

## **Drug-Free School & Workplace Program**

It is one of the goals at High Desert Medical College to maintain a safe and healthy environment. High Desert Medical College strives to provide this environment for all students, faculty, and staff. The policies detailed apply to all members of High Desert Medical College unless otherwise specifically stated.

High Desert Medical College, as an employer and educator, is concerned about the use and effects of alcohol and illicit drugs. In compliance with the *Drug Free Schools and Communities Act (DFSCA) Amendment of 1989*, High Desert Medical College is required to:

- establish a drug-free campus policy and awareness program
- publish and distribute information about the dangers of alcohol and drug (substance) abuse
- promote available counseling, rehabilitation, and assistance
- make known the penalties associated with substance abuse

### **Standards of Conduct**

High Desert Medical College's goal of maintaining an academic environment free from the use and influence of alcohol and unlawful drugs requires that the following standards of conduct be in force always. It is expected that all members of High Desert Medical College will conduct themselves in a manner that will help ensure a drug- and alcohol-free learning and working experience.

Being under the influence of any drug or alcoholic beverage while on the job or in school poses serious risks to individuals' health and safety.

- ***The college absolutely prohibits the use, sale, purchase, transfer, or possession of any illegal or nonprescribed drug by any individual at any time.***

In addition, it strictly prohibits individuals from being under the influence of alcohol or any drug while on duty, in classes, and performing business for the college, including driving college-owned or leased vehicles.

The possession or use of marijuana on campus is prohibited under federal law and the college's current policies. Staff, faculty, and students who violate these policies will continue to be subject to disciplinary action up to and including termination.

With the exception of marijuana, legally prescribed medications that do not adversely affect the work ability, job performance, or safety of that individual or others, are an exception to this policy.

It is also expected that all students, faculty, and staff will be considered “fit for duty” while at High Desert Medical College or conducting college business. Inability to perform work safely and efficiently or absences considered excessive shall be cause for concern and could result in disciplinary action up to and including termination and dismissal depending on the frequency and seriousness of the occurrences.

## **Counseling and Medical Assistance**

It is the individual’s responsibility to seek assistance or intervention for alcohol or drug abuse or dependency. Personal concerns may be discussed confidentially with the Director of Student and Career Services.

Consultation and referrals are also available for students through the Student Services Department. These services are confidential and free of charge.

A comprehensive list of off-campus resources is also available from the Student Services office.

Students who require time away from their studies for purposes of rehabilitation may apply for a leave of absence by following the procedures outlined in **Leave of Absence, Withdrawal, and/or Reinstatement Policies** located in the School Catalog.

# **Drug Regulations and Controlled Substance Laws**

The use, possession, sale, or transfer of narcotics, drugs or hallucinogens is prohibited on campus, except as permitted by law.

The summary below is intended to provide an overview of some of the sections relevant to High Desert Medical College students. It is not intended as a substitute for professional legal advice. Those needing legal advice should consult an attorney.

## **Laws Concerning Controlled Substances**

### **Controlled Substances:**

“Controlled Substances” are regulated drugs that have been determined to have special “abuse potential”. Such drugs include; marijuana, hashish or has oil, cocaine, LSD and other hallucinogens, barbiturates and other sedative-hypnotics, amphetamines and other prescription stimulants, MDMA (Ecstasy), PCP, and similar drugs. It is illegal under both state and federal law to:

- Manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.
- Deal in a substance represented to be a controlled substance (including counterfeit, “look-alike” drugs)
- Manufacture, advertise, distribute, or possess with intent to manufacture, advertise or distribute a substance represented to be a controlled substance.
- Possess, without a valid prescription, a controlled substance.
- Visit a building, structure, vehicle, or other place used by person to unlawfully use a controlled substance.
- Possess, manufacture, dealing, or deliver drug paraphernalia (an instrument, device, or other object intended for use for introducing a controlled substance into a body or for enhancing the effect or testing a controlled substance).

Criminal sanctions for such violations can include fines from \$250.00 to \$50,000.00 under state law and up to \$25,000.00 under Federal Law, and imprisonment in a state prison for up to 50 years or in a federal prison for up to life. The sanction imposed will be determined by; (1) the classification of the controlled substance, (2) the quantity involved, (3) the nature of the offense (sale, use, ect.), (4) the age of the recipient (higher penalties for possession, sale or delivery near a school, ect.) and (5) the prior criminal record of the offender. More detailed information

may be obtained by consulting the California Criminal Code or the Federal Controlled Substances Act, as amended.

**Federal Student Financial Aid Recipients:**

Students who receive federal aid are required to disclose on the FAFSA any drug convictions that occurred while receiving federal aid. A drug conviction while receiving federal aid can result in suspension of eligibility and a requirement to return financial aid received during a period of ineligibility. Students who lose eligibility to a drug conviction can seek restoration of eligibility.

## **Health Risks of Other Drugs**

Aside from alcohol, there are several drugs that can also cause severe damage to your body.

We ask that you read and become familiar with these drugs so that you can make an informed decision. Again, High Desert Medical College does not tolerate drug use of any kind.

The follow information was adapted in part from U. S. Department of Education.

**Marijuana, Hashish, and Hash Oil:**

All forms of marijuana have negative physical and mental effects. Several regularly observed effects of marijuana are a substantial increase in the heart rate, bloodshot eyes, a dry mouth and throat, and increased appetite.

Use of marijuana may impair or reduce short-term memory and comprehension, alter sense of time, and reduce the ability to perform tasks requiring concentration and coordination, such as driving a car. Research also shows that students do not retain knowledge when they are "high." Motivation and cognition may be altered, making the acquisition of additional information difficult. Marijuana can also produce paranoia and psychosis.

Because users often inhale the unfiltered smoke deeply and then hold it in their lungs as long as possible, marijuana is damaging to the lungs and pulmonary system. Marijuana smoke contains more cancer-causing agents than tobacco. Long-term users of marijuana may develop psychological dependence and require more of the drug to get the same effect. The drug can become the center of their lives.

**Cocaine:**

Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature. Occasional use can cause a stuffy or runny nose while chronic use can ulcerate the mucous membrane of the nose.

Injecting cocaine with un-sterile equipment is known to transmit the virus that causes AIDS, hepatitis, and other diseases. Preparation of freebase, which involves the use of volatile solvents, can result in death or injury from fire or explosion. Cocaine can produce psychological and physical dependency, a feeling that the user cannot function without the drug. In addition, tolerance develops rapidly. Crack or freebase rock is extremely addictive, and its effects are felt within 10 seconds. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia, and seizures. The use of cocaine can cause death by disrupting the brain's control of the heart and respiration.

**Hallucinogens:**

Phencyclidine (PCP) interrupts the functions of the neocortex, the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries. The effects of PCP vary, but users frequently report a sense of distance and estrangement. Time and body movements are slowed down. Muscular coordination worsens and senses are dulled. Speech is blocked and incoherent.

Chronic users of PCP report persistent memory problems and speech difficulties. Some of these effects may last six months to a year following prolonged daily use. Mood disorders--depression, anxiety, and violent behavior--also occur. In later stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Large doses may produce convulsions and coma, heart and lung failure, or ruptured blood vessels in the brain. Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness, and tremors.

Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to LSD, mescaline, and psilocybin. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects or flashbacks can occur even after use has ceased.

**California Tobacco Laws**

**AB-13 FACT SHEET - CALIFORNIA WORKPLACE SMOKING  
RESTRICTIONS**

*Prepared October 1997 by the Cal/OSHA Consultation Service*

This fact sheet summarizes the provisions of Labor Code Section 6404.5 prohibiting smoking in places of employment. This summary information should not be relied upon as legal advice. A copy of Section 6404.5 is attached with this Fact Sheet.

Effective Date January 1, 1995

General Provision "No employer shall knowingly or intentionally permit, and no person shall engage in, the smoking of tobacco products in an enclosed space at a place of employment."

Enforcement This law will be enforced by local law enforcement agencies, including but not limited to, local health departments.

For workplaces covered by AB-13, Cal/OSHA is required to respond to complaints regarding smoking in places of employment only after the employer has been found guilty of three violations of this law within the previous year. Complaints received by Cal/OSHA regarding smoking in workplaces not covered by AB-13 smoking restrictions (see Workplace Exceptions below) will result in a letter directing the employer to investigate and correct the problem.

Workplace Exceptions See page 3 of this fact sheet for the complete list from AB-13.

In addition to workplaces specifically listed on page 3 of this fact sheet, any employer with five or fewer employees (full or part-time) may permit smoking where:

The smoking area is not accessible to minors.

All employees who enter the smoking area consent to permit smoking, and no one is required as part of their job to work in an area where smoking is permitted.

Air from the smoking area is exhausted directly outside.

Maximum Fines from Local Agencies

1st violation - \$100

2nd violation - \$200

3rd and subsequent violations - \$500

Maximum Fines from Cal/OSHA After a 3rd violation within the previous year, Cal/OSHA is required to investigate complaints and may cite employers with fines up to \$7,000 for violations classified as general or serious, and fines up to \$70,000 for violations classified as willful serious. Violations can be classified as serious depending upon specific circumstances. For example, where the exposure to second hand smoke causes a serious asthma attack which could have been prevented the violation may be cited as serious.

Breakrooms Breakrooms are exempted from the smoking ban provided air from the room is exhausted directly to the outside by an exhaust fan and the rooms are in a nonwork area where employees are not required to be present as part of their work responsibilities other than custodial or maintenance work when the room is unoccupied.

Where they are provided for smokers, there must also be a sufficient number of breakrooms to accommodate nonsmokers. However, the law does not require employers to provide smoking areas or breakrooms for smokers, or to provide breakrooms for nonsmokers where they are not provided for smokers.

Adequate Compliance Measures (specified in AB-13)

Posting of clear and prominent signs stating, "No Smoking" at entrances to buildings where smoking is prohibited throughout;

In buildings where smoking is permitted in designated areas, posting of a sign at the building entrance stating, "Smoking is prohibited except in designated areas;" and

Requesting that nonemployees smoking in prohibited areas refrain from doing so unless such a request would involve a risk of physical harm to the employer or any employee.

Note: Employers are not required to physically eject smoking nonemployees from workplaces.

Supersedes Local Laws This law supersedes and pre-empts local laws, ordinances, and regulations with respect to smoking in enclosed places of employment. However, the law does not supersede local authority to regulate work environments exempted from coverage in the law and to require provision of breakrooms for smokers and nonsmokers. This law also does not prevent employers from enacting more restrictive smoking prohibitions in their workplaces.

Workplaces, or portions thereof, not covered by Labor Code Section 6404.5 (AB-13) smoking restrictions:<sup>1</sup>

65% of the guest rooms of hotels, motels, and similar transient lodging;

Lobby areas of hotels, motels, and similar transient lodging designated for smoking (not to exceed 25% of the total lobby floor area or, if the lobby area is 2,000 square feet or less, not to exceed 50% of the total lobby floor area);

Meeting and banquet rooms except while food or beverage functions are taking place (including set-up, service, and clean-up activities or when the room is being used for exhibit activities);

Retail or wholesale tobacco shops and private smoker's lounges;

Truck cabs or truck tractors, if no nonsmoking employees are present;

Warehouse facilities with more than 100,00 square feet of total floor space and 20 or fewer full-time employees working at the facility, but does not include any area within such a facility that is utilized as office space;

Theatrical production sites, if smoking is an integral part of the story;

Medical research or treatment sites, if smoking is integral to the research or treatment being conducted;

Private residences, except for homes licensed as family day care homes, during the hours of operation and in those areas where children are present;

Patient smoking areas in long-term health care facilities.

Breakrooms designated by employers for smoking, under specified conditions (see page 2 of fact sheet); and

Employers with five or fewer full or part-time employees, under specified conditions (see page 1 of fact sheet).

<sup>1</sup>An exemption for gaming clubs, bars, and taverns expires January 1, 1998.

LABOR CODE SECTION 6404.5 Smoking in Places of Employment Prohibited - Exceptions  
(Source: [www.leginfo.ca.gov](http://www.leginfo.ca.gov) 10/10/97)

6404.5. (a)The Legislature finds and declares that regulation of smoking in the workplace is a matter of statewide interest and concern. It is the intent of the Legislature in enacting this section to prohibit the smoking of tobacco products in all (100 percent of) enclosed places of employment in this state, as covered by this section, thereby eliminating the need of local governments to enact workplace smoking restrictions within their respective jurisdictions. It is further the intent of the Legislature to create a uniform statewide standard to restrict and prohibit

the smoking of tobacco products in enclosed places of employment, as specified in this section, in order to reduce employee exposure to environmental tobacco smoke to a level that will prevent anything other than insignificantly harmful effects to exposed employees, and also to eliminate the confusion and hardship that can result from enactment or enforcement of disparate local workplace smoking restrictions. Notwithstanding any other provision of this section, it is the intent of the Legislature that any area not defined as a "place of employment" pursuant to subdivision (d) or in which the smoking of tobacco products is not regulated pursuant to subdivision (e) shall be subject to local regulation of smoking of tobacco products.

(b) No employer shall knowingly or intentionally permit, and no person shall engage in, the smoking of tobacco products in an enclosed space at a place of employment.

(c) For purposes of this section, an employer who permits any nonemployee access to his or her place of employment on a regular basis has not acted knowingly or intentionally if he or she has taken the following reasonable steps to prevent smoking by a nonemployee:

(1) Posted clear and prominent signs, as follows:

(A) Where smoking is prohibited throughout the building or structure, a sign stating, "No smoking" shall be posted at each entrance to the building or structure.

(B) Where smoking is permitted in designated areas of the building or structure, a sign stating, "Smoking is prohibited except in designated areas" shall be posted at each entrance to the building or structure.

(2) Has requested, when appropriate, that a nonemployee who is smoking refrain from smoking in the enclosed workplace.

For purposes of this subdivision, "reasonable steps" does not include (A) the physical ejection of a nonemployee from the place of employment or (B) any requirement for making a request to a nonemployee to refrain from smoking, under circumstances involving a risk of physical harm to the employer or any employee.

(d) For purposes of this section, "place of employment" does not include any of the following:

(1) Sixty-five percent of the guest room accommodations in a hotel, motel, or similar transient lodging establishment.

(2) Areas of the lobby in a hotel, motel, or other similar transient lodging establishment designated for smoking by the establishment. Such an establishment may permit smoking in a designated lobby area that does not exceed 25 percent of the total floor area of the lobby or, if the total area of the lobby is 2,000 square feet or less, that does not exceed 50 percent of the total floor area of the lobby. For purposes of this paragraph, "lobby" means the common public

area of such an establishment in which registration and other similar or related transactions, or both, are conducted and in which the establishment's guests and members of the public typically congregate.

(3) Meeting and banquet rooms in a hotel, motel, other transient lodging establishment similar to a hotel or motel, restaurant, or public convention center, except while food or beverage functions are taking place, including setup, service, and cleanup activities, or when the room is being used for exhibit purposes. At times when smoking is not permitted in such a meeting or banquet room pursuant to this paragraph, the establishment may permit smoking in corridors and prefunction areas adjacent to and serving the meeting or banquet room if no employee is stationed in that corridor or area on other than a passing basis.

(4) Retail or wholesale tobacco shops and private smoker's lounges. For purposes of this paragraph:

(A) "Private smokers lounge" means any enclosed area in or attached to a retail or wholesale tobacco shop that is dedicated to the use of tobacco products, including, but not limited to, cigars and pipes.

(B) "Retail or wholesale tobacco shop" means any business establishment the main purpose of which is the sale of tobacco products, including, but not limited to, cigars, pipe tobacco, and smoking accessories.

(5) Cabs of motor trucks, as defined in Section 410 of the Vehicle Code, or truck tractors, as defined in Section 655 of the Vehicle Code, if no nonsmoking employees are present.

(6) Warehouse facilities. For purposes of this paragraph, "warehouse facility" means a warehouse facility with more than 100,000 square feet of total floor space, and 20 or fewer full-time employees working at the facility, but does not include any area within such a facility that is utilized as office space.

(7) Gaming clubs, in which smoking is permitted by subdivision(f). For purposes of this paragraph, "gaming club" means any gaming club, as defined in Section 19802 of the Business and Professions Code, or bingo facility, as defined in Section 326.5 of the Penal Code, that restricts access to minors under 18 years of age.

(8) Bars and taverns, in which smoking is permitted by subdivision (f). For purposes of this paragraph, "bar" or "tavern" means a facility primarily devoted to the serving of alcoholic beverages for consumption by guests on the premises, in which the serving of food is incidental. "Bar or tavern" includes those facilities located within a hotel, motel, or other similar transient occupancy establishment. However, when located within a building in conjunction with another

use, including a restaurant, "bar" or "tavern" includes only those areas used primarily for the sale

and service of alcoholic beverages. "Bar" or "tavern" does not include the dining areas of a restaurant, regardless of whether alcoholic beverages are served therein.

(9) Theatrical production sites, if smoking is an integral part of the story in the theatrical production.

(10) Medical research or treatment sites, if smoking is integral to the research and treatment being conducted.

(11) Private residences, except for private residences licensed as family day care homes, during the hours of operation as family day care homes and in those areas where children are present.

(12) Patient smoking areas in long-term health care facilities, as defined in Section 1418 of the Health and Safety Code.

(13) Breakrooms designated by employers for smoking, provided that all of the following conditions are met:

(A) Air from the smoking room shall be exhausted directly to the outside by an exhaust fan. Air from the smoking room shall not be recirculated to other parts of the building.

(B) The employer shall comply with any ventilation standard or other standard utilizing appropriate technology, including, but not limited to, mechanical, electronic, and biotechnical systems, adopted by the Occupational Safety and Health Standards Board or the federal Environmental Protection Agency. If both adopt inconsistent standards, the ventilation standards of the Occupational Safety and Health Standards Board shall be no less stringent than the standards adopted by the federal Environmental Protection Agency.

(C) The smoking room shall be located in a nonwork area where no one, as part of his or her work responsibilities, is required to enter. For purposes of this paragraph, "work responsibilities" does not include any custodial or maintenance work carried out in the breakroom when it is unoccupied.

(D) There are sufficient nonsmoking breakrooms to accommodate nonsmokers.

(14) Employers with a total of five or fewer employees, either full-time or part-time, may permit smoking where all of the following conditions are met:

(A) The smoking area is not accessible to minors.

(B) All employees who enter the smoking area consent to permit smoking. No one, as part of his or her work responsibilities, shall be required to work in an area where smoking is permitted. An employer who is determined by the division to have used coercion to obtain consent or who has required an employee to work in the smoking area shall be subject to the penalty provisions of Section 6427.

(C) Air from the smoking area shall be exhausted directly to the outside by an exhaust fan. Air from the smoking area shall not be recirculated to other parts of the building.

(D) The employer shall comply with any ventilation standard or other standard utilizing appropriate technology, including, but not limited to, mechanical, electronic, and biotechnical systems, adopted by the Occupational Safety and Health Standards Board or the federal

Environmental Protection Agency. If both adopt inconsistent standards, the ventilation standards of the Occupational Safety and Health Standards Board shall be no less stringent than the standards adopted by the federal Environmental Protection Agency.

This paragraph shall not be construed to (i) supersede or render inapplicable any condition or limitation on smoking areas made applicable to specific types of business establishments by any other paragraph of this subdivision or (ii) apply in lieu of any otherwise applicable paragraph of this subdivision that has become inoperative.

(e) Paragraphs (13) and (14) of subdivision (d) shall not be construed to require employers to provide reasonable accommodation to smokers, or to provide breakrooms for smokers or nonsmokers.

(f) (1) Except as otherwise provided in this subdivision, smoking may be permitted in gaming clubs, as defined in paragraph (7) of subdivision (d), and in bars and taverns, as defined in paragraph (8) of subdivision (d), until the earlier of the following:

(A) January 1, 1998.

(B) The date of adoption of a regulation (i) by the Occupational Safety and Health Standards Board reducing the permissible employee exposure level to environmental tobacco smoke to a level that will prevent anything other than insignificantly harmful effects to exposed employees or (ii) by the federal Environmental Protection Agency establishing a standard for reduction of permissible exposure to environmental tobacco smoke to an exposure level that will prevent anything other than insignificantly harmful effects to exposed persons.

(2) If a regulation specified in subparagraph (B) of paragraph (1) is adopted on or before January 1, 1998, smoking may thereafter be permitted in gaming clubs and in bars and taverns, subject to full compliance with, or conformity to, the standard in the regulation within two years

following the date of adoption of the regulation. An employer failing to achieve compliance with, or conformity to, the regulation within this two-year period shall prohibit smoking in the gaming club, bar, or tavern until compliance or conformity is achieved. If the Occupational Safety and Health Standards Board and the federal Environmental Protection Agency both adopt

regulations specified in subparagraph (B) of paragraph (1) that are inconsistent, the regulations of the Occupational Safety Standards Board shall be no less stringent than the regulations of the federal Environmental Protection Agency.

(3) If a regulation specified in subparagraph (B) of paragraph (1) is not adopted on or before January 1, 1998, the exemptions specified in paragraphs (7) and (8) of subdivision (d) shall be inoperative on and after January 1, 1998, until such a regulation is adopted. Upon adoption of such a regulation on or after January 1, 1998, smoking may thereafter be permitted in gaming clubs and in bars and taverns, subject to full compliance with, or conformity to, the standard in

the regulation within two years following the date of adoption of the regulation. An employer failing to achieve compliance with, or conformity to, the regulation within this two-year period shall prohibit smoking in the gaming club, bar, or tavern until compliance or conformity is achieved. If the Occupational Safety and Health Standards Board and the federal Environmental Protection Agency both adopt regulations specified in subparagraph (B) of paragraph (1) that are inconsistent, the regulations of the Occupational Safety and Health Standards Board shall be no less stringent than the regulations of the federal Environmental Protection Agency.

(4) From January 1, 1997, to December 31, 1997, inclusive, smoking may be permitted in gaming clubs, as defined in paragraph (7) of subdivision (d), and in bars and taverns, as defined in paragraph (8) of subdivision (d), subject to both of the following conditions:

(A) If practicable, the gaming club or bar or tavern shall establish a designated nonsmoking area.

(B) If feasible, no employee shall be required, in the performance of ordinary work responsibilities, to enter any area in which smoking is permitted.

(g) The smoking prohibition set forth in this section shall constitute a uniform statewide standard for regulating the smoking of tobacco products in enclosed places of employment and shall supersede and render unnecessary the local enactment or enforcement of local ordinances regulating the smoking of tobacco products in enclosed places of employment. Insofar as the smoking prohibition set forth in this section is applicable to all (100 percent of) places of employment within this state and, therefore, provides the maximum degree of coverage, the practical effect of this section is to eliminate the need of local governments to enact enclosed workplace smoking restrictions within their respective jurisdictions.

(h) Nothing in this section shall prohibit an employer from prohibiting smoking in an enclosed place of employment for any reason.

(i) The enactment of local regulation of smoking of tobacco products in enclosed places of employment by local governments shall be suspended only for as long as, and to the extent that, the (100 percent) smoking prohibition provided for in this section remains in effect. In the event this section is repealed or modified by subsequent legislative or judicial action so that the (100 percent) smoking prohibition is no longer applicable to all enclosed places of employment in California, local governments shall have the full right and authority to enforce previously enacted, and to enact and enforce new, restrictions on the smoking of tobacco products in enclosed places of employment within their jurisdictions, including a complete prohibition of smoking. Notwithstanding any other provision of this section, any area not defined as a "place of employment" or in which the smoking is not regulated pursuant to subdivision (d) or (e), shall be subject to local regulation of smoking of tobacco products.

(j) Any violation of the prohibition set forth in subdivision (b) is an infraction subject to subdivision (d) of Section 17 of the Penal Code and, notwithstanding Section 19.8 of the Penal Code, is punishable by a fine not to exceed one hundred dollars (\$100) for a first violation, two hundred dollars (\$200) for a second violation within one year, and five hundred dollars (\$500) for a third and for each subsequent violation within one year. This subdivision shall be enforced by local law enforcement agencies including, but not limited to, local health departments, as determined by the local governing body.

(k) Notwithstanding Section 6309, the division shall not be required to respond to any complaint regarding the smoking of tobacco products in an enclosed space at a place of employment, unless the employer has been found guilty pursuant to subdivision (j) of a third violation of subdivision (b) within the previous year.

(l) If any provision of this act or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision of application, and to this end the provisions of this act are severable.