

Drug and Alcohol Prevention Policy

As required by the Drug Free Schools and Communities Act Amendments of 1989 (Public Law 101.226. Sec. 22) This policy states HWA's standards of conduct related to drugs and alcohol, a description of the legal sanctions (local, state, and federal) for the unlawful possession or distribution of illicit drugs and alcohol, a description of associated health risks from drug & alcohol abuse, and available counseling and treatment programs available. Heartland Welding Academy is required to evaluate this policy biennially to determine its effectiveness, determine the number of drug and alcohol related violations, the number and type of sanctions imposed, and to ensure that the sanctions are consistently enforced.

Heartland Welding Academy is a drug and alcohol free facility and there is zero-tolerance for the violation of the Drug and Alcohol Policy. Students and HWA personnel who are found to be in violation of this policy are subject to termination as well as legal sanctions as imposed by local, state, and federal law.

Per this policy the following conduct is strictly prohibited:

- Attending class while under the influence of, or impaired by illicit drugs or alcohol
- Public intoxication on HWA property
- The use, possession, manufacture, purchase, sale, or furnishing of illicit drugs, narcotics, or other controlled substances; including marijuana
- The use, possession, manufacture, purchase, sale, or furnishing of alcohol
- Drug paraphernalia on HWA property, including and not limited to personal vehicles, lockers, etc.
- Operating or attempting to operate a vehicle while intoxicated
- Possession or consumption of alcohol by persons under the age of 21
- Furnishing, dispensing, and/or providing alcohol to persons under the age of 21

Any student has the right to inform HWA personnel if aware of any intoxication or substance abuse For-Cause.

Drug Testing

HWA has the right to conduct random drug testing. This applies to HWA staff, current students, and students in the admissions process. Drug testing may be conducted at any time and for any reason deemed necessary by HWA staff or administration.

Federal Law

Penalties for violations of drug and alcohol under federal law for unlawful possession of a controlled substance in violation of 21 U.S.C. §844(a), include:

First Conviction: term of imprisonment of not more than 1 year, a minimum fine of \$1,000, or both.

Second Conviction: At least 15 days in prison but not more than 2 years, minimum fine of \$2,500 but not more than \$250,000 for an individual, or both.

After two convictions: At least 90 days in prison but not more than 3 years, minimum fine of \$5,000 but not more than \$250,000 for an individual, or both.

For more information about maximum penalties for violation of the Federal Controlled Substances Act and Related Laws, see <http://www.fas.org/sgp/crs/misc/RL30722.pdf>

Unlawful distribution of a controlled substance to an individual without that individual's knowledge with the intent to commit a crime of violence, including rape is punishable by up to 20 years of imprisonment; a maximum fine of \$250,000. 21 U.S.C. §841(b)(7).

Unlawful distribution of a controlled substance, possession with intent to distribute, or manufacturing a controlled substance in, on or within 1000 feet of a public college or university is punishable by not less than 1 year of imprisonment and twice the maximum penalty provided by law. For second convictions, the mandatory minimum term of imprisonment is 3 years and three times the maximum punishment provided by law. 21 U.S.C. §860.

Penalties for drug traffickers and possessors also include loss of federal benefits, including student loans and federal financial assistance, and civil penalties up to \$10,000 for each violation. 21 U.S.C. §862 and 21 U.S.C. §844a(a).

Kansas Law

Penalties under Kansas law for the unlawful possession or distribution of drugs are based on the quantity of drug, type of drug, and criminal history of the defendant. See K.S.A. 2012 Supp. 21-5706. Maximum penalties range from fines of \$100,000 to \$500,000 and imprisonment from 10 months to 17 years.

Alcohol-related penalties under State law

It is illegal under Kansas law and local ordinance for a person of any age to consume alcoholic liquor on public property except when permitted by Kansas Board of Regents and University policy. A violation of this state law is punishable by a fine of not less than \$50 nor more than \$200, imprisonment for not more than 6 months, or both.

It is illegal under Kansas law and local ordinances for persons under 21 years of age to possess, consume, obtain, purchase or attempt to obtain alcoholic liquor or cereal malt beverages. Maximum penalties include a fine up to \$500 dollars (a mandatory minimum fine of \$200 for persons 18 and 21 years of age); completion of 40 hours of public service; completion of a community-based alcohol and drug educational or training program with costs assessed to the offender; and mandatory suspension of driving privileges for 30 days for a first conviction; 90 days for a second conviction; and 1 year for a third or subsequent conviction.

Convictions for Driving Under the Influence (DUI) include a mandatory alcohol and drug evaluation and requirement to following any recommendation made as a result of that evaluation with costs assessed

to the defendant, and additional penalties, including:

First Conviction

- A fine of not less than \$750 nor more than \$ 1,000, and
- Imprisonment of not less than 2 days nor more than 6 months.
- Mandatory minimum 48 consecutive hours in imprisonment
- Driving privileges suspended for 30 days, followed by a 180-day ignition interlock restriction

Second Conviction

- A fine of not less than \$1,250 nor more than \$1,750
- Imprisonment of not less than 90 days nor more than 1 year
- Mandatory minimum 120 hours imprisonment
- Driving privileges suspended for one year, followed by a 1 year ignition interlock restriction

Third Conviction

- A fine of not less than \$1,750 nor more than \$2,500
- Imprisonment of not less than 90 days nor more than 1 year
- Mandatory minimum 90 days imprisonment
- Driving privileges suspended for 1 year, followed by a 2 year ignition interlock restriction

Fourth Conviction

- A fine of not less than \$2,500
- Imprisonment of not less than 90 days nor more than 1 year
- Mandatory minimum 90 days of imprisonment
- Driving privileges suspended for 1 year, followed by a 3 year ignition interlock restriction (For a fifth conviction, driving privileges are suspended for 1 year, followed by a 10 year ignition interlock restriction)

Refusal to take a preliminary breath test is a traffic infraction usually resulting in a fine. Refusal to take the breath, blood or urine test offered at the police station for a first offense will result in suspension of driving privileges for one year, and two years required use of an ignition interlock device.

City of Andover controlled substance ordinances (per City Code Chapter 13, Article 4)

Except as authorized by State law, it shall be unlawful within the City for any person to:

- (a) Manufacture any controlled substance or controlled substance analog in violation of K.S.A. 21-5703;
- (b) Cultivate, distribute, or possess any controlled substance or controlled substance analog in violation of K.S.A. 21-5705;
- (c) Possess any controlled substance or controlled substance analog in violation of K.S.A. 21-5706;
- (d) Obtain a prescription-only drug in violation of K.S.A. 21-5708;
- (e) Abuse toxic vapors in violation of K.S.A. 21-5712;

- (f) Distribute, possess, or manufacture any simulated controlled substance in violation of K.S.A. 21-5713;
- (g) Distribute or possess any substance that is not a controlled substance in violation of K.S.A. 21-5714; or
- (h) Receive or acquire proceeds or engage in transactions involving proceeds known to be derived from prohibited activities hereunder in violation of K.S.A. 21-5716.

13-403. Drug Precursors and Paraphernalia; Penalties.

- (a) Except as authorized by State law, it shall be unlawful within the City for any person to:
 - (1) Use or possess those substances set forth in K.S.A. 21-5709(a), (c), and (d) in violation thereof;
 - (2) Use or possess any drug paraphernalia in violation of K.S.A. 21-5709(b).
- (b) In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, those factors set forth in K.S.A. 21-5711.

13-404. Penalties.

Any person who violates Section 13-402 or 13-403 shall be guilty of a Class A misdemeanor. Upon conviction of a violation of Section 13-402 or 13-403, all costs or expenses of any chemical tests of or for a controlled substance together with the costs or expenses associated with the introduction of evidence concerning such testing shall be payable by the defendant as court costs.

Health Risks associate with Drug and Alcohol Abuse

Alcohol: The consumption of alcohol poses several health risks including impaired judgment, impaired coordination, and impaired attention which may lead to difficulty in safely navigating one’s environment or difficulty in safely operating a motor vehicle.

Consuming alcohol may alter a person’s ability to learn or retain information, or negatively impact academic, occupational, or social functioning. At low doses, alcohol causes disinhibition and mood lability, increasing risk of inappropriate sexual acts or aggressive behavior. Alcohol depresses the central nervous system and at high doses can cause respiratory depression and death. Repeated use of alcohol can lead to a maladaptive usage pattern referred to as alcohol dependence.

Alcohol dependence is marked by increased physiological tolerance of alcohol’s effects and alcohol withdrawal upon sudden cessation of use. Alcohol withdrawal symptoms include autonomic hyperactivity such as anxiety, sweating, and tachycardia; tremors, nausea, vomiting, hallucinations, psychomotor agitation, seizures, and death. Long-term use of alcohol can cause permanent damage to vital organs, particularly to the brain and the liver.

Controlled Substances Uses and Effects

Narcotics

- Possible effects: euphoria, drowsiness, depression of respiratory system, GI upset, constricted pupils
- Effects of overdose: Slow shallow respirations, clammy skin, convulsions, coma, and possible death.
- Drugs: Opium, Morphine, Codeine, Heroin, Methadone, Meperidine, Hydromorphone

Depressants

- Possible effects: slurred speech, disorientation, drunken behavior with or without alcohol odor.
- Overdose: Depressed respiratory system, clammy skin, pupils dilated, rapid weak pulse, coma, and possible death
- Drugs: Chloral hydrate, Barbiturates, Benzodiazepines, Quaaludes.

Stimulants

- Possible effects: Increased alertness, inability to sleep, decreased appetite, euphoria, rapid pulse rate and increased blood pressure
- Overdose: Agitation, increase in body temperature, hallucinations, convulsions, possible death
- Drugs: Cocaine, Amphetamines, Phenmetrazine, Methylphenidate

Hallucinogens

- Possible Effects: Poor perception to time and distance, illusions and hallucinations
- Overdose: Longer more intense episodes of euphoria, psychosis, possible death
- Drugs: LSD, Mescaline , Peyote, PCP, Amphetamine variants

Cannabis

- Possible effects: Euphoria, disorientation, increased appetite, relaxed inhibitions
- Overdose: Fatigue, paranoia, possible psychosis
- Drugs: Marijuana, Hashish, Hashish oil

Treatment and Rehabilitation

Heartland Welding Academy will make every effort to assist students or staff in locating the proper community agencies for drug and alcohol related problems. Heartland Welding Academy encourages all students and staff to maintain health lifestyles and to seek help when needed. Please see list below for local agencies.

Kansas Department of Health – Butler County

<https://kdads.ks.gov/kdads-commissions/behavioral-health/services-and-programs/substance-use-disorder-treatment-services>

Kansas Department of Health – Sedgwick County

<https://www.sedgwickcounty.org/comcare/addiction-treatment-services/>

Substance Abuse and Mental Health Services Administration (SAMHSA)



<https://www.samhsa.gov/find-treatment>