

SCHOOL HEALTH MANUAL

CONTENTS--SUBSTANCE ABUSE

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DRUG AND CHEMICAL ABUSE; DISCIPLINE: Title 20-A, sec. 1001

§1001. Duties of school boards

School boards shall perform the following duties:

9. Students expelled or suspended. They shall expel any student who is deliberately disobedient or deliberately disorderly or for infractions of violence or possession, furnishing of or trafficking in any scheduled drug as defined in Title 17-A, chapter 45, after a proper investigation of the student's behavior, and due process; if found necessary for the peace and usefulness of the school; and readmit the student on satisfactory evidence that the behavior that was the cause of the student being expelled will not likely recur. The school board may authorize the principal to suspend students up to a maximum of 10 days for infractions of school rules. In addition to other powers and duties under this subsection, the school board may develop a policy requiring a student who is in violation of school substance abuse or possession rules to participate in substance abuse services as provided in section 6606.

ALCOHOL, DRUG ABUSE: CRIMINAL PENALTIES, References from Maine Law

17-A.M.R.S.A. §§1101 - 1116 (Scheduled Drugs)

[These sections establish criminal penalties for:

-- "Trafficking" (selling, supplying, making, growing, trading, possessing with intent to traffic) a scheduled drug or counterfeit drug -- Possessing a scheduled drug -- Trafficking in hypodermic apparatuses -- Possession of hypodermic apparatuses -- Trafficking imitation scheduled drugs -- Sale and use of drug paraphernalia]

NOTE: These laws were amended to designate butyl nitrite and isobutyl nitrite, commonly referred to as "rush" or "locker room," or as scheduled drugs. These laws were also recently amended to upgrade to aggravated trafficking any sales of drugs on a school bus or on or within 1,000 feet of the real property comprising a public elementary or secondary school.

28-A.M.R..S.A. §2081

[Subject to an exception for supervised home consumption, this section makes it a criminal offense for a person to knowingly:

- Procure, or in any way aid or assist in procuring, furnish, give or deliver liquor for or to a minor or visibly intoxicated person; or
- Allow any minor under his control, in any place under his control, to consume liquor.]

TITLE 32; COUNSELING, TREATMENT OF DRUG ABUSERS: Excerpts

§3292. Treatment of minors

Any [physician] person licensed under this chapter who renders medical care to a minor for treatment of venereal disease or abuse of drugs is under no obligation to obtain the consent of said minor's parent or guardian or to inform such parent or guardian of such treatment. Nothing in this section shall be construed so as to prohibit the licensed person rendering such treatment from informing such parent or guardian. For purposes of this section "abuse of drugs" means the use of drugs solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment.

§3817. Services to minors for drug abuse

Any person [psychologist] licensed under this chapter who renders psychological services to a minor for problems associated with the abuse of drugs is under no obligation to obtain the consent of said minor's parent or guardian or to inform such parent or guardian of such services. Nothing in this section shall be construed so as to prohibit the licensed person rendering such services from informing such parent or guardian. For purposes of this section "abuse of drugs" means the use of drugs solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment.

§4185-A. Services to minors for drug abuse

Any person [registered social worker] certified under this chapter who renders social work services to a minor for problems associated with the abuse of drugs is under no obligation to obtain the consent of said minor's parent or guardian or to inform such parent or guardian of such treatment. Nothing in this section shall be construed so as to prohibit the licensed person rendering such treatment from informing such parent or guardian. For purposes of this section "abuse of drugs" means the use of drugs solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment.

AN ACT TO STRENGTHEN DRUG ABUSE TREATMENT FOR CHILDREN OF SCHOOL AGE -A MRSA §6606 is enacted to read:

§6606. Participation in substance abuse services

In compliance with written school policy adopted by a school board, the school board may require that a student who has been determined to be in violation of school rules governing substance abuse or alcohol or drug possession participate in a substance abuse assessment, education or support group service offered by the school. The school board

shall provide for notice to the parents or legal guardian of a student required to participate in such services. If the school board elects to do so, it may request a parent or legal guardian to participate in the services.

TOBACCO

P.L. 1987, c. 687 22 MRSA §1578-B [Tobacco Use in Elementary and Secondary Schools Prohibited]

1. Definitions As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

(a) Elementary or secondary school - "Elementary or secondary school" means any public elementary or secondary school approved in accordance with Title 20-A, chapter 206,

~~chapter 206~~ ~~chapter 206~~ - "Principal" has the same meaning as defined in Title 20-A, section 1, subsection 21.

(c) Student - "Student" means any elementary or secondary student enrolled in an elementary or secondary school as defined in Title 20-A, chapter 1.

(d) Tobacco use - "Tobacco use" includes smoking, which means carrying or having in one's possession a lighted cigarette, cigar, pipe or other object giving off or containing any substance giving off smoke, and the use of smokeless tobacco.

1. Prohibition - "Prohibition" means except as provided in subsections 3 and 4, no student or school employee is allowed to use tobacco in the buildings or on the grounds of any elementary or secondary schools while school is in session.
2. Exceptions - "Exceptions" means tobacco use may be permitted in classrooms only as part of a bona fide demonstration during a class lesson, with prior notice being given to the school's administrator.
3. Employees - "Employees" means school employees are prohibited from tobacco use in school buildings or on school grounds, except that a local school board may establish a designated smoking area or areas in accordance with section 1580-A, subsection 3, and employees may reopen collective bargaining negotiations in accordance with section 1578-A, subsection 4, for the purpose of bargaining for smoking areas. Any school employee smoking area shall be located away from areas frequented by students.
4. Public - "Public" means tobacco use by any member of the public, other than an employee or student, in school buildings and on school grounds shall be governed by section 1578-A.
5. Enforcement - "Enforcement" means the principal of the elementary or secondary school, or the principal's designee, shall enforce the law prohibiting and restricting tobacco use under this section.

22 MRSA S1580-A [Smoking in places of employment]

3. Policy Notice. Each employer shall establish, or may negotiate through the collective bargaining process, a written policy concerning smoking and nonsmoking by employees in that portion of any business facility for which he is responsible. In order to protect the employer and employees from the detrimental effects of smoking by others, the policy shall prohibit smoking except in designated smoking areas. The policy may prohibit smoking throughout the business facility. The employer shall post and supervise the implementation of the policy. The employer shall provide a copy of this policy to any employee upon request. Nothing in this section may be construed to subject an employer to any additional liability, other than liability which may exist by law, for harm to an employee from smoking by others in any business facility covered by this section.

The Bureau of Health shall accept inquiries from employers and employees and shall, when requested, assist employers in developing a policy.

AN ACT TO REDUCE TOBACCO USE BY JUVENILES
Pubic Law, c.470, October 1995 (Excerpts)

Chapter 262-A: Retain Tobacco Sales
Subchapter 1: Retain Tobacco Licenses

§1551. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Cigarette paper. "Cigarette paper" means those papers or paper-like products used to roll cigarettes, which by advertising, design of use facilitate the use of tobacco or other products for inhalation.
2. Juvenile. "Juvenile" means any individual who is younger than 18 years of age.
3. Tobacco products. "Tobacco products" includes any form of tobacco and any material or device used in the smoking, chewing or other form of tobacco consumption, including cigarette papers and pipes.
4. Vending machine. "Vending machine" means any automated self-service device that upon insertion of money, tokens or any other form of payment, dispenses cigarettes or any other tobacco product.

§1555. Sales of tobacco products to juveniles

1. Sale and distribution: penalty. Any person may not knowingly sell, furnish, give away or offer to sell, furnish or give away cigarettes, cigarette paper or any other tobacco product to any person under 18 years of age....in any place, including, but not limited to, a public way or sidewalk, public part or playground, public school or other public

building or an entranceway, lobby, hall or other common area of a private building, shopping center or mall.

It is a civil violation for any person, firm or corporation to knowingly distribute or sell cigarettes or any other tobacco product from a vending machine to a person under 18 years of age. Violators are subject to the penalties established in this section.

2. Prohibition: false identification, purchase, possession and use by juveniles, forfeitures. It is unlawful for any person under 18 years of age to offer false identification in an attempt to purchase any tobacco products or to purchase, possess or use cigarettes, cigarette paper or any other tobacco product. Any person who violates this section commits a civil violation for which the following forfeitures may be adjudged.

A. For a first offense, a forfeiture of not less than \$100 and not more than \$300 may be imposed. The judge, as a alternative to or in addition to the forfeiture...may assign the violator to perform specified work for the benefit of the State, the municipality or other public entity or a charitable institution.

B. For a second offense, a forfeiture of not less than \$200 and not more than \$500 may be imposed. The judge, as a alternative to or in addition to the forfeiture...may assign the violator to perform specified work for the benefit of the State, the municipality or other public entity or a charitable institution.

C. For all subsequent offenses, a forfeiture of \$500 must be imposed and that forfeiture may not be suspended. The judge, as a alternative to or in addition to the forfeiture...may assign the violator to perform specified work for the benefit of the State, the municipality or other public entity or a charitable institution.

Nancy Dube, School Nurse Consultant
Department of Education
624-6688, Nancy.Dube@Maine.Gov