

POLICY GBEC

Board of Education Las Cruces Public Schools

Related Entries: GBEC-R, GBGC, GBGC-R

Responsible Office: Associate Superintendent for Operations

Applicable To: Union-Certified Employees Union-Classified Employees Non-Union Employees
 All Employees

DRUG-FREE/ALCOHOL-FREE WORKPLACE

I. PURPOSE

To ensure that the Las Cruces Public Schools maintain drug-free and alcohol-free school buildings and school district facilities.

II. BACKGROUND

The Board of Education recognizes the need for a drug-free/alcohol-free workplace, as part of an educational system focused on providing the best education possible to its students.

III. DEFINITIONS

1. ~~“Alcoholic beverage” means a beverage with no less than one-half percent alcohol and includes wine, beer, fermented, distilled, rectified and fortified beverages NMAC 6.12.4.7A.~~

“Alcoholic beverage” means any beverage containing more than one-half percent alcohol by volume, and includes all distilled or rectified spirits, potable alcohol or any similar alcoholic beverages, including all fermented or blended beverages and dilutions or mixtures of one or more of these alcoholic beverages NMAC 6.12.4.7 A.

2. ~~“Illicit drugs” means steroids, and prescription and over-the-counter medications being used for an abusive purpose or when they are not used in compliance with the prescription or directions for use and are not being used to treat a current health condition, NMAC 6.12.4.7B.~~

“Electronic Nicotine Delivery System (E-cigarette)”:

(a) means any electronic oral device that may be used to stimulate smoking, whether composed of a heating element and battery or an electronic circuit, that provides a vapor of nicotine or any other substances the use or inhalation of which simulates smoking; and

(b) includes any such device, or any part of it, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-cigarillo, e-pipe,

e-hookah or any other product name or descriptor; or related device, and any cartridge but

(c) does not include any product regulated as a drug or device by the United States food and drug administration under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Section 301 et seq. NMAC 6.12.4.7 B.

~~“Mood-altering substances” means substances that include, but are not limited to paint, glue, aerosol sprays and similar substances, NMAC 6.12.4.7C.~~

3. “Illicit drugs” means prescription and over-the-counter medications used for non-medical purposes, or not used as medically prescribed by lawfully authorized practitioners or as directed by the manufacturer’s literature, and include all supplemental dietary or nutrition ergogenic aids, stimulants, nootropics, adaptogens, painkillers, sedatives and anxiolytics, blood boosters and other performance-enhancing drugs NMAC 6.12.4.7 C;

“Drugs” means all drugs, whose possession of which is illegal under federal or state law, or prohibited by State of NM PED statute, including intoxicating inhalants; electronic nicotine delivery systems; e-liquid cartridges or containers; prescriptions and non-prescription; over-the-counter medications used, possessed, or distributed for unauthorized purposes; and counterfeit or look-alike substances SB 433 2015 p. 8 Section 1.

4. “Mood-altering substances” means substances that change, or are capable of changing, a person’s emotional state, and include all stimulants, opioids, intoxicative inhalants and hallucinogens NMAC 6.12.4.7 D.
5. “Nicotine liquid container” means a bottle or other container of any substance containing nicotine where the substance is sold, marketed or intended for use in an e-cigarette NMAC 6.12.4.7 E;
6. “School personnel” includes all administrators, principals, teachers, counselors, social workers, speech therapists, psychologists, nurses, librarians and other support staff who is employed by a school, or who perform services for the school on a contractual basis NMAC 6.12.4.7 F
7. “Tobacco product” means any product made or derived from tobacco that is intended for human consumption, including any component, part or accessory of a tobacco product. This includes, among other products, cigarettes, cigars, pipe tobacco, roll-your-own tobacco, dissolvable tobacco, and smokeless tobacco. Smokeless tobacco means any snuff or chewing tobacco NMAC 6.12.4.7 G; and tobacco that is warmed or heated in any way. However, tobacco product does not include any product that has been approved by the U.S. Food and Drug Administration, pursuant to

its authority over drugs and devices, for sale as a tobacco product use cessation product or for other medical purposes and is being marketed and sold solely for that approved purpose.

IV. POSITION

- A. This policy applies to all school district ~~employees~~ personnel (faculty and staff).
- B. The school district prohibits the use, possession and distribution of tobacco products, electronic nicotine delivery systems, nicotine liquid containers, alcoholic beverages, mood-altering substances, illicit drugs, and drugs possession or use, and illicit drug possession or use by school staff in school buildings and/or on school property, NMAC 6.12.4.8; P.L. 107-110, Title IV, Part A.
- C. The school district will inform school personnel of this policy.
- D. The district will offer confidential services to staff through an Employee Assistance/Wellness Program to help resolve problems, commensurate with federal, state and local statutes, associated from the misuse of alcohol or drugs, 67-9A-27 NMSA 1978 [see LCPS Policy GBGC: Employee Assistance/Wellness].
- E. The Superintendent of Schools shall promulgate a regulation for the enforcement of this policy, which shall include reporting to a designated person, without fear of retaliation, any known or suspected instances of tobacco products, electronic nicotine delivery system, nicotine liquid container, alcoholic beverage, mood-altering substances, illicit drug, or drug possession or use.

V. REVIEW

This policy shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.

Board of Education, President

Date

History: Revised, 5.13.2019; New policy, was previously combined with #206; 10.19.10

Legal Reference: NMAC 6.12.4.8; P.L. 107-110, Title IV, Part A – Safe and Drug-Free Schools and Communities Act