

HEA Drug Provision

The following provision was contained in subsection (r) of section 484 of the Higher Education Act of 1998 (see 20 U.S.C. 1091®).

(r) Suspension of eligibility for drug related offenses—

(1) IN GENERAL—A student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance under this title during the period beginning on the date of such conviction and ending after the interval specified in the following table:

The possession of a controlled substance:

First Offense—1 year	Second Offense—2 years	Third Offense—Indefinite
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The sale of a controlled substance:

First Offense—2 years	Second Offense—Indefinite
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REHABILITATION—A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the ineligibility period determined under such paragraph if—

(A) The student satisfactorily completes a drug rehabilitation program that —

(i) complies with such criteria as the Secretary shall prescribe in regulations for the purposes of this paragraph; and

(ii) included two unannounced drug tests; or

(B) the conviction is reversed, set aside, or otherwise rendered nugatory.

(3) DEFINITIONS = In this subsection, the term ‘controlled substance’ has the meaning given the term is section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(2) EFFECTIVE DATE—The amendment made by paragraph (1), regarding suspension of eligibility for drug-related offenses, shall apply with respect to financial assistance of cover the costs of attendance for periods of attendance for periods of enrollment beginning after the date of enactment of this Act.