

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, services and resources.

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.

A. 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 from the University, 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.

1. Marijuana/Cannabis Use

On November 8, 2016, California voters passed Proposition 64 legalizing the use of recreational marijuana among people over the age of 21. 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 the University of California, as a recipient of federal funding, establish policies that prohibit marijuana use, possession and distribution on campus and in the workplace except as otherwise permitted.



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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.

See <https://www.ucop.edu/research-policy-analysis-coordination/policies-guidance/cannabis/index.html> for guidance documents that summarize applicable laws, regulations, and UC policies related to marijuana and industrial hemp research.

2. UC San Diego Alcohol Policy

UC San Diego's Alcohol Policy can be found at <http://adminrecords.ucsd.edu/PPM/docs/510-1.13.HTML>. California state law, the San Diego Municipal Code, and the Alcohol Policy govern the purchase, sale, service, consumption, distribution, and possession of alcoholic beverages on all UC San Diego grounds and facilities and at events.

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

1. Federal Laws

Possession of Controlled Substances:

- Federal law prohibits the illegal possession of a controlled substance.¹
 - First offense: prison sentences up to one year and/or a minimum fine of \$1,000.
 - 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 up to three years, as well as the fine schedule referenced below

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.²



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¹ 21 U.S.C. § 844(a).

² 21 U.S.C. § 853.

Federal Drug Trafficking Penalties³

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	First Offense: 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. Second Offense: 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	First Offense: 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. Second Offense: Not less than 15 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. 2 or More Prior Offenses: Not less than 25 years. 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 (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 more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		100 grams or more pure or 1 kg or more mixture	
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: 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. Second Offense: 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	First Offense: 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. Second Offense: 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	First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: 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	First Offense: Not more than 1 year. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

³ Drugs of Abuse, *A DEA Resource Guide*, 2022 Edition at 38.

Federal Trafficking Penalties Marijuana⁴

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 15 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 \$8 million if an individual, \$50 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 less 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 less 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 kgs marijuana (but does not include 50 or more marijuana plants regardless of weight) marijuana plants; 1 to 49 marijuana plants;	Not less than 5 years. Fine not more than \$250,000 if an individual, \$1 million if other than an individual.	Not less than 10 years. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish (Schedule I)	10 kg or less	Not more than 5 years, Fine not more than \$250,000 if an individual, \$1 million if other than an individual.	Not more than 10 years. Fine \$500,000 if an individual, \$2 million if other than an individual.
Hashish Oil (Schedule I)	1 kg or less	Not more than 5 years, Fine not more than \$250,000 if an individual, \$1 million if other than an individual.	Not more than 10 years. Fine \$500,000 if an individual, \$2 million if other than an individual.

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is not less than 25 years imprisonment and a fine up to \$20 million if an individual and \$75 million if other than an individual.

2. State of California Law

A. Controlled Substances:

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

- Imprisonment in the county jail or state prison for not more than one year, 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.⁵

⁴ *Id.* at 39.

⁵ Cal. Health & Safety Code § 11350.

- 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.⁶
- 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 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.⁷
- It is unlawful to possess any opium pipe, device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking certain controlled substances.⁸
- 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.⁹

B. 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 on any street or highway or in any public place or any place open to the public. Sanctions range from a fine of \$250-\$500 or community service, depending on whether the offense is a first or subsequent violation.¹⁰
- Any person who sells, furnishes, gives or causes to be sold, furnished, or given away any alcoholic beverage to any person under 21 years of age is guilty of a misdemeanor. Potential sanctions include fines of \$250 or higher, community service, and imprisonment, depending on the facts of the case.¹¹
- 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.¹²
- It is unlawful for a person to drive a vehicle while under the influence of any alcoholic beverage or any drug or with a blood alcohol level of .08% or higher.¹³
- It is a misdemeanor to ride a bicycle upon a highway under the influence of alcohol, drugs or both.¹⁴
- It is an infraction to possess an open container of an alcoholic beverage while in a motor vehicle.¹⁵
- It is unlawful for an owner or driver of a motor vehicle to allow an open container of alcohol in the motor vehicle, unless the container is kept in the trunk of the vehicle.¹⁶

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.¹⁷
- 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

⁶ §§ 11054, 11055, 11056 & 11351.

⁷ § 11353.1.

⁸ § 11364.

⁹ § 11470(a).

¹⁰ Cal. Bus. & Prof. Code § 25662(a).

¹¹ § 25658.

¹² Cal. Penal Code § 647(f).

¹³ Cal. Veh. Code § 23152.

¹⁴ § 21200.5.

¹⁵ § 23223.

¹⁶ § 23225.

¹⁷ § 23536.

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.¹⁸

- 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.¹⁹
- 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.²⁰
- Second conviction of driving under the influence causing bodily injury within ten years of conviction or 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.²¹
- Second conviction of driving under the influence: will be required to temporarily install a breathalyzer ignition interlock device in vehicles to regain their licenses.²²

3. 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.

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.²³ 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 the premises, to take all reasonable steps to prevent the consumption of alcoholic beverages, marijuana, and marijuana products, or other controlled substances by any minor at the gathering. . . . Reasonable steps are controlling access to alcoholic beverages, marijuana and marijuana products at the gathering; prohibiting controlled substances at the gathering, except as legally prescribed; 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, marijuana or marijuana products while at the gathering; and supervising the activities of minors at the gathering.”²⁴ 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 the premises where at least one



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¹⁸ § 23550.5.

¹⁹ § 23554.

²⁰ § 23558.

²¹ § 23560.

²² § 23573.

²³ S.D., Cal., Municipal Code § 56.61(a)(1), (2).

²⁴ § 56.62(a).

minor consumes an alcoholic beverage, marijuana, marijuana product or other controlled substance, whenever the person [having control of the premises] either knows a minor has consumed an alcoholic beverage, marijuana, marijuana product or other controlled substance or reasonably should have known . . . had the person taken all reasonable steps [to prevent the consumption by a minor]. . . .”²⁵ Certain exceptions apply.

San Diego Superior Court Sentencing Guidelines:

<https://www.sdcourt.ca.gov/sites/default/files/sdcourt/criminal2/criminalresources/2024%20CCC%20Prob%20Sent%20Handbook.pdf>

C. Health Risks Associated with the Use of Controlled Substances or Abuse of Alcohol

There are a number of health risks associated with the misuse 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/drugs-abuse/commonly-abused-drugs-charts>.

D. Drug and Alcohol Counseling, Services and Resources

1. Resources for Students

Counseling and Psychological Services (CAPS)

<https://caps.ucsd.edu>

858-534-3755

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

- Assessment and focused oriented interventions, including referral services, to provide optimal treatment opportunities according to appropriate level of care.
- Dual diagnosis counseling and consultation, connecting students to life- and value-affirming resources within the campus community and surrounding community.
- Psychiatric services and consultation.
- Preventive psycho-education workshops and daily drop-in forums grounded on the latest science of wellbeing and performance psychology to develop, expand, and master new skills towards self-agency and positive coping styles.
- Suite of self-help apps through iFlourish offerings. Students learn at their own pace and have resources at their fingertips, anytime, anywhere.

Health Promotion Services (HPS)

<https://healthpromotion.ucsd.edu>

858-246-4500

HPS offers a variety of prevention education programs for students including workshops, campaigns, and individual services provided by the Health Educators. HPS oversees the Collegiate Recovery Program which

²⁵ § 56.62(b).

supports students in recovery from both substance and behavioral addictions.

- The Collegiate Recovery Program hosts sober community building events and recovery meetings, such as: SMART Recovery, Spirit of 12 Steps, Mindful Recovery, and Newcomer's Recovery.
- The Collegiate Recovery Coordinator facilitates Recovery Ally Training for students, faculty, and staff upon request.
- Health Promotion Services offers free naloxone and fentanyl testing strips to students through the Naloxone Distribution Project. Students can pick up the naloxone and testing strips after completing online training available on the HPS website.
- Health Educators facilitate Brief Alcohol Screening and Intervention for College Students (BASICS) and Cannabis Screening and Intervention for College Students (CASICS).

Health Promotion Services offers smoking/vaping cessation for UC San Diego students free of charge. Students can also access an Incoming Student Survey, an online assessment, which provides personalized feedback about individual drinking patterns, risk patterns, and UC San Diego resources.

Student Health Services (SHS)

<https://studenthealth.ucsd.edu>

858-534-3300

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

2. 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 reporting to Campus Vice Chancellors areas only, the Faculty and Staff Assistance Program (FSAP), an internal employee assistance program, offers no-cost services and can be accessed in addition to external programs aligned with chosen medical plans. Services from FSAP include short-term, solution-focused concrete strategies for positive change, improved communication and life transitions, assessment, referral to community resources, People Leader training and consultation, return to work assistance, crisis response, collaboration with Campus stakeholders, including other HR units, and psychoeducational support groups.
- Note: A majority of services are conveniently offered using HIPAA-compliant Zoom tele-health. Employees are encouraged to self-refer and seek this confidential assistance. Please call 858-534-5523, or click on <https://blink.ucsd.edu/sponsor/hr/divisions-units/fsap.html> for more information. To make a confidential appointment 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, School of Public Health and Human Longevity Science and Student Health Programs:

- For all benefits-eligible UC San Diego Health and Health Sciences 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 encouraged 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 individual medical plans. Employees 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)

3. Community Resources

Alcoholics Anonymous San Diego County

<https://www.aasandiego.org/>
619-265-8765

Narcotics Anonymous San Diego County

<https://www.sandiegona.org/>
619-584-1007

Marijuana Anonymous

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

Adult Children of Alcoholics

<https://www.adultchildren.org/>
310-534-1815

Smart Recovery

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



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