

## CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 602 Author:(Haney)

As Amended Ver:June 16, 2025

Majority vote

**SUMMARY**

Establishes an amnesty policy from specified disciplinary sanctions for students who seek medical attention for a drug overdose at the California State University (CSU) and the University of California (UC).

**Senate Amendments**

- 1) Delays the adoption of the rules and regulations related to an amnesty policy until July 1, 2026;
- 2) Clarifies a student who receives medical attention for a drug overdose is to be provided the opportunity to complete an appropriate rehabilitation instead of receiving disciplinary actions related to personal drug and alcohol use; however, the amnesty does not extend to other student code of conduct violations and subsequent disciplinary actions for other violations committed by the student;
- 3) Permits the CSU and UC to set a timeframe by which the student must complete an appropriate rehabilitation program to maintain amnesty from disciplinary actions related to a personal drug or alcohol overdose where medical assistance is provided;
- 4) Clarifies the student may only use the amnesty policy once per semester, quarter, and terms as defined by the campus;
- 5) Defines "appropriate rehabilitation program" with appropriate counseling, treatment, rehabilitation, or other diversion program, and may include, but is not limited to, participating in meetings with a school counselor or attending a drug education group.

**COMMENTS**

*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 showed that in the last month: 49.5% of college students drank alcohol, 25.2% used marijuana, and more than 5% used an illicit drug.

*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.

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:

- 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 Section 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.

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.

*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."

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 use.

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. 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. 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.

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.

*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. 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."

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). This measure requires the CSU and UC to

### **According to the Author**

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."

### **Arguments in Support**

The need for AB 602 (Haney) is expressed by the University of California Student Association as "every 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, 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.”

### **Arguments in Opposition**

None on file.

### **FISCAL COMMENTS**

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

### **VOTES:**

#### **ASM HIGHER EDUCATION: 6-3-1**

**YES:** Fong, Boerner, Jackson, Muratsuchi, Patel, Celeste Rodriguez

**NO:** DeMaio, Jeff Gonzalez, Tangipa

**ABS, ABST OR NV:** Sharp-Collins

#### **ASM APPROPRIATIONS: 12-2-1**

**YES:** Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta

**NO:** Dixon, Tangipa

**ABS, ABST OR NV:** Sanchez

#### **ASSEMBLY FLOOR: 59-13-7**

**YES:** Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Solache, Soria, Stefani, Ta, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

**NO:** Alanis, Davies, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Macedo, Patterson, Sanchez, Tangipa

**ABS, ABST OR NV:** Bains, Castillo, Chen, Hoover, Irwin, Lackey, Sharp-Collins

### **UPDATED**

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