

SUBJECT: DRUG-FREE WORKPLACE

PURPOSE: To ensure that Alma d'arte Charter High School maintains a drug-free and alcohol-free workplace.

BACKGROUND: The Governance Council 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.

DEFINITIONS:

- (A) "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.
- (B) "Electronic Nicotine Delivery System (E-cigarette)":
 - 1. means any electronic oral device that may be used to simulate smoking, whether composed of a heating element and battery or an electronic circuit, that provides a vapor of nicotine or the use of any other substances where inhalation simulates smoking; and
 - 2. 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
 - 3. 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.
- (C) "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;
- (D) "Illicit 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.
- (E) "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.

- (F) “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;
- (G) “School personnel” includes all administrators, principal, teachers, counselors, social workers, speech therapists, psychologists, nurses, librarians Governance Council members, 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
- (H) “Tobacco product and/or nicotine delivery system” 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, smokeless tobacco, and nicotine gum. 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.

POSITION:

- (A) This policy applies to all school personnel.
- (B) The school 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 by school personnel in school buildings, school property, and/or during any school sponsored activities that may be held in a non-school building and/or property. NMAC 6.12.4.8; P.L. 107-110, Title IV, Part A.
- (C) The school will inform school personnel of this policy.
- (D) The school will offer confidential services to staff through an Employee Assistance/Wellness Program (to be developed) to help resolve problems, commensurate with federal, state and local statutes, associated from the misuse of alcohol or drugs, 67-9A-27 NMSA 1978 Assistance/Wellness.
- (E) The CAO/Principal 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.

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

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