

## Use of Tobacco, Alcohol or Drugs

Student substance abuse, possession or use of tobacco, alcohol or unlawful drugs, including drug paraphernalia [or any substance purported to be an unlawful drug], on or near district grounds or while participating in ESD-sponsored programs and activities is prohibited and will result in disciplinary action. If possession or use occurred on district grounds or while participating in ESD-sponsored programs and activities, students will be subject to discipline up to and including expulsion. If possession or use occurred near district grounds, disciplinary action may include removal from any or all extracurricular activities and forfeiture of any school honors or privileges. A student may be referred to law enforcement officials. Parents will be notified.

Any person under age 18 possessing a tobacco product commits a Class D violation and is subject to a court-imposed fine up to \$100, as provided by ORS 167.400.

Any person who distributes, sells or causes to be sold, tobacco in any form or a tobacco-burning device, to a person under 18 years of age commits a Class A violation and is subject to a court-imposed fine of not less than \$100 and not exceeding \$600, as provided by ORS 163.575.

An unlawful drug is any drug not prescribed by a licensed medical practitioner.

Unlawful delivery of a controlled substance to a student or minor within 1,000 feet of school property is a Class A felony. Punishment is a maximum of 20 years of imprisonment, \$300,000 fine or both, as provided by ORS 475.999.

END OF POLICY

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Legal Reference(s):

[ORS 161.605](#)  
[ORS 161.625](#)  
[ORS 163.575](#)  
[ORS 167.400](#)  
[ORS 334.125 \(7\)](#)  
[ORS 336.067](#)  
[ORS 336.222](#)  
[ORS 336.227](#)

[ORS 339.240](#)  
[ORS 339.250](#)  
[ORS 339.865](#)  
[ORS 431.840](#)  
[ORS 431.845](#)  
[ORS 433.835 - 433.990](#)  
[ORS 475](#) et seq.

[OAR 581-021-0050 to -0075](#)  
[OAR 581-022-0413](#)  
[OAR 581-053-0015](#)  
[OAR 581-053-0545 \(4\)\(c\)\(R,S,T\)](#)  
[OAR 581-053-0550 \(5\)\(t,u,v\)](#)  
[OAR 584-020-0040](#)

Controlled Substances Act, 21 U.S.C. 812, Section 202, schedules I through V, 21 CFR 1300.11 through 1300.15.  
"Pro-Children Act of 1994"