

Date of Hearing: April 29, 2025

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 602 (Haney) – As Amended March 13, 2025

**SUBJECT:** Public postsecondary education: student conduct: controlled substances

**SUMMARY:** Establishes an amnesty policy from disciplinary sanctions, if a student, under the influence of drugs, seeks medical assistance for a drug-related overdose either for themselves or for other students on a campus of the California Community College (CCC), the California State University (CSU), and the University of California (UC). Specifically, **this bill:**

- 1) Prohibits the Chancellor of the CCC, the Trustees of the CSU, the Regents of the UC, and every administrator on any campus of the CCC, CSU, or UC from adopting or enforcing a rule that authorizes a disciplinary proceeding and a subsequent, disciplinary sanction for a student who has engaged in the following activities:
  - a) The student while under the influence or in possession for personal use of a controlled substance, sought medical assistance for a person experiencing a drug-related overdose. Provides amnesty for the student who sought the medical attention even if the student was in possession of the drugs that is related to the overdose. Provides the student amnesty only if the student does not obstruct medical or law enforcement personnel.
  - b) The student experienced an overdose and was in need of medical assistance while under the influence or in possession of a controlled substance. Provides amnesty for the student who experiences the overdose received medical assistance regardless of whether the student called for medical assistance or if one or more other students sought medical attention for them.
- 2) Permits the Chancellor of the CCC, the Trustees of the CSU, the Regents of the UC, and every administrator on any campus of the CCC, CSU, or UC to require a student who is seeking amnesty pursuant to (1) of this analysis to participate in an assigned activity, such as participating in meetings with a school counselor or attending a drug education group. Clarifies the assigned activity is not a disciplinary sanction and reiterates the prohibition on sanctioning the student for drug-related activities pursuant to (1).
- 3) Permits the Chancellor of the CCC, the Trustees of the CSU, the Regents of the UC, and every administrator on any campus of the CCC, CSU, or UC to document a student's drug-related behavior, even if the student is provided amnesty from disciplinary sanctions, and any assigned activity required of the student in the student's administrative file. Reiterates the institution may not document any related disciplinary sanctions in the file for activities referenced in (1).

**EXISTING LAW:** *Federal law.*

- 1) Establishes the U.S. Safe and Drug-Free Schools and Communities Act. Requires, as a condition for federal funding, that institution of higher education implement a program to prevent the use of illicit drugs and abuse of alcohol by students and employees. The program must include a standard of conduct policy that prohibits the use of illicit drugs and alcohol by

students and employees on the campus and at institutional activities and requires there to be clear disciplinary sanctions for the violation of the drug and alcohol policy (United States Code Title 20, Chapter 28, Subchapter I, Part B, Section 1011i).

*State law.*

- 1) Establishes the UC as a public trust to be administered by the Regents and grants the Regents full powers of organization and governance subject only to legislative control as necessary to ensure the security of funds, compliance with terms of its endowments, and the statutory requirements around competitive bidding and contracts, sales of property, and the purchase of materials, goods, and services (Article IX, Section (9) (a) of the California Constitution).
- 2) Stipulates no provision of the Donahue Higher Education Act shall apply to the UC unless the UC Regents adopts the provision (Education Code (EDC) Section 67400).
- 3) Establishes the CSU system, made of 23 campuses, and bestows upon the CSU Trustees, through the Board of Trustees, the power, duties, and functions with respect to the management, administration, and control of the CSU system (EDC Section 66606 and 89030 et. Seq.).
- 4) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this state. The CCC shall be comprised of community college districts (EDC Section 70900).
- 5) Establishes that CCC districts are under the control of a board of trustees, known as the governing board, who has the authority to establish, maintain, operate, and govern one or more community colleges, within its district as specified (EDC Section 70902).
- 6) Requires the CCC, the CSU, the UC College of the Law, San Francisco, UC, and any postsecondary education institution receiving public funds for student financial aid to authorize the appropriate officials on each campus to compile records of all occurrences reported to campus police, campus security personnel, or campus safety authorities of and arrests for, crimes that are committed on campus and that involve violence, hate violence, theft, destruction of property, illegal drugs or alcohol intoxication (EDC Section 67380 (a) (1)).
- 7) Requires the CCC, the CSU, and the UC to adopt specific rules and regulations governing student behavior along with the applicable penalties for violations of rules and regulations. The institutions shall adopt procedures by which all students are informed of such rules and regulations with applicable penalties (EDC Section 66300).
- 8) Requires health centers on campus of the CCC and CSU to provide two doses of opioid overdose reversal medication to each housing facility and sorority/fraternity housing on campus. Establishes training for residential advisors and housing managers for how to use the opioid reversal medication. Requires students to be notified each semester or term on the location of the opioid overdose medication on campus. States the primary concern of the CCC and CSU is to keep students safe and that disciplinary measures will not be imposed for incidents that result from the use of the overdose reversal medication (EDC Section 67384.5).

- 9) Requires the governing board of each CCC district and the Trustees of the CSU, and requests the Regents of the UC to do the following:
- a) Collaborate with campus-based and community-based recovery advocacy organizations to provide educational and prevention information provided by the State Department of Public Health about opioid overdose during the campus orientation. The educational and prevention materials should include information about the location of fentanyl test strips and opioid overdose reversal medication on campus.
  - b) Notify students of the locations of fentanyl test strips on campus via email.
  - c) Have each campus health center do the following:
    - i) Apply to use the statewide standing order issued by the State Public Health Officer to distribute dosages of a federally approved opioid overdose reversal medication and to participate in the Naloxone Distribution Project;
    - ii) If approved, distribute the federally approved opioid overdose medication in accordance with the terms and conditions of the State Department of Health Care Services;
    - iii) Stock and distribute fentanyl strips with written instruction on how to properly use the fentanyl test strips (Education Code Section 67384).

**FISCAL EFFECT:** Unknown, as this measure has not been reviewed by the Assembly Committee on Appropriations.

**COMMENTS:** *Purpose.* As stated by the author, “AB 602 confronts California’s campus overdose crisis head-on by removing the threat of academic punishment for students who seek emergency help. Every second counts during an overdose, yet too many students hesitate to call 911—paralyzed by fear that saving a life could cost them their education. This bill makes one thing clear: no student should ever have to choose between saving a life and protecting their future. AB 602 empowers students to act without fear, breaks the cycle of silence and shame, and lays the foundation for safer, more compassionate campuses across California.”

In 2012, the Legislature passed the AB 472 (Ammiano), Chapter 338, Statutes of 2012, which provided amnesty from criminal prosecution for individuals under the influence and in possession of a controlled substance if they were seeking help or receive help for a drug overdose. The author of the measure former-Assemblymember Tom Ammiano explained the need for the measure as, “the demographic of addiction and drug overdose has gone through a sudden transformation in California. In the suburban areas, the emergency rooms, and addictions centers are seeing more and more overdoses among teens and young adults... [AB 472] will protect all our communities.”<sup>1</sup> At the time, California was the 10<sup>th</sup> state in the United States to adopt an amnesty law for those seeking or receiving medical attention for an overdose.<sup>2</sup> Modeled after AB 472 (Ammiano), AB 602 (Haney) will expand the amnesty protections to exempt

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<sup>1</sup> <https://drugpolicy.org/news/bipartisan-support-california-legislature-passes-bill-help-prevent-drug-overdose-deaths/>

<sup>2</sup> <https://drugpolicy.org/news/gov-jerry-brown-signs-911-good-samaritan-law-reduce-drug-overdose-deaths/>

college students on CCC, CSU, and UC campuses from disciplinary sanctions for drug possession and consumption, if the student seeks medical attention.

*Drug-use among college students.* Each year the U.S. Substance Abuse and Mental Health Services Administration issues a “National Survey on Drug Use and Health” to determine the national trends in substance use and mental health among people aged 12 years or older in the United States. The annual report from 2023 contained the following data points regarding drug use among college-age students:

<b>Drug</b>	<b>% of 18-25 year olds who reported using the drug as indicated</b>
Alcohol	49.5% (in the past month)
Binge Drinking	28.7% (in the past month)
Marijuana	25.2% (in the past month)
Cocaine	3.1% (in the past year)
Heroin	0.1% (in the past year)
Methamphetamine	0.3% (in the past year)
Hallucinogens	6.7% (in the past year)
Inhalant	2.0% (in the past year)
Prescription stimulant use (abuse)	3.1% (in the past year)

Source: 2023 National Survey on Drug Use and Health<sup>3</sup>

The American College Health Association conducts a nationally recognized survey that assists colleges and universities in determining the health and wellness of their student population. In fall 2024, 48 institutions participated in the American College Health Association survey with over 33,000 students completing the survey. The below figure conceptualizes the percentage of students, who completed the survey and also indicated ever having used tobacco, alcohol, or other drugs:

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<sup>3</sup> <https://www.samhsa.gov/data/sites/default/files/reports/rpt47095/National%20Report/National%20Report/2023-nsduh-annual-national.pdf>

	Ever Used			
	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Percent (%)				
Tobacco or nicotine delivery products (cigarettes, e-cigarettes, Juul or other vape products, water pipe or hookah, chewing tobacco, cigars, etc.)	28.8	26.4	27.9	27.1
Alcoholic beverages (beer, wine, liquor, etc.)	61.3	64.6	66.0	63.6
Cannabis (marijuana, weed, hash, edibles, vaped cannabis, etc.) <i>[Please report nonmedical use only.]</i>	33.2	34.2	49.6	34.8
Cocaine (coke, crack, etc.)	4.3	2.7	4.0	3.3
Prescription stimulants (Ritalin, Concerta, Dexedrine, Adderall, diet pills, etc.) <i>[Please report nonmedical use only.]</i>	6.3	4.2	6.1	5.0
Methamphetamine (speed, crystal meth, ice, etc.)	1.4	0.8	1.5	1.1
Inhalants (poppers, nitrous, glue, gas, paint thinner, etc.)	4.2	1.7	6.1	2.8
Sedatives or Sleeping Pills (Valium, Ativan, Xanax, Klonopin, Librium, Rohypnol, GHB, etc.) <i>[Please report nonmedical use only.]</i>	3.4	2.9	4.7	3.3
Hallucinogens (Ecstasy, MDMA, Molly, LSD, acid, mushrooms, PCP, Special K, etc.)	8.9	5.4	11.9	6.8
Heroin	0.7	0.3	1.5	0.6
Prescription opioids (morphine, codeine, fentanyl, oxycodone [OxyContin, Percocet], hydrocodone [Vicodin], methadone, buprenorphine [Suboxone], etc.) <i>[Please report nonmedical use only.]</i>	2.9	1.9	3.7	2.4

*\*These figures use all students in the sample as the denominator, rather than just those students who reported lifetime use.*

Source: National College Health Assessment by American College Health Association.<sup>4</sup>

*Student codes of conduct.* The Education Code authorizes the governing boards of each community college, the Board of Trustees of the CSU, and the Board of Regents at the UC to establish student codes of conduct or the “specific rules and regulations governing student behavior.” Both the CSU and the UC have systemwide student codes of conduct that apply to all campuses within the segment. Whereas each community college’s student code of conduct is established by the local governing board; therefore, it is possible for there to be 73 different versions of the student code of conduct throughout the CCC system.

The CSU student code of conduct is memorialized in the California Code of Regulations and states the qualities of behavior a student is to have while on a CSU campus including maintaining a safe and healthy living and learning environment by choosing behaviors that “contribute toward this end.” Grounds for discipline include behavior that is not consistent with the student code of conduct, including, but not limited to:

<sup>4</sup> [https://www.acha.org/wp-content/uploads/NCHA-IIIb\\_FALL\\_2024\\_REFERENCE\\_GROUP\\_EXECUTIVE\\_SUMMARY.pdf](https://www.acha.org/wp-content/uploads/NCHA-IIIb_FALL_2024_REFERENCE_GROUP_EXECUTIVE_SUMMARY.pdf)

- 1) Disorderly, lewd, indecent, or obscene behavior at a University related activity or directed toward a member of the University community;
- 2) Conduct that threatens or endangers the health or safety of any person within or related to the University community, including, physical abuse, threats, intimidation, harassment, or sexual misconduct;
- 3) Use, possession, manufacture, or distribution of illegal drugs or drug-related paraphernalia (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs; and,
- 4) Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by law and University regulations), or public intoxication while on campus or at a University related activity (California Code of Regulations 5 CCR § 41301).

The UC student code of conduct is similar to the CSU's policy and includes a prohibition on the attempt to manufacture, distribute, dispense, or sale of controlled substances or alcohol.<sup>5</sup>

Committee Staff examined the student code of conducts of seven CCC districts located throughout the state and each contained similar provisions to the CSU and UC policy.

*AB 602 would remove the ability for the CCC, CSU, or UC to discipline a student who violated the drug policy for use and possession as listed above if the student called for medical assistance either for themselves or for others.*

Students who are found to have violated the student code of conduct policy are subject to disciplinary proceedings and then only if determined necessary, disciplinary sanctions.

Disciplinary proceedings can include (1) a notice to the student of the disciplinary action, (2) an investigative process, and (3) potential hearing with a determination. A student who is found to have violated the student code of conduct is then subject to a disciplinary sanction which is contingent on the severity of the violation. Disciplinary sanctions include a range of disciplinary actions including, but not limited to: community service, a written warning in the student's file, rehabilitation programs, or expulsion.

*Committee staff note student codes of conduct only apply to actions that occur on campus or during campus-sanctioned events. Therefore, the amnesty policy contained within AB 602 would only apply to drug use, possession, and distribution on campus or during campus-sanctioned events.*

*Existing "Good Samaritan" college campus policies.* According to Students for Sensible Drug Policy, "effective policies protect students whether they are using alcohol or other drugs...[and] Good Samaritan Policies are critical harm reduction tools which should be fully implemented at the campus, local, and state level."<sup>6</sup>

*Committee staff note California already has a statewide "Good Samaritan" law that prevents criminal prosecution for both the caller and the person experiencing the overdose. The language*

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<sup>5</sup> <https://policy.ucop.edu/doc/2710530/pacaos-100>

<sup>6</sup> <https://ssdp.org/our-work/call-911-good-samaritan-policies/#:~:text=A%20campus%20Good%20Samaritan%20Policy,person%20experiencing%20overdose%20is%20exposed>

*of the existing “Good Samaritan” law is similar in nature to AB 602 (Haney); expect, this measure would expand the existing “Good Samaritan” law to include amnesty from disciplinary sanctions.*

None of the public higher education institutions in California contain a systemwide “Good Samaritan Policy” exempting students from disciplinary sanctions for violations of the student code of conduct if they seek or receive medical assistance for drug or alcohol overdoses. Students For Sensible Drug Policy, an organization that promotes student health and safety over criminal action or disciplinary sanctions, maintains a U.S. Campus Policy Gradebook, where it is suggested that most colleges and universities have a policy in place that is “centered on student health, safety, and education rather than punitive enforcement of laws and campus regulations.”<sup>7</sup>

*Committee staff reviewed the “U.S. Campus Policy Gradebook” and found most of the public higher education institutions listed in California do not have a campus-based “Good Samaritan” policies for their students.*

In California, Pepperdine University, Stanford University, UC Davis, and UC Santa Barbara all have a semblance of a “Good Samaritan” policy. Pepperdine University and Stanford University place limits on the amnesty provided to a student through the policy.<sup>8</sup> Specifically, a student only receives amnesty for drug or alcohol use and not possession. All four policies require a student to *complete* educational activities in order to receive the amnesty and provides flexibility to the campus to levy additional disciplinary sanctions should a student continuously need to use the amnesty policy.<sup>9</sup> The policy at UC Davis goes a step further and states a student may only use the “Good Samaritan” policy once in a two-year period.<sup>10</sup>

*AB 602 (Haney) does not require students to complete an assigned activity (educational activity) in order to receive amnesty for violations of the campus’ student code of conduct for drug possession and/or drug use.*

*Furthermore, AB 602 (Haney) removes the ability for public higher education institutions to address repeat violators of the campus’ drug policies if the student continuously seeks medical assistance.*

AB 602 (Haney) prohibits a public higher education from adopting or enforcing a rule that imposes disciplinary sanctions on a student solely on the basis of on the following specified actions:

- 1) Being under the influence or possessing for person use an illicit substance if the student calls for medical assistance due to either their own or another person’s overdose; even, if drug in possession of the caller was related to the overdose. The caller is only given amnesty if they do not interfere with medical personnel; and,

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<sup>7</sup> <https://ssdp.org/our-work/campus-policy-gradebook/>

<sup>8</sup> <https://www.pepperdine.edu/student-life/student-code-of-conduct/good-samaritan.htm> and <https://studentaffairs.stanford.edu/campus-life/policies-processes/alcohol-other-drugs-unpublished/student-alcohol-and-other-drugs>

<sup>9</sup> <https://regulations.sa.ucsb.edu/home> and <https://shcs.ucdavis.edu/health-and-wellness/alcohol-tobacco-and-other-drugs/overdose-information>

<sup>10</sup> <https://shcs.ucdavis.edu/health-and-wellness/alcohol-tobacco-and-other-drugs/overdose-information>

- 2) Experiencing an overdose and being in need of medical assistance while under the influence, possessing for person use an illicit substance, if the student (experiencing the overdose) or others at the scene of the overdose seek medical assistance.

Stanford University has similar language in their Good Samaritan policy; however, Stanford University does not preclude students from receiving additional disciplinary sanctions for violations of the student code of conduct that may have occurred at the scene of the overdose or near the time of the overdose. For example, Stanford University is explicit in that the amnesty provision of their Good Samaritan policy does not extend to incidents involving sexual violence.

*AB 602 (Haney) does not include a specific provision stipulating nothing prohibits the institution from applying additional disciplinary sanctions for other violations of the student code of conduct or other laws governing student behavior.*

During disciplinary proceedings, a public higher education institution must provide evidence as to why a student has violated the student code of conduct and it is possible that AB 602 (Haney) could be interpreted to mean evidence of a student's use or possession could be prohibited from being used as evidence to support non-drug disciplinary sanctions, if it is the sole reason for the additional student code of conduct violations. For example, if a student organization hazing students by having them take drugs or alcohol and the hazed students call 911 due to symptoms, conceptually AB 602 (Haney) would preclude all the students from disciplinary sanction for drug use, possession, and possibly hazing. Similarly, if a student (A) gave another student (B) a date rape drug, and the student (B) had an adverse reaction to it, and called 911, the institution would not be able to discipline student (A).

AB 602 (Haney) applies to the public higher education institutions and removes all forms of disciplinary sanctions for violations of the student code of conduct pertaining to drug possession and use if the student either seeks or receives medical assistance for a drug-overdose. The measure does provide permission for the institutions to require an assigned educational activity, but the measure is silent on whether the student must complete the assigned educational activity.

*Safe and Drug-Free Schools and Communities Act.* Authorized in 1994, the Safe and Drug-Free Schools and Communities Act became a central part of the Federal Government's effort to address the ongoing challenge to prevent youth violence, alcohol, and drug use by creating spaces that were drug and alcohol-free. As stated in the *existing law section of this analysis*, the Safe and Drug-Free Schools and Communities Act requires all postsecondary education institutions that receive federal funds, to a drug and alcohol policy that expressly prohibits the unlawful use, possession, distribution, and manufacture of those items on campus. Furthermore, the Safe and Drug-Free Schools and Communities Act requires disciplinary sanctions to be levied if a student or employee is found to be in violation of the drug and alcohol policy. The Safe and Drug-Free Schools and Communities Act is permissive regarding the type of disciplinary sanctions and states the "sanctions required may include the completion of an appropriate rehabilitation program."

*Since AB 602 (Haney) does not require the completion of the assigned activity, technically no disciplinary sanction is assigned to the drug and alcohol policy violation, therefore, if implemented AB 602 (Haney) would result in the public higher education institutions being in violation of Federal law.*



Contained within the Federal Code of Regulations for Drug and Alcohol Abuse Prevention in the Education Section, institutions of higher education who fail to “consistently enforce its disciplinary sanctions for violations by students and employees of the standards of conduct adopted by the institution rules adopted” are subject to the loss and potential repayment of federal funding (34 CFR 86.300). The regulations state the standards of conduct must include a clear prohibition for the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the higher education institutions campus and as part of any of its activities. Furthermore, the drug and alcohol policy must clearly state the institution of higher education will impose disciplinary sanction, consistent with local, state, and federal laws, for violations of the drug and alcohol prohibition. The regulations stipulate the *completion of an appropriate rehabilitation program*, is an appropriate disciplinary sanction (34 CFR 86.100).

Proponents of Good Samaritan policies have stated the disciplinary sanctions required for the drug and alcohol violations pursuant to the Federal law and regulations, may not apply if a local, state, or federal law stipulates otherwise; since the provisions say the disciplinary sanctions are to be imposed consistent with local or state law. If this were true, every campus of the CCC, CSU, and UC would be permitted to allow students and employees to engage in marijuana activities since state law classifies it as a legal substance. This fact statement is obliterated by the UC’s guidance on use and possession of marijuana on UC property.<sup>11</sup> The guidance clearly states: “Despite Proposition 64 and Proposition 215, in light of Federal law, discussed below, UC policy remains that marijuana is prohibited on all university property and at all university events.” Therefore, the concept state law or local law can subvert the requirement of a disciplinary sanction is not accurate.

The more accurate read of the Federal law and the regulations is to state the “disciplinary sanctions” are to be implemented in compliance with local, state, or federal law; meaning, if the violation of the drug and alcohol policy requires termination or expulsion as delineated by state law, the institutions is required to apply the “disciplinary sanction” of termination or expulsion. The provision does not mean the institution is absolved of adhering to the disciplinary sanction requirement because a state law that prevents institutions from applying their drug and alcohol policies for specific cases.

*Committee staff note federal law preempts state law and therefore, even if this measure were to be signed into law in its current form, it is unlikely any institution would implement the law out of concerns that compliance would results in a loss of federal funding.*

*Arguments in support.* The need for AB 602 (Haney) is expressed by the University of California Student Association as “every community college, CSU, and UC campus has different policies, with no uniform standards across the state. Some schools impose automatic suspensions, while others leave decisions to administrators, resulting in unpredictable and harsh penalties. While some CSU and UC campuses have medical amnesty policies, most only protect students in alcohol-related emergencies, not drug overdoses. The rise of fentanyl has made this issue even more urgent. Opioid overdose deaths in California have more than tripled among people under 34 from 1999 to 2019. In 2022 alone, over 7,000 Californians died from opioid-related overdoses. College students are particularly at risk, with nearly half of full-time students reporting monthly alcohol use and 45% reporting illicit drug use annually... Without a clear,

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<sup>11</sup> <https://www.ucop.edu/safety-and-loss-prevention/environmental/program-resources/uc-smoke-free/marijuana-and-drug-policy.html>

statewide policy, students fear severe consequences for seeking medical help, leading to dangerous delays in life-or-death situations. This legal gap, combined with inconsistent disciplinary policies, has created a crisis on California college campuses—where students are forced to choose between saving a life and protecting their academic future.”

*Committee comments.* In 2024, the Legislature passed AB 1841 (Weber), Chapter 942, Statutes of 2024, which provided doses of naloxone to housing managers and residential advisors who could then administer the overdose reversal medication to students. Additionally, the measure contained an amnesty clause stating, if the naloxone was administered by a residential advisor or a house manager the student would not receive a disciplinary sanction for any violation related to the institution’s student code of conduct for drug possession, use, or treatment that occurred around or near the time of the event. The amnesty was contained to only violations of the campus’s drug policy and not to any additional student code of conduct violations which may have occurred in addition to the drug violation. AB 602 (Haney) expands the existing “Good Samaritan” policy established by AB 1841 (Weber) to all incidents of medical assistance for drug overdoses.

However, as stated above in the *Safe and Drug-Free Schools and Communities Act* section of this analysis, both AB 1841 (Weber) and AB 602 (Haney) require institutions to implement provisions in state law which could be viewed as violations of Federal law. Furthermore, AB 602 (Haney) could contribute to an unsafe campus environment for students if the institutions are unable to address students who repeatedly violate the campus’ drug policies.

*To address the concerns raised in this analysis by addressing the conflict with federal law and to provide flexibility to the institutions to address repeat incidents, the Committee has suggested and the author has accepted the following amendments:*

- 1) Removes the existing language.
- 2) Amends existing law, Section 66300 of the Education Code to read as follows:

66300. (a) The Regents of the University of California, the Trustees of the California State University, and the governing board of every community college district, shall adopt or provide for the adoption of specific rules and regulations governing student behavior along with applicable penalties for violation of the rules and regulations. The institutions shall adopt procedures by which all students are informed of ~~such~~ these rules and regulations, with applicable penalties, and any revisions thereof.

(b) *In adopting the rules and regulations governing student behavior pursuant to subdivision (a), the Regents of the University of California, the Trustees of the California State University, and the governing board of every community college district shall place in the highest priority the health, safety, and well-being of the campus community and shall adopt, or provide for the adoption of, rules and regulations governing student behavior as follows:*

(1) *Students seeking medical treatment for themselves or another person, related to the use of drugs or alcohol, shall not be subject to disciplinary action with respect to the use of drugs or alcohol in violation of the rules and regulations governing student behavior adopted pursuant to subdivision (a) if they complete an appropriate rehabilitation program, as described in subdivision (d).*

*(2) Students receiving medical treatment, related to the use of drugs or alcohol, shall not be subject to disciplinary action with respect to the use of drugs or alcohol in violation of the rules and regulations governing student behavior adopted pursuant to subdivision (a) if they complete an appropriate rehabilitation program, as described in subdivision (d).*

*(3) Students described in paragraphs (1) and (2) who violate rules and regulations related to the use of drugs or alcohol shall be offered the chance to complete an appropriate rehabilitation program, as described in subdivision (d).*

*(c) Subdivision (b) does not preclude disciplinary action for other violations of the rules and regulations governing student behavior adopted pursuant to subdivision (a) not related to drug or alcohol use.*

*(d) In order for the prohibition on disciplinary action pursuant to subdivision (b) to apply to a student related to that student's violation of the institution's rules and regulations on drug and alcohol use, the student shall, pursuant to Section 1011i of Title 20 of the United States Code, be required to complete an appropriate rehabilitation program, which may include, but is not limited to, participating in meetings with a school counselor or attending a drug education group.*

*(e) Nothing in this section shall prohibit the institution from including the activity completed pursuant to subdivision (d) and the exemption provided pursuant to paragraph (b) in a student's administrative file.*

*(f) The prohibition on disciplinary action for drug and alcohol use described in paragraphs (1) and (2) of subdivision (b), and the requirement that the student be offered the chance to complete an appropriate rehabilitation program, as described in paragraph (3) of subdivision (b), shall only apply to a student once in an academic term. For subsequent violations of rules and regulations related to drug and alcohol use in the same academic term, the institution shall subject the student to disciplinary proceedings, and may impose disciplinary action or offer the student the chance to complete an appropriate rehabilitation program.*

*(g) It is the intent of the Legislature for a campus of the community colleges, the California State University, and the University of California to provide restorative justice principles to disciplinary sanctions for drug and alcohol violations to the institution's rules and regulations governing student behavior.*

*(h) This section does not in any way modify or affect the requirements under state or federal law for the reporting of crimes that occur on campus as it pertains to drug possession, drug manufacturing, drug distribution, and drug use.*

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Youth Empowerment Network  
Drug Policy Alliance  
Genup (generation Up)

Mental Health America of California  
National Center for Youth Law (NCYL)  
Steinberg Institute  
University of California Student Association

**Opposition**

None on file.

**Analysis Prepared by:** Ellen Cesaretti-Monroy / HIGHER ED. / (916) 319-3960