

# **EBI Drug, Alcohol & Tobacco Policy**

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The Eagle Baseball, Inc. Board of Directors (“EBI”) firmly believes participation in the Eagle Vipers American Legion Baseball program (the “ALB Program”) is a privilege and not a right. Players and coaches volunteering to participate in the ALB Program are expected to accept the responsibilities of this privilege.

EBI has an interest in establishing an environment free of the influence of drugs, alcohol, and tobacco for the benefit of its players, coaches, umpires, parents, fans, sponsors, and the public at large. As a result, EBI has adopted the following *Drug, Alcohol & Tobacco Policy* to establish standards that all players and coaches (“participants”) must meet, and to set forth consequences for those who violate this policy. Accordingly, the undersigned player (or the player’s parent or guardian, as applicable) or coach hereby agrees to the following terms and conditions.

## **PROVISIONS**

### ***Possession, Use, or Distribution of Illegal Drugs or Alcohol***

The possession, use, purchase, sale, or distribution of illegal drugs (meaning those drugs for which there is no generally accepted medical use, i.e., marijuana, cocaine, methamphetamine, PCP) or drug paraphernalia (as defined by Idaho State Law) by any participant; or the possession or use of alcohol by players and minor coaches (under age 21) during the ALB Season is strictly prohibited. Possession or use of alcohol by coaches over the age of 21 in the capacity of coaching duties during the ALB Season as specified in their contract is strictly prohibited. The “ALB Season” begins on the first day of tryouts and ends upon return from final game.

For the purposes of this policy, illegal drugs refer to substances the Federal Government deems illegal. An individual state’s action to legalize a federally illegal substance has no effect on EBI’s *Drug, Alcohol & Tobacco Policy*. A participant’s use, manufacture, purchase, possession, sale, or distribution of illegal drugs, or drug paraphernalia that results in criminal charges being brought against him will result in the participant being requested to submit to drug testing. Any participant convicted of a criminal drug statute will result in immediate EXPULSION from the ALB Program.

Any unauthorized use of a legal substance to alter your state of mind is prohibited. These substances include anything that a participant may use to supplement illegal drug use or to mimic the effects of drug use. Participants found participating in these activities will be subject to this policy.

Disciplinary Enforcement:

- A FIRST OFFENSE will result in the participant being suspended for a minimum of 5 consecutive games immediately following the offense (continued practice participation during suspension is at the coach’s discretion).
- A SECOND OFFENSE will result in immediate EXPULSION from the ALB Program.

If a participant commits an offense while on a road trip, that participant shall be sent home at his own expense.

### ***Possession or Use of Tobacco***

Possession or use of any form of tobacco by a minor participant (under age 18) during the ALB Season is prohibited. Possession or use of any form of tobacco by an adult participant (over age 18) at any ALB Program-related event during the ALB Season is prohibited. Any participant violating this rule will be subject to whichever of the following penalties applies:

Disciplinary Enforcement: If the offense occurs during the parameters of a game, the participant will immediately be removed from the game.

- A FIRST OFFENSE will result in the participant being suspended for 2 consecutive games immediately following the offense (continued practice participation during suspension is at the coach’s discretion).
- A SECOND OFFENSE will result in the participant being suspended for a minimum of 5 consecutive games immediately following the offense (continued practice participation during suspension is at the coach’s discretion).
- A THIRD OFFENSE will result in immediate EXPULSION from the team.

### ***Prescription Medication***

Participants are cautioned regarding the use of prescription medication that contains a warning label stating that the use of that drug may impair his ability. Participants will be allowed to participate while using such medication if the drug is prescribed by a licensed medical practitioner who is familiar with the participant’s medical history and who has advised the participant that the prescribed drug will not adversely affect his ability to safely participate.

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## **DRUG OR ALCOHOL TESTING**

For purposes of enforcing this *Drug, Alcohol & Tobacco Policy*, EBI may conduct drug and/or alcohol testing on participants under any of the following circumstances:

### ***Initial Testing***

All prospective participants may be tested for illegal drugs prior to being placed on a team roster.

### ***Reasonable Cause Testing***

EBI may require a participant to be tested for illegal drugs or alcohol at any time during the ALB Season if it feels that the participant may be under the influence of drugs including, but not limited to, the following circumstances: reasonable evidence of drugs within the participant's possession or control; unusual conduct that suggests impairment or influence of drugs; or a failure of, or refusal to submit to, any test administered hereunder. The basis of suspicion may be a specific, contemporaneous event or conduct evidencing impairment observed over a period of time.

### ***Random Testing***

All participants will be subject to random drug and alcohol testing at any time during the ALB Season. Random testing will be unscheduled and every participant will be subject to testing. The random selection method, as well as the percentage of participants who will be tested, will be determined by EBI officials in consultation with Minert & Associates, Inc.

### ***Post Accident Testing***

Any participant who is involved in an accident during an ALB Program-related event will be tested for the use of illegal drugs and may be tested for alcohol as soon as practicable after the accident. Examples of accidents that will require a participant to take a post-accident test include, but are not limited to, situations where:

- A participant causes a fatality or bodily injury to another person and where the injured person requires medical treatment away from the accident,
- A participant injures himself,
- A participant causes damage to property owned by EBI, or by a third party, that may reasonably be estimated to exceed \$500.

If it is determined by EBI that a participant's accident was definitely caused by the actions of another and that there were no unsafe acts on the part of the injured participant, EBI reserves the right to waive post-accident testing. Participants who are involved in an EBI American Legion Baseball-related accident requiring medical attention are to inform EBI of the accident as soon as possible so that any needed drug or alcohol testing may be promptly conducted.

## **TESTING PROCEDURES**

### ***Administration***

As EBI's agent, Minert & Associates, Inc. will handle all testing and the drawing from the participant pool for all drug and alcohol tests, at EBI's expense, provided, however, that if a participant fails or refuses a test, then the cost of any subsequent tests shall be at the expense of the participant (or the participant's parent/guardian, as applicable). Drug-testing results will be disclosed only for the purposes related to enforcement of this policy.

### ***Specimen Collection Procedure***

Only those collectors instructed in the proper methods of collection will conduct the specimen collections. The person conducting the collection will utilize proper chain of custody documentation provided by the laboratory. They will also ensure that the participant's specimen is provided in a location and manner that protects his privacy, and that the specimen is properly identified, sealed, and protected against tampering. Direct observation of a participant providing a urine specimen will only be conducted when there is evidence that the participant has submitted or attempted to submit an adulterated or false specimen. Specimen collection, storage, and transportation to the laboratory will be conducted in a manner that precludes specimen contamination or adulteration.

### ***Submission of an Adulterated or Diluted Specimen***

If the collection monitor determines that a participant has submitted an adulterated or diluted specimen, the first specimen will be discarded and a second specimen will be requested. It will be the second specimen that will then be tested. If the request for a

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second specimen is refused, the collector will inform EBI of the participant's refusal to submit an acceptable specimen. Such refusal will be considered as a positive test and result in immediate EXPULSION of the team

### ***Drug/Alcohol Testing and Confirmation***

All urine specimens will be tested for the presence of illegal drugs. EBI reserves the right to test a participant for the presence of prescription medication when it has reason to believe the participant may be abusing such medication.

Any urine specimen that screens positive for the presence of illegal drugs will be confirmed by the Gas Chromatography/Mass Spectrometry (GC/MS) confirmation method at a certified testing laboratory. Any participant who confirms positive for illegal drugs may request their same specimen be re-tested. This request must be conveyed to EBI within 48 hours of the participant being notified of the positive test result. Any such re-test will be at the participant's expense unless the result is negative, at which time they will be reimbursed. Any participant who requests such a re-test will be suspended during the time of the re-test.

### ***Refusal***

A participant may not refuse to take a drug or alcohol test when requested to do so consistent with the terms of this policy. Such a refusal will be considered equivalent to their testing positive. A participant will be considered as refusing to test as determined by the collection monitor if they:

- 1) expressly refuse to take a test when so requested;
- 2) fail to provide an adequate breath, saliva, or urine sample without a valid explanation; or,
- 3) engage in conduct that clearly obstructs the testing process.

### ***Notification of Test Results***

All test results received from the laboratory will be forwarded through the office of Minert & Associates, Inc. to EBI Executive Board or his/her designee. In forwarding test results, the staff of Minert & Associates, Inc. will only report results to those EBI officials authorized to receive them. The EBI President or his/her designee will be notified of both the participant's name and the drug(s) for which they were tested.

Any participant who tests positive will be given the opportunity to discuss that result with the staff of Minert & Associates, Inc. prior to EBI taking disciplinary action. In talking with any such individual, the staff of Minert & Associates, Inc. will follow up on all information deemed necessary to resolve the participant's positive drug test.

If the staff at Minert & Associates, Inc. determines that a participant's positive test result was due to his authorized use of prescription medication they will immediately report that result to EBI and no further action will be taken. A participant must provide a current prescription for such medication within 48 hours of the positive test result or retested specimen positive result. If this prescription is deemed valid, no further action will be taken. However, if a participant cannot provide a current prescription or reasonable explanation for his positive test results, EBI will then take disciplinary action consistent with the terms of this Policy.

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## **CONCLUSION & CONSENT**

The terms of this *Drug, Alcohol & Tobacco Policy* are intended to produce a team environment where participants are free from the effects of drugs, alcohol and tobacco. Players, parents and coaches should be aware that the provisions of this policy may be revised when necessary. EBI anticipates that by implementing the provisions of this policy, its participants will enjoy the benefits of playing in a safer and more productive team environment.

I understand my responsibilities regarding the possession/use of drug/alcohol/tobacco during my participation in the Eagle Vipers American Legion Baseball Program. I agree to drug testing as described in this *EBI Drug, Alcohol & Tobacco Policy*, and I consent to the release of information concerning my test results by Minert & Associates, Inc. to the EBI President or his/her designee. I also authorize the release of information concerning my test results to my parent or guardian and understand that those results will be held in confidence.

I understand that if I test positive for illegal drugs I will have an opportunity to discuss that result with the staff of Minert & Associates, Inc. for the purpose of providing a reasonable explanation regarding my positive drug test. I further understand that if my test remains positive for illegal drugs or alcohol, I will be subject to the Disciplinary Enforcement described herein. If I am a Coach, I will be considered in violation of my contract and this *EBI Drug, Alcohol & Tobacco Policy* and will be subject to the penalties of both.

I acknowledge that I have received, read, and understand the terms of the *EBI Drug, Alcohol & Tobacco Policy* and agree to abide by its terms. Further, in consideration of the privilege to participate in the Eagle Vipers American Legion Baseball Program, we hereby release, discharge, relinquish, agree not to take legal action against, hold harmless, and indemnify Eagle Baseball, Inc.

Name <i>(Please Print)</i>	<input type="text"/>
Date	<input type="text"/>
Signature	<input type="text"/>
Parent/Guardian Name <i>(Please Print)</i>	<input type="text"/>
Phone Number	<input type="text"/>
Date	<input type="text"/>
Signature	<input type="text"/>