

# UC San Diego

In accordance with the Drug-Free Schools and Communities Act, the following information is provided regarding University and campus policies prohibiting the unlawful possession, use or distribution of drugs or alcohol; sanctions relating to drug and alcohol violations by students or employees; federal, state and local laws and penalties for drug and alcohol offenses; health risks associated with the use of drugs and alcohol abuse; and drug and alcohol, counseling, treatment, or rehabilitation or re-entry programs. The following are only summaries of existing laws, regulations and University policies. Please refer to the applicable cited laws, regulations and policies for the current and full text of the law, regulation or policy.

## 1. University Policies and Sanctions Relating to Drug and Alcohol Use

The University strives to maintain communities and workplaces free from the illegal use, possession or distribution of alcohol and controlled substances. The manufacture, sale, distribution, dispensation, possession, or use of alcohol and controlled substances by University students and employees on University property, at official University functions, or on University business is governed by law and University policies. Students found to be in violation of these laws or policies may be subject to disciplinary action, up to and including dismissal, in addition to any criminal or civil penalties resulting from violating local, state and/or federal law. Employees found to be in violation of these laws and policies may be subject to disciplinary action, up to and including dismissal, under applicable University policies and labor contracts, and may be required to participate in an appropriate treatment program, in addition to any potential criminal or civil penalties resulting from violating a local, state and/or federal law.



*Credit: Erik Jepsen/UC San Diego Creative Services and Publications.*

- **Marijuana/Cannabis Use**

The University of California prohibits the use, possession and sale of marijuana in any form on all University property, including University-owned and leased buildings, housing and parking lots. Marijuana is also not permitted at University events or while conducting University business.

On November 8, 2016, California voters passed Proposition 64 legalizing the use of recreational marijuana among people over the age of 21. It is important to understand that Proposition 64 does not change University of California policy; marijuana remains prohibited on all University property and at all University events, except for approved academic research.

Academic research involving marijuana may be conducted at the University to the extent authorized under both federal and state law; such research must be conducted in compliance with all applicable regulations and policies, including but not limited to federal registration and licensing requirements administered by the U.S. Drug Enforcement Agency and applicable to research use of controlled substances.

Notwithstanding Proposition 64, using, distributing and possessing marijuana remains illegal under federal law. The federal Controlled Substances Act criminalizes possession and distribution of controlled substances, including marijuana, with a limited exception for certain federally approved research. The Drug Free Schools and Communities Act and the Drug Free Workplace Act require that University of California, as a recipient of federal funding, establish policies that prohibit marijuana use, possession and distribution on campus and in the workplace.

Violating the University's policies may be grounds for discipline or corrective action, which may include required participation in a treatment program, with a maximum penalty of dismissal. See <https://www.ucop.edu/marijuana-and-drug-policy/>.



*Credit: Erik Jepsen/UC San Diego Creative Services and Publications*

## **2. Federal, State and Local Laws Governing the Unlawful Possession or Distribution of Controlled Substances and Alcohol**

### **Federal Laws**

#### **Possession of Controlled Substances:**

- Federal law prohibits the illegal possession of a controlled substance.<sup>1</sup>
  - First offense: prison sentences up to one year and a minimum fine of \$1,000.

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<sup>1</sup> 21 U.S.C. § 844(A).

- Second offense: prison sentences up to two years and a minimum fine of \$2,500.
- Third offense: prison sentences up to three years and a minimum fine of \$5,000.
- Special sentencing provisions apply for possession of flunitrazepam, including imprisonment of three years as well as the fine schedule referenced above.

## Trafficking of Controlled Substances:<sup>2</sup>

Drug/Schedule	Quantity	Penalties	Quantity	Penalties
Cocaine (Schedule II)	500–4999 grams mixture	<b>First Offense:</b> Not less than 5 years, and not more than 40 years. If death or serious injury, not less than 20 years 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 years, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	<b>First Offense:</b> Not less than 10 years, and not more than life. If death or serious injury, not less than 20 years 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 years, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <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.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue <sup>3</sup> (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture	100 gm or more pure or 1 kg or more mixture		

Knowingly misrepresenting or knowingly marketing as another substance a mixture or substance containing fentanyl or a fentanyl analogue will increase the penalty by four levels.<sup>4</sup>



Credit: Erik Jepsen/UC San Diego Creative Services and Publications

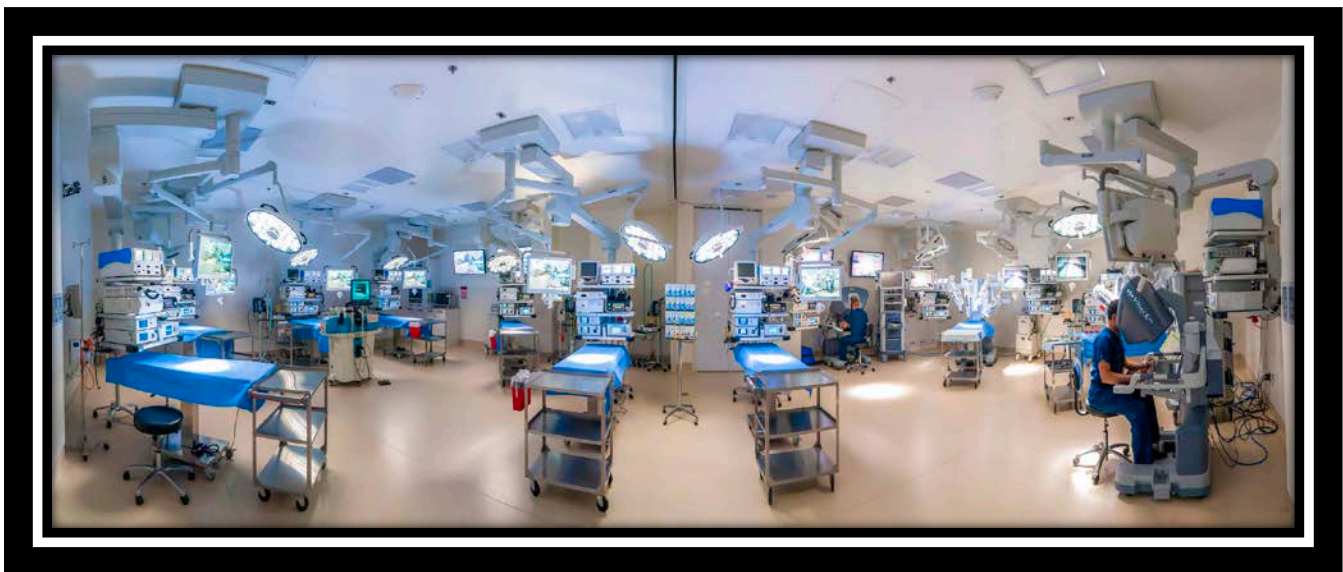
<sup>2</sup> US DEP'T OF JUSTICE, DRUG ENFORCEMENT AGENCY, DRUGS OF ABUSE: A DEA RESOURCE GUIDE (2017) AT 30.

<sup>3</sup> "FENTANYL ANALOGUE" NOW INCLUDES "ANY SUBSTANCE (INCLUDING ANY SALT, ISOMER, OR SALT OF ISOMER), WHETHER A CONTROLLED SUBSTANCE OR NOT, THAT HAS A CHEMICAL STRUCTURE THAT IS SIMILAR TO FENTANYL (N-PHENYL-N-[1-(2-PHENYLETHYL)-4-PIPERDINYL] PROPENAMIDE."

<sup>4</sup> SEE SENTENCING GUIDELINES, § 2D.1(A)(13).



Drug/Schedule	Quantity	Penalties
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<b>First Offense:</b> Not more than 20 years. If death or serious injury, not less than 20 years, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.  <b>Second Offense:</b> Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Flunitrazepam (Schedule IV)	1 gram	
Other Schedule III drugs	Any amount	<b>First Offense:</b> Not more than 10 years. If death or serious injury, not more than 15 years. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.  <b>Second Offense:</b> Not more than 20 years. If death or serious injury, not more than 30 years. Fine not more than \$1 million if an individual, \$5 million if not an individual.
All other Schedule IV drugs	Any amount	<b>First Offense:</b> Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  <b>Second Offense:</b> Not more than 10 years. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Flunitrazepam (Schedule IV)	Other than 1 gram or more	
All Schedule V drugs	Any amount	<b>First Offense:</b> Not more than 1 year. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  <b>Second Offense:</b> Not more than 4 years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.



Credit: Erik Jepsen/UC San Diego

## Federal Trafficking Penalties - Marijuana<sup>5</sup>

Drug	Quantity	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 years or more than life. If death or serious bodily injury, not less than 20 years, or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 years or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 years or more than 40 years. If death or serious bodily injury, not less than 20 years or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 years or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture  More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not more than 20 years. If death or serious bodily injury, not less than 20 years or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants;	Not more than 5 years. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 years. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

\*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

### Loss of Federal Aid:

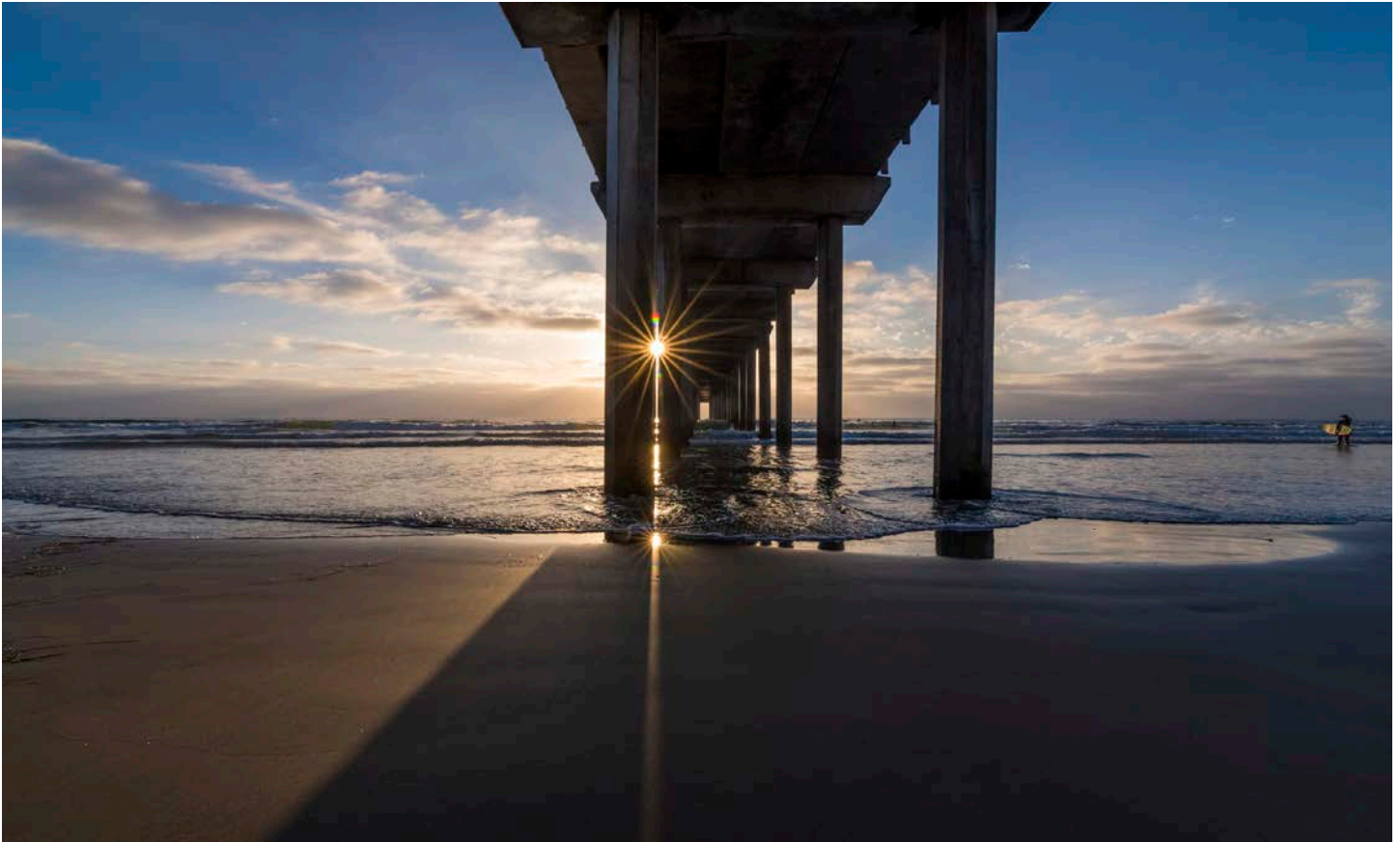
Students convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any Federal grant, loan, or work assistance shall not be eligible to receive any grant, loan, or work assistance from the date of that conviction for the following period: Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program.<sup>6</sup>

<sup>5</sup> ID. AT 31.

<sup>6</sup> 20 U.S.C. § 1091(r).

## **Forfeiture of Personal Property and Real Estate:**

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.<sup>7</sup>



*Credit: Erik Jepsen/UC San Diego Creative Services and Publications*

## **State of California Law**

### ***Controlled Substances:***

California penalties for offenses involving controlled substances include those set forth in the California Health & Safety Code § 11350:

- Imprisonment in the county jail or state prison, a fine not to exceed \$70, or probation with fine for felony convictions of at least \$1,000 for the first offense and at least \$2,000 for second or subsequent offenses or community service for unlawful possession of controlled substances.<sup>8</sup>
- Under California law, possession of certain controlled substances (Schedule I, II, and III) for sale or purchasing for the purpose of sale are punishable by imprisonment of two, three, or four years.<sup>9</sup>
- Penalties are more severe for offenses involving heroin, cocaine, cocaine base, or any analog of these substances and occurring upon the grounds of, or within, a church or synagogue, a

<sup>7</sup> 21 U.S.C. § 853.

<sup>8</sup> CAL. HEALTH & SAFETY CODE § 11350.

<sup>9</sup> §§ 11054, 11055, 11056 & 11351.

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.<sup>10</sup>

- It is unlawful to possess any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking certain controlled substances.<sup>11</sup>
- Personal property may be subject to forfeiture if it contains drugs or was used in a drug manufacture, distribution, dispensation, or acquired in violation of this division.<sup>12</sup>
- The California Legislature declares that the dispensing and furnishing of prescription drugs, controlled substances and dangerous drugs or dangerous devices without a license poses a significant threat to the health, safety and welfare of all persons residing in the state and shall be guilty of a crime.<sup>13</sup>



*Credit: Erik Jepsen/UC San Diego Publications*

### **Alcohol:**

The following summarizes some of the California state laws regarding alcohol that may be relevant to students and employees:

- It is illegal for persons under the age of 21 to possess an alcoholic beverage in any public place or any place open to the public. Sanctions range from a fine of \$250-\$500 and community service, depending on whether the offense is a first or subsequent violation.<sup>14</sup>
- Any person who furnishes, gives or sells any alcoholic beverage to someone under the age of 21 is guilty of a misdemeanor. Potential sanctions include fines of \$250 or higher, community service, and imprisonment, depending on the facts of the case.<sup>15</sup>
- Any person under the influence of alcohol in a public place and unable to exercise care for one's own safety or that of others is guilty of a misdemeanor.<sup>16</sup>
- It is illegal for persons to operate a motor vehicle while under the influence of alcohol or other intoxicants or with a blood alcohol level of .08% or higher.<sup>17</sup>
- It is a misdemeanor to ride a bicycle upon a highway under the influence of alcohol, drugs or

<sup>10</sup> § 11353.1.

<sup>11</sup> § 11364.

<sup>12</sup> § 11470(A).

<sup>13</sup> § 11352.1.

<sup>14</sup> CAL. BUS. & PROF. CODE § 25662(A).

<sup>15</sup> § 25658.

<sup>16</sup> CAL. PENAL CODE § 647(F).

<sup>17</sup> CAL. VEH. CODE § 23152.

both.<sup>18</sup>

- It is an infraction to possess an open container of an alcoholic beverage while in a motor vehicle.<sup>19</sup>
- It is an infraction for an owner or driver of a motor vehicle to allow an open container of alcohol in the passenger area.<sup>20</sup>

### **Driving Under the Influence:**

The following is a list of some of the legal sanctions for driving under the influence of alcohol or any other drug:

- First conviction: Imprisonment in the county jail for not less than 96 hours, at least 48 hours which are continuous, nor more than six months and by a fine of not less than \$390 nor more than \$1,000 and except as otherwise provided suspension of privilege to operate motor vehicle.<sup>21</sup>
- Conviction of driving under the influence with or without bodily injury within ten years of certain other felony convictions including vehicular manslaughter and driving under the influence: Imprisonment in state prison or in the county jail for not more than one year and a fine of not less than \$390 nor more than \$1,000 and revocation of privilege to operate a motor vehicle.<sup>22</sup>
- Driving under the influence causing bodily injury: Imprisonment in state prison or county jail for not less than 90 days nor more than one year and a fine of not less than \$390 nor more than \$1,000 and suspension of privilege to operate a motor vehicle.<sup>23</sup>
- Driving under the influence causing bodily injury or death to more than one victim: Enhancement of one year in state prison for each additional injured victim up to a maximum of three one-year enhancements.<sup>24</sup>
- Second conviction of driving under the influence causing bodily injury within ten years or conviction within ten years of separate conviction of other specified offenses involving alcohol or drugs: Imprisonment in the county jail for not less than 120 days nor more than one year and a fine of not less than \$390 nor more than \$5,000 and revocation of privilege to operate a motor vehicle.<sup>25</sup>
- Second conviction of driving under the influence will be required to temporarily install a breathalyzer ignition interlock device in vehicles to regain their licenses.<sup>26</sup>

### **San Diego Local Law**

San Diego has various ordinances and sentencing guidelines related to the unlawful possession or distribution of illicit drugs and alcohol. Guidelines range from convictions related to open containers, selling to minors, possession of a false ID, and others.

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<sup>18</sup> § 21200.5.

<sup>19</sup> § 23223.

<sup>20</sup> § 23225.

<sup>21</sup> § 23536.

<sup>22</sup> § 23550.5.

<sup>23</sup> § 23554.

<sup>24</sup> § 23558.

<sup>25</sup> § 23560.

<sup>26</sup> SENATE BILL NO. 1046, CODIFIED AT CAL. BUS. & PROF. CODE §§ 9807; 9848; 9882.14; VEH. CODE §§ 13352; 13352.4 ET SEQ.



In addition, San Diego local ordinances prevent consumption of alcohol by individuals under 21 in both public places and places not open to the public.<sup>27</sup> San Diego has also enacted a Social Host law, which provides for “a duty of any person having control of any premises, who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering.... Reasonable steps are controlling access to alcoholic beverages... at the gathering; [controlling the quantity of alcoholic beverages present at the gathering]; verifying the age of persons attending the gathering by inspecting driver’s licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages... while at the gathering; and supervising the activities of minors at the gathering.”<sup>28</sup> The ordinance further provides that “[i]t is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage..., whenever the person [having control of the premises] either knows a minor has consumed an alcoholic beverage... or reasonably should have known that a minor consumed an alcoholic beverage had the person taken all reasonable steps [to prevent the consumption of an alcoholic beverage by a minor]....”<sup>29</sup> Certain exceptions apply.

San Diego Superior Court Sentencing Guidelines:

<http://www.sdcourt.ca.gov/pls/portal/docs/page/sdcourt/criminal2/criminalresources/2015%20courtroom%20counsel%20copy%20sent%20guidelines.pdf>.

### **3. Health Risks Associated with the Use of Controlled Substances or Abuse of Alcohol**

There are a number of health risks associated with the misuse and abuse of alcohol and other controlled substances. These risks can be short-term, long-term, and depend on the drug being used, among other factors.

The National Institute on Alcohol Abuse and Alcoholism provides a comprehensive description of the effects alcohol has on the body. Please see: <https://www.niaaa.nih.gov/alcohols-effects-body>.

The National Institute on Drug Abuse provides a comprehensive description of the health consequences of drug misuse. Please see: <https://www.drugabuse.gov/related-topics/health-consequences-drug-misuse> and <https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>.



*Credit: Erik Jepsen/UC San Diego Creative Services and Publications*

<sup>27</sup> S.D., CAL., MUNICIPAL CODE § 56.61(A)(1).

<sup>28</sup> § 56.62(A).

<sup>29</sup> § 56.62(B).

## 4. Drug and Alcohol Counseling, Treatment, or Rehabilitation or Re-entry Programs

### Resources for Students

#### **Counseling and Psychological Services (CAPS)**

<http://caps.ucsd.edu>

858-534-3755

CAPS offers the following services to registered undergraduate, graduate and professional school students:

- High quality, culturally-sensitive, and confidential counseling services, including individual, couples, and group counseling, crisis/urgent care interventions, and referral services free of charge.
- Brief drug and alcohol use disorder evaluation, treatment and referral.
- Psychiatric services and consultation.
- Psycho-educational workshops and drop-in forums grounded on the latest science of optimal well-being and peak performance to support students in their life and leadership skills acquisition.
- Student mentoring and advocacy.

#### **Health Promotion Services (HPS)**

<http://healthpromotion.ucsd.edu>

858-534-2419

HPS offers a variety of prevention education programs for students including workshops, campaigns, and meetings with Health Educators.

- In addition, the Alcohol, Drugs, Issues, and Trends (ADIT) committee, chaired by Health Promotion Services, is a campus community coalition that meets quarterly to discuss current substance abuse related issues and trends.
- Health Educators facilitate a 90-minute group session ([Campus Alcohol Risk Reduction Seminar \(CARRS\)](#)) for students who violate alcohol policies.
- HPS provides a Cannabis Education workshop, similar to CARRS, for students who violate marijuana/cannabis policies ([High Stakes](#)).
- Students can also access eCHECKUP TO GO, an online assessment, which provides personalized feedback about individual drinking patterns, risk patterns, and UC San Diego resources.

#### **Student Health Services (SHS)**

<http://studenthealth.ucsd.edu>

858-534-3730

- SHS offers counseling services with the assistance of the in-house Licensed Clinical Social Worker, in partnership and collaboration with CAPS providers.

## Resources for Faculty and Staff

The below referenced programs are designed to help prevent substance abuse by University employees, as well as provide assistance and referral services for those who have substance abuse problems or concerns.

### **Campus Faculty and Staff Programs:**

- For all benefits-eligible Campus Employees only, the Faculty and Staff Assistance Program (FSAP) offers internal no-cost services and can be accessed in addition to external programs aligned with chosen medical plans. Services from FSAP include assessment, referral to community resources, consultation, supervisory training, return to work assistance, and follow-up. All services are free to employees. Employees are encouraged to self-refer and seek this confidential assistance. Please call 858-534-5523 for more information, or click on <https://blink.ucsd.edu/sponsor/hr/divisions-units/fsap.html>. For appointments using single sign on (SSO) please go to: <https://blink.ucsd.edu/HR/services/support/counseling/appointment.html>.

### **Health System, School of Medicine, School of Pharmacy, and Student Health Programs:**

- For all benefits-eligible UC San Diego Health employees, the Employee Assistance Program (EAP), managed by Optum Live and Work Well, offers assistance and referral services for those who have substance abuse problems or concerns. Services include assessment, referral to outside resources, consultation, supervisory training, return to work assistance, and follow up. All services are free and employees are encourage to self-refer and seek this confidential assistance. For more information visit: <https://www.liveandworkwell.com> (operated by Optum) or call the Substance Use Helpline 1-855-780-5955 (use company code UCSDMC).
- UC's medical coverage also includes behavioral health benefits for mental health services and substance abuse treatment. Additional resources are offered through your individual medical plan. You can visit:
- <https://ucnet.universityofcalifornia.edu/compensation-and-benefits/health-plans/behavioral-health/index.html> for more information or call:
  - UC Blue & Gold: Managed Health Network (1-800-663-9355)
  - Kaiser: Kaiser services (1-800-900-3277) OR Optum (1-888-440-8225)
  - UC Care, CORE & UC Health Savings Plan (HSP): Anthem providers (1-844-437-0486)

## Community Resources

### **Alcoholics Anonymous San Diego County**

<http://www.aasandiego.org/>

619-265-8762

### **Narcotics Anonymous San Diego County**

<http://www.sandiegona.org/>

619-584-1007

### **Marijuana Anonymous**

<http://www.ma-sandiego.org/>

### **Adult Children of Alcoholics**

<http://www.adultchildren.org/>

310-534-1815

### **Smart Recovery**

<https://www.smartrecovery.org/>