enlargement
- In females--increased risk of breast cancer
- Prolonged, excessive drinking can shorten life span by ten to twelve years.

### **Health Risks Associated with the Use of Drugs Amphetamines (Speed, Uppers):**

- Malnutrition
- Hallucinations
- Dependence, psychological and sometimes physical

### **Deliriums (Aerosols, Lighter Fluid, Paint Thinner):**

- Permanent damage to lungs, brain, liver, bone marrow
- Loss of coordination, confusion, hallucinations
- Overdose causing convulsions, death

### **Depressants (Barbiturates, Tranquilizers, Methaqualone):**

- Confusion, depression, loss of coordination
- Dependence, physical and psychological
- Coma, death (caused by overdose)
- Can be lethal when combined with alcohol

### **Hallucinogens (LSD, PCP, DMT, STP, Mescaline):**

- Hallucinations, panic, irrational behaviors (which can lead to increased risk of accidents, injuries)
- Tolerance overdose leading to convulsions, coma, death
- Possible birth defects in children of LSD users

### **Intravenous Drug Use:**

- Places one at risk for HIV infection (the virus causing AIDS) when needles are shared

### **Marijuana and Hashish:**

- Chronic bronchitis
- Decreased vital capacity
- Increased risk of lung cancer
- In men lower levels of testosterone and increase in abnormal sperm count

### **Stimulants (Cocaine):**

- Painful nosebleeds and nasal erosion
- Intense "downs" that result in physical and/or emotional discomfort
- Tolerance and physical dependence can develop

### **Narcotics (Heroin, Morphine, Codeine, Opium):**

- Malnutrition
- Hepatitis
- Loss of judgment and self-control leading to increased risk of accidents, injuries
- Dependence
- Overdose leading to convulsions, coma, death

## **Sanctions Western State College of Law**

### **School Sanctions**

Western State College of Law, in all of its actions, seeks to uphold local, state and federal laws. Insofar as permitted by these laws, the Western State College of Law will apply sanctions that could lead to a student being suspended or expelled or an employee being disciplined, suspended or dismissed for violation of the Western State College of Law standards of conduct. Students and employees may also be referred for prosecution. Disciplinary sanctions may include the completion of an appropriate rehabilitation program, at the student's or employee's expense, if necessary.

### **State Sanctions California**

#### **State Sanctions - California**

California state laws and regulations regarding alcoholic beverages are found in the California State

Constitution, the California State Business and Professional Code, and the California State Penal Code. Violations of these laws and regulations are punishable by fines and imprisonment. Where vehicles are involved, violations may be additionally punishable by loss of driving privileges.

**California Health & Safety Code, Sections 11350 et seq., 21 USC section 844-** The possession, sale, furnishing, dispensing of any controlled substance or drug paraphernalia or growing of a controlled substance as defined by the California and federal laws is unlawful.

- **Penalty:** 21 U.S.C. section 844 First offense: Maximum 1 year imprisonment and minimum \$1,000 fine. Persons convicted of possession or distribution of controlled substances can be barred from receiving benefits from any and all Federal programs including student grants and loans, except some long-term drug treatment programs. 21 U.S.C Section 862. There are additional custodial and financial ramifications, for the first time violations of this statute as well as enhanced penalties and sentences for subsequent violations. Such penalties include confiscation of property.

**California Health & Safety Code, Sections 11350 et seq.** Penalties for individual convicted of violating these statutes includes varying terms in county jail and/or state prison, as well as the imposition of significant fines. Subsequent convictions significantly enhances the penalties.

Both the Federal and state statutes provide for greatly enhanced penalties if distribution, possession or manufacturing of controlled substances occur on or within close proximity of schools (including a university) or public facilities such as playgrounds, swimming pools, youth centers, a video arcade facility or housing facilities owned by a public housing authority. **California Health & Safety Code, Section 11700 et seq.** – A person who knowingly participates in the marketing of illegal controlled substances is liable for civil damages for injury resulting from an individual's use of an illegal controlled substance<sup>3</sup>.

- **Penalty:** Criminal and civil penalties.

**California Health & Safety Code, Section 11350 et seq. and 21 U.S.C. Section 841:** It is illegal to distribute or possess with intent to distribute specific controlled substances, including anabolic steroids

- **Penalties:** Distribution of anabolic steroids and possession of anabolic steroids with intent to distribute is a felony under California law prohibiting possession of controlled substances. California Health & Safety Code Sec. 11350. Under federal law this offense carries a sentence of up to five years and a \$250,000 fine. 21 USC section 841.

## **SUMMARY OF STATE LAWS ABOUT ALCOHOL POSSESSION/CONSUMPTION**

The following is not a comprehensive list of statutes and penalties.

**California Business and Professions Code, Section 25658** – It is illegal to sell, furnish or give any alcoholic beverage to anyone under 21 or to anyone who is obviously intoxicated.

a.) Anyone who sells or gives any alcoholic beverage to a person under age 21 is guilty of a misdemeanor.

- **Penalty:** Violator is assessed a \$1,000.00 fine and shall perform a minimum of 24 hours of community service. Penalty increases if injuries or death result from a minor drinking alcoholic beverages.

b.) Anyone under the age of 21 who purchases or who consumes any alcoholic beverages in any on-sale premises is guilty of a misdemeanor.

- **Penalty:** first offense: Violator shall pay \$250.00 fine or perform 24-32 hours of community service.

**California Business and Professions Code, Section 25661** – it is illegal to sell or provide false evidence of age or identity and to anyone under age 21. Anyone under 21 who presents false evidence of age and identity is guilty of a misdemeanor.

- **Penalty:** First offense: punishment shall include a minimum fine of \$250 and/or performance of 24-32 hours of community service

**California Business & Professions Code, Section 25662** – Any person under 21 years of age who has any alcoholic beverage in their possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor.

- **Penalty:** First offense: Fine of \$250.00 or 24-32 hours of community service. **California**

**Business & Professions Code, Section 26665** – It is illegal for anyone under age 21 to enter or stay in a place licensed to sell liquor without a lawful reason to be there.

- **Penalty:** Violation for this statute constitutes a misdemeanor and is punishable by a minimum fine of \$200.00.

**Federal Sanctions**

Federal penalties and sanctions for illegal possession of a controlled substance include the following:

**First conviction:** up to 1 year in prison, fine of \$1,000 to \$100,000, or both **Second conviction:** at least 15 days and up to 2 years imprisonment, \$5,000 to \$250,000 fine, or both **After two drug convictions:** at least 90 days and up to 3 years in prison, \$5,000 to \$250,000 fine, or both. Special federal sentencing provisions for possession of crack cocaine include a mandatory prison term of at least 5 years and up to 20 years, fine of up to \$250,000, or both, for a first conviction if the amount of crack exceeds 5 grams, for a second conviction if amount exceeds 3 grams, and for a third or subsequent conviction if the amount exceeds 1 gram.

Additional federal sanctions may also apply including forfeiture of vehicles used to transport controlled substances, denial of federal benefits including student loans, grants, and contracts and denial or revocation of certain federal licenses and benefits (exhibit A).

**Exhibit A:**

<b>Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)</b>				
<b>Schedule</b>	<b>Substance/Quantity</b>	<b>Penalty</b>	<b>Substance/Quantity</b>	<b>Penalty</b>
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment.	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	

II	PCP 10-99 grams pure or 100-999 grams mixture	Fine of not more than \$8 million if an individual, \$50 million if not an individual.	PCP 100 grams or more pure or 1 kilogram or more mixture	million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
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Substance/Quantity	Penalty
Any Amount Of Other Schedule I & II Substances	<b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.
Any Drug Product Containing Gamma Hydroxybutyric Acid	<b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Flunitrazepam (Schedule IV) 1 Gram	
Any Amount Of Other Schedule III Drugs	<b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.  <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Any Amount Of All Schedule V Drugs	<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

**Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances**

Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	<b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.  <b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants	<b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.  <b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.
Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants	<b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.  <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Hashish More than 10 kilograms	
Hashish Oil More than 1 kilogram	
Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.  <b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish 10 kilograms or less	
Hashish Oil 1 kilogram or less	

### Convictions for Drug-Related Offenses

Any student convicted of any drug-related criminal statute must notify the Dean of Student Affairs, in writing, no later than five (5) days after such conviction regardless of where the offense occurred. This is because under federal and state laws, any student convicted of a drug-related felony offense must be denied all federal and state assistance, including Pell Grants and federal student loans. However, a criminal conviction shall not be necessary to find that a student has violated these standards of conduct, and the Western State College of Law need not, and ordinarily will not, defer its own actions and sanctions pending the outcome of any criminal proceeding.

### Danger Signals Indicating a Drug or Alcohol Problem

Following is a listing of classic danger signals that may indicate the presence of a drug or alcohol problem:

- abrupt changes in mood or attitude

- decreased efficiency at work or at school
- frequent absences, tardiness, and/or early departures
- relationship problems with family, friends, and co-workers
- unusual outbursts of anger and hostility
- social withdrawal

### **Counseling**

If you observe any of these changes in yourself or another student, you are encouraged to talk with the psychologist/counselor for confidential counseling. The school uses the services of a third-party psychologist or counselor who provides confidential professional counseling on campus. The counselor may refer a student for limited visits with an area network mental health provider or assist the student with locating resources within the community. As a matter of policy, the counselor is encouraged; if and when deemed appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary, confidential basis, for inclusion into the annual crime statistics.

Abuse of alcohol or drugs can lead to dependency and addiction, with serious consequences for personal health and overall quality of life. There are drug and alcohol counseling, treatment, and rehabilitation facilities available in our area where students and employees may seek advice and treatment. The psychologist/counselor can refer you to one that meets your needs.

### **Orange County- Area Resources**

There are also organizations that may be contacted for help. The National Institute on Drug Abuse Hotline (1.800.662.4357) is available from 8:00 a.m. to 2:00 a.m., Monday through Friday and from 11:00 a.m. to 2:00 a.m. on weekends.

### **Irvine & Orange County Area Resources Include:**

Alcoholics Anonymous  
 Orange County Central Office  
 1526 Brookhollow Dr., Suite 75,  
 Santa Ana, CA 92705-5466  
 714-556-4555 (24 Hours)  
 714-556-7231 (FAX)  
 email: Manager@oc-aa.org

Alcoholics Anonymous  
 S. Orange County Central Office  
 27281 Las Ramblas, Suite 135,  
 Mission Viejo 92691  
 949-582-2697 (24 Hours)  
 949-582-2611 (FAX)  
 email: socsoaa@sbcglobal.net  
 SatelliteManager@oc-aa.org

Al-Anon Family Groups  
 Central Office  
 12391 Lewis Street, Suite 102  
 Garden Grove, CA 92840  
 (714) 748-1113

Diversified Counseling Services Inc  
 304 W Cerritos Avenue  
 Building 7 1st Floor  
 Anaheim, CA 92805  
 Phone: (714) 758-9920