

# Malheur Education Service District

Code: **JFCG/JFCH/JFCI**  
Adopted: 11/21/17

## **Use of Tobacco Products, Alcohol, Drugs or Inhalant Delivery Systems\*\***

Student substance abuse, possession, use, distribution or sale of tobacco products, inhalant delivery systems, alcohol or unlawful drugs, including drug paraphernalia or any substance purported to be an unlawful drug, on or near any ESD grounds, including parking lots, or while participating in ESD-sponsored programs and activities is prohibited and will result in disciplinary action. If possession or use occurred on ESD 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 ESD 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.

Clothing, bags, hats and other personal items used to display, promote or advertise tobacco products, inhalant delivery systems, alcohol or unlawful drugs are prohibited on all ESD grounds, including parking lots, at ESD-sponsored activities and in ESD vehicles.

Any person under age 21 possessing a tobacco product or inhalant delivery system on ESD property, in an ESD facility or while attending an ESD-sponsored activity is in violation of state law and is subject to a court-imposed fine.

Any person who distributes, sells or allows to be sold, tobacco products or any substance sold for the purpose of being smoked, vaporized or aerosolized, in any form, a tobacco-burning or inhalant delivery system device, to a person under 21 years of age is in violation of state law and is subject to a court-imposed fine.

An “unlawful drug” is any drug as defined by the Controlled Substances Act including, but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). As used in this policy, unlawful drug also means possession, use, sale or supply of prescription and nonprescription drugs in violation of Board policy and any accompanying administrative regulation.

Unlawful delivery of a controlled substance to a student or minor within 1,000 feet of ESD property is a Class A felony, as provided by Oregon Revised Statute (ORS) 475.904.

END OF POLICY

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**Legal Reference(s):**

[ORS 153.018](#)  
[ORS 161.605](#)  
[ORS 161.625](#)  
[ORS 163.575](#)  
[ORS 334.125\(7\)](#)  
[ORS 336.067](#)  
[ORS 336.222](#)  
[ORS 336.227](#)  
[ORS 339.240](#)  
[ORS 339.250](#)

[ORS 339.883](#)  
[ORS 431.840](#)  
[ORS 431.845](#)  
[ORS 431A.175](#)  
[ORS 433.835 to -433.990](#)  
[ORS Chapter 475](#)  
  
[OAR 581-021-0050 to -0075](#)  
[OAR 581-021-0110](#)

[OAR 581-022-2045](#)  
[OAR 581-053-0230\(9\)\(s\)](#)  
[OAR 581-053-0330\(1\)\(m\)-\(o\)](#)  
[OAR 581-053-0430\(12\)-\(14\)](#)  
[OAR 581-053-0531\(11\)-\(13\)](#)  
[OAR 581-053-0630](#)  
[OAR 584-020-0040](#)  
  
SB 754 (2017)

Controlled Substances Act, 21 U.S.C. § 812 (2017); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2017).  
Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2017).  
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2017).