

2024 Drug and Alcohol Abuse Prevention Program (DAAPP) Notice – for Employees*(for TEXAS A&M UNIVERSITY employees - Galveston)*

Prevention of Alcohol Abuse & Illicit Drug Use at Texas A&M University

1. Standards of Conduct

The use, sale, distribution, possession of alcohol, or any drug, including prescription medication used in an unauthorized manner is strictly prohibited and may result in disciplinary action up to, and including, termination.

Each employee has access to the TAMUS Policy and TAMU Rule Libraries. All employees should familiarize themselves with the TAMUS policy and regulation, and TAMU rules and SAPs regarding drugs and alcohol as all employees will be held to standards including but not limited to: TAMUS Policy 34.02 *Drug and Alcohol Abuse*; TAMUS Regulation 34.02.01 *Drug and Alcohol Abuse Rehabilitation Programs*; TAMU Rule 34.02.01.M1 *Substance Abuse Prevention*, and TAMU Rule 34.02.01.M2: *Substance Abuse Prevention for DOT- Regulated Employees*.

In accordance with TAMUS regulation 34.02.01 *Drug and Alcohol Abuse and Rehabilitation Programs*, if a supervisor reasonably suspects that use of a controlled substance or alcohol has resulted in absenteeism, tardiness or impairment of work performance or is the cause of workplace accidents, the supervisor must immediately notify the appropriate department head or designated administrator. The department head or designated administrator should reach out to drugtesting@tamu.edu for further advisement on reasonable suspicion. Upon direction from the department head or designated administrator, the supervisor or designated administrator will discuss with the employee the suspected alcohol or drug-related problem(s). The employee will be advised of available alcohol and drug counseling, rehabilitation or employee assistance programs, and the terms of any applicable disciplinary sanctions. The employee may be required to participate in an assistance program and be subject to discipline (up to and including termination of employment) if the employee rejects participation in the program.

Rule 34.02.01.M1, *Substance Abuse Prevention* restricts alcohol use, the illegal use, sale and possession of drugs and misuse of drugs including over-the counter and prescription drugs.

Employees are prohibited from the manufacturing, possession, controlling, selling, transmitting, using, being under the influence or being a party to any illicit drug or controlled substance use on university premises or at any of its activities, including but not limited to university sponsored on or off campus activities and professional meetings attended by employees.

Rule 34.02.01.M2, *Substance Abuse Prevention for DOT-Regulated Employees* sets forth the requirements of the US Dept of Transportation drug and alcohol testing requirements for covered drivers and the consequences of violating a related university rule and/or failing a required drug/or alcohol test. TAMU prohibits the use of alcohol and/or drugs on the job or which impairs performance on the job to any extent.

2. University and Legal Sanctions

Employees that violate University rules and SAPs or other restrictions are subject to sanctions including but not limited to verbal or written warnings, suspension with or without pay, demotion, additional training, probation, or termination. If terminated, the employee can also be put on a do not hire list which will restrict them from being rehired at the University.

State Laws

- **Public Intoxication** - A person commits an offense if the person appears in a public place while intoxicated to the degree that the person may endanger the person or another. (Texas Penal Code 49.02).
 - punishable by a fine of up to \$500.00, and a permanent criminal conviction. After two convictions, repeat offenders can be charged with a *Class B Misdemeanor*, facing up to 180 days in jail and a \$2,000.00 fine.
- **Possession of Alcoholic Beverage in Motor Vehicle “Open Container”** - A person commits an offense if the person knowingly possesses an open container in a passenger area of a motor vehicle that is located on a public highway, regardless of whether the vehicle is being operated or is stopped or parked. Possession by a person of one or more open containers in a single criminal episode is a single offense. (Texas Penal Code 49.031).
 - *Class C Misdemeanor* punished by a fine not to exceed \$500.
- **Driving While Intoxicated** - A person commits an offense if the person is intoxicated while operating a motor vehicle in a public place. (Texas Penal code 49.04).
 - Note that a person may also be convicted of offenses if intoxicated while driving with a child passenger in the vehicle, operating a plane, or boating. (Texas Penal code 49.045 - .06).
 - Up to a *3rd Degree Felony* - Punishment includes imprisonment no less than 2 years and no more than 10 years and a fine of up to \$10,000.
 - **Administrative License Revocation; Implied Consent:** After being arrested for Driving While Intoxicated, failing, or refusing the Blood Alcohol Concentration (BAC) test can result in license revocation.
 - Driver’s license may be suspended for 180 days to 2 years.
 - Revocation may NOT be probated and there is a \$125 reinstatement fee. An appeal process is available.
- **Intoxication Assault** - A person commits an offense if the person, by accident or mistake while operating an aircraft, watercraft, or amusement ride while intoxicated, or while operating a motor vehicle in a public place while intoxicated, by reason of that intoxication causes serious bodily injury to another. (Texas Penal Code 49.07).
 - *Third degree felony* - Punishment includes imprisonment no less than 2 years and no more than 10 years and a fine of up to \$10,000.
- **Intoxication Manslaughter** - A person commits an offense if the person: (1) operates a motor vehicle in a public place, operates an aircraft, a watercraft, or an amusement ride, or assembles a mobile amusement ride; and (2) is intoxicated and by reason of that intoxication causes the death of another by accident or mistake. (Texas Penal Code 49.08)
 - *Second degree felony* - Punishment includes imprisonment no less than 2 years and no more than 20 years and a fine of up to \$10,000.
- **Purchase of Alcohol by a Minor / Attempt to Purchase Alcohol by a Minor** - A minor commits an offense if the minor purchases or attempts to purchase an alcoholic beverage. (Texas Alcoholic Beverage Code 106.02-106.25)
 - The offenses are punishable by a fine of not less than \$250 or more than \$2,000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver’s license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.
- **Sale To Minors** - A person commits an offense if with criminal negligence they sell an alcoholic beverage to a minor. (Texas Alcoholic Beverage Code 106.03)
 - The offense is a *Class A Misdemeanor* punishable by a fine of up to \$4,000; confinement in jail for a term not to exceed 1 year; or both the fine and confinement.
- **Consumption of Alcohol by a Minor** - A minor commits an offense if he consumes an alcoholic beverage. (Texas Alcoholic Beverage Code 106.04)

- The offense is a *Class C Misdemeanor* punishable by a fine of not less than \$250 or more than \$2,000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.
- **Driving or Operating Watercraft Under the Influence of Alcohol by Minor** - A minor commits an offense if the minor operates a motor vehicle in a public place, or a watercraft, while having any detectable amount of alcohol in the minor's system. (Texas Alcoholic Beverage Code 106.041).
 - The offense is a *Class C Misdemeanor* punishable by a fine of not less than \$500 or more than \$2,000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. In addition, the court shall order community service to be performed.
- **Possession of Alcohol by a Minor** - A minor commits an offense if he possesses an alcoholic beverage. (Texas Alcoholic Beverage Code 106.05).
 - The offense is a *Class C Misdemeanor* punishable by a fine of not less than \$250 or more than \$2,000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.
- **Purchase of Alcohol for a Minor - Furnishing Alcohol to a Minor** - A person commits an offense if he purchases an alcoholic beverage for or gives or makes available an alcoholic beverage to a minor with criminal negligence. (Texas Alcoholic Beverage Code 106.06).
 - The offense is a *Class A Misdemeanor* punishable by a fine of up to \$4,000; confinement in jail for a term not to exceed 1 year; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.
- **Misrepresentation of Age by a Minor** - A minor commits an offense if he falsely states that he is 21 years of age or older or presents any document that indicates he is 21 years of age or older to a person engaged in selling or serving alcoholic beverages. (Texas Alcoholic Beverage Code 106.07).
 - The offense is a *Class C Misdemeanor* punishable by a fine of not less than \$250 or more than \$2,000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.
- **Possession of a Controlled Substances** - A person commits an offense if the person knowingly or intentionally possesses a material, compound, mixture, or preparation containing the controlled substance, which are divided into Penalty Groups 1 through 4. (Texas Health and Safety Code – Health & Safety Code 481.101 – 481.106).
 - Punishable up to a Felony of the 1st Degree with imprisonment for life or for a term of not more than 99 years or less than 5 years, and a fine not to exceed \$50,000.
 - **Note: Penalty Group 2 - Possession of THC (Marijuana) in Vape Pens, Wax, Dab etc.**
 - Less than 1 gram: State Jail Felony (6 months – 2 Years in state jail, and a fine up to \$10,000)
 - 1 to 4 grams: 3rd Degree Felony (2 – 10 years in state prison, and a fine up to \$10,000)
 - 4 to 400 grams: 2nd Degree Felony (2 – 20 years in state prison, and a fine up to \$10,000)
 - More than 400 grams: 1st Degree Felony (5 to 99 years or life in state prison, and a fine not to exceed \$50,000)
- **Manufacture, Delivery, or Possession of Miscellaneous Substances** - The manufacture, delivery, or possession of a controlled substance (as defined by the Texas Controlled Substances Act).
 - Punishable by prison time up to 2 to 10 years and a fine of up to \$10,000. (Texas Health and Safety Code 481.119).

- **Delivery of Marijuana** - A person commits an offense if the person knowingly or intentionally delivers marijuana.
 - Such offense is punishable by a fine up to \$100,000 and/or prison term of life or not more than 99 years. (Tex. Health & Safety Code 481.120).
- **Possession of Marijuana** - A person commits an offense if the person knowingly or intentionally possesses a usable quantity of marijuana.
 - This offense is punishable by a Class B misdemeanor if the amount of marijuana possessed is two ounces or less; a fine not to exceed \$2,000, confinement in jail for a term not to exceed 180 days; or both such fine and confinement. With punishment up to a felony of the second degree if the amount of marijuana possessed is 2,000 pounds or less but more than 50 pounds; with imprisonment for life or for a term of not more than 99 years or less than 5 years, and a fine not to exceed \$50,000. (Tex. Health & Safety Code 481.121).
- **Delivery of Controlled Substance or Marijuana to Child** - A person commits an offense if the person knowingly delivers a controlled substance listed in Penalty Group 1, 1-A, 2, or 3 (of the Texas Controlled Substances Act) or knowingly delivers marijuana and the person delivers the controlled substance or marijuana to a person who is a child or who is enrolled in a public or private primary or secondary school.
 - This offense is punishable as a felony in the second degree. Punishable by a range from 2 to 20 years in prison and a maximum fine of up to \$10,000. (Tex. Health & Safety Code 481.122).
- **Possession or Delivery of Drug Paraphernalia** - Section (a) A person commits an offense if the person knowingly or intentionally uses or possesses with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this chapter or to inject, ingest, inhale, or otherwise introduce into the human body a controlled substance; or Section (b) A person commits an offense if the person knowingly or intentionally delivers, possesses with intent to deliver, or manufactures with intent to deliver drug paraphernalia knowing that the person who receives or who is intended to receive the drug paraphernalia intends that it be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this chapter or to inject, ingest, inhale, or otherwise introduce into the human body a controlled substance; or Section (c) A person commits an offense if the person commits an offense under Subsection (b), is 18 years of age or older, and the person who receives or who is intended to receive the drug paraphernalia is younger than 18 years of age and at least three years younger than the actor. (Tex. Health & Safety Code 481.125).
 - An offense under Subsection (a) is a Class C Misdemeanor, punishable of up to no more than \$500 with no jail time.
 - An offense under Subsection (b) is a Class A misdemeanor, punishment of up to a year in county jail and/or a fine of up to \$4,000, unless it is shown on the trial of a defendant that the defendant has previously been convicted under Subsection (b) or (c), in which event the offense is punishable by confinement in jail for a term of not more than one year or less than 90 days.
 - An offense under Subsection (c) is a state jail felony, punishment of jail time of at least 180 days and no more than two years, and a fine which cannot surpass \$2,000.
- **Drug Free Zone** - Drug related offenses have increased penalties if the offense occurs in a “drug free zone.” Drug free zones include institutions of higher education, youth centers, schools (and other facilities) and the areas surrounding such locations.
 - Penalties include fines that may be doubled and minimum jail terms that may be raised. (Tex. Health & Safety Code 481.134).

Local City Ordinances related to alcohol and other drugs.

Galveston

• Sec. 4-5 Prohibited Consumption Areas –

- (a) It shall be unlawful for any person to consume any alcoholic beverage upon the public sidewalks and rights-of-way adjacent to and contiguous with Seawall Boulevard, including any appurtenances thereto.
- (b) It shall be unlawful for any person to consume an alcoholic beverage between the mean low tide line and the vegetation line between the eastern right-of-way of 16-Mile Road and the north edge of the roadway of Farm to Market Road 3005 and the San Luis Pass-Vacek Bridge.
- (c) It shall be unlawful for any person to consume an alcoholic beverage between 10th Street and 61st Street upon the area between the mean low tide line and Seawall Boulevard.
- (d) It shall be unlawful for any person to consume an alcoholic beverage upon the area commonly known as "Stewart Beach," as described by and under the control of the park board of trustees.
- (e) The park board with city manager approval, may authorize with conditions the consumption of alcoholic beverages for designated special events. (f) Nothing herein shall be construed to be applicable to any area or premise duly permitted and licensed by the state pursuant to the Texas Alcoholic Beverage Code.

- Class C Misdemeanor, punishable of up to no more than \$500 with no jail time.

• Sec. 26-4 Alcoholic Beverages - It shall be unlawful for any person to consume, carry or bring any alcoholic beverage in or upon any park or playground in the city without a written permit from the director of parks and recreation.

- Class C Misdemeanor, punishable of up to no more than \$500 with no jail time.

Standard State Legal Charges & Penalties

Charges- Fines- Imprisonment

Felony

First Degree - \$10,000 and/or 5 to 99 years (or life) in confinement
 Second Degree - \$10,000 and/or 2 to 20 years of confinement
 Third Degree - \$10,000 and/or 2 to 10 years of confinement
 State Jail Felony - \$10,000 and/or 180 days to 2 years of confinement

Federal trafficking penalties for Schedules I, II, III, IV, and V

<https://www.dea.gov/drug-scheduling>

Misdemeanor

Class A - Up to \$4,000 and/or up to 1 years of confinement
 Class B - Up to \$2,000 and/or up to 180 days of confinement
 Class C - Up to \$500 – No confinement

3. Health Risks Associated with the Use of Illicit Drugs and the Abuse of Alcohol

Outlined below is a listing of drugs of abuse and their health risks taken from the U.S. Drug Enforcement Administration website. [A complete resource guide provided by the U.S. Department of Justice; Drug Enforcement Administration can be obtained by following this link.](#)

Alcohol

Alcohol (beer, wine, or liquor) has a high potential for physical and psychological dependence as well as resulting in increased tolerance. Possible effects include impaired memory, slurred speech, drunken behavior, slow onset, vitamin deficiency, and organ damage. Overdose may result in vomiting, respiratory depression, loss of consciousness, and

possible death. Withdrawal may include trembling, anxiety, insomnia, vitamin deficiency, confusion, hallucinations, and convulsions. Females who drink alcohol during pregnancy may give birth to infants with Fetal Alcohol Syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other children of becoming alcoholics. Alcohol use is often related to acquaintance rape and failure to protect oneself from sexually transmitted diseases (STDs). Additionally, alcohol-related accidents are the number one cause of death in the 16 to 24 year-old age group.

Narcotics

Narcotics (including heroin, morphine, hydrocodone, oxycodone, codeine, and others) have a high potential for both physical and psychological dependence as well as resulting in increased tolerance. The possible effects of using narcotics include euphoria, drowsiness, respiratory depression, constricted pupils, and nausea. Overdose may result in shallow breathing, clammy skin, convulsions, coma, and death. Withdrawal may include irritability, tremors, panic, nausea, chills, and sweating.

Other Depressants

Other depressants (including GHB or liquid ecstasy, valium, xanax, ambien, and barbituates) have a potential for both physical and psychological dependence as well as resulting in increased tolerance. The possible side effects include slurred speech, disorientation, appearance of intoxication, and impaired memory. Overdose may result in shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma and possible death. Withdrawal may include anxiety, insomnia, tremors, delirium, convulsions, and possible death.

Stimulants

Stimulants (including cocaine, methamphetamine, and methylphenidate) have a possible risk of physical dependence and high risk for psychological dependence. Tolerance can develop in all stimulants. The possible side effects include increased alertness, excitation, euphoria, increased pulse rate and blood pressure, insomnia, and decreased appetite. Overdose may result in agitation, increased body temperature, hallucinations, convulsions, and possible death. Withdrawal may result in apathy, long periods of sleep, irritability, depression, and disorientation.

Hallucinogens

Hallucinogens (including MDMA, LSD, Phencyclidine, and others) are less likely to result in physical dependence, with the exception of phencyclidines and analogs, and vary in terms of psychological dependence, ranging from none to moderate (MDMA) to high (phencyclidine and analogs). Tolerance can develop. Possible effects include heightened senses, teeth grinding, and dehydration (MDMA and analogs) and hallucinations, altered perception of time and distance in other types of hallucinogens. Overdose may result in increased body temperature and cardiac arrest for MDMA and more intense episodes for LSD. Some hallucinogens may result in muscle aches and depression when in withdrawal (MDMA) or may result in drug seeking behavior.

Cannabis

Cannabis includes marijuana, tetrahydrocannabinol (THC), and hashish or hashish oil. All may result in moderate psychological dependence with THC resulting in physical dependence. Tolerance can develop in all forms. Possible effects include euphoria, relaxed inhibitions, increased appetite, and disorientation. Overdose may result in fatigue, paranoia, and possible psychosis. Withdrawal may occasionally result in insomnia, hyperactivity, and decreased appetite.

Anabolic Steroids

Anabolic Steroids (including testosterone and others) may result in psychological dependence. Less is known as to their potential for physical dependence and increased tolerance levels. Possible effects may include virilization, edema, testicular atrophy, gynecomastia, acne, and aggressive behavior. Effects of overdose are unknown. Withdrawal may possibly include depression.

Inhalants

Inhalants (including amyl and butyl nitrite, nitrous oxide, and others) vary in their level of psychological dependence, with less known about their potential for physical dependence and tolerance. Possible effects may include flushing, hypotension, and headache, impaired memory, slurred speech, drunken behavior, slow onset, vitamin deficiency, and

organ damage. Overdose may result in methemoglobinemia, vomiting, respiratory depression, loss of consciousness, and possible death. Withdrawal may result in agitation, trembling, anxiety, insomnia, vitamin deficiency, confusion, hallucinations, and convulsions.

For additional health risks associated with alcohol and drug abuse:

- [Department of Justice, Drugs of Abuse](#)
- [National Institute of Alcohol Abuse, and Alcoholism, Alcohol's Effect on the Body](#)
- [Center for Disease Control and Prevention, Fact Sheets- Alcohol Use and Your Health](#)
- [National Institute on Drug Abuse](#)

For direct assistance, contact the Human Resources at (979) 845-4141.

4. Employee Assistance Programs and Other Resources

Through the resources of local, national and University efforts, assistance is available for those individuals with alcohol and drug abuse problems. TAMU offers the following drug and alcohol abuse information, counseling, assistance, and services:

Programs

TAMU offers an [Employee Assistance Program \(EAP\)](#) through Work/Life Solutions Programs, which offers counseling, work-life assistance, and crisis intervention services for a broad range of reasons including alcohol and drug abuse. The confidential services are available to employees as well as their household family members.

The EAP is a confidential counseling service provided to full-time employees their household family members for personal and work concerns which may be interfering with work performance and/or quality of life. The EAP serves as an excellent resource for addressing difficult employee relations issues such as substance and alcohol abuse and workplace conflicts. Additionally, the EAP provides training opportunities for employees and supervisors.

The EAP is available 24 hours a day, 365 days a year, by contacting:

New EAP Users:

Go to www.guidanceresources.com and click Register

Enter "TAMUS" for the Organization Web ID

Select your campus

Set up your profile and submit

Or

GuidanceResources® by CompPsych

Open 24 hours every day

Active employees: 866.301.9623

Retired employees: 833.306.0105

Qatar employees: 00800.100.071

Online: guidanceresources.com

Organization Web ID: TAMUS

Health insurance coverage is available for treatment of alcohol and drug abuse. Employees should contact their individual health plan representative for information about insurance coverage.

Employees who voluntarily seek treatment or counseling for drug or alcohol related problems are accommodated as much as possible to allow them to address the problem. Employees are encouraged to use available resources such as EAP, sick leave, compensatory time, and vacation leave in order to participate in a drug rehabilitation program.

Full time employees are eligible to participate in the Living Well program, which encourages TAMU employees to engage in fitness activity. This program promotes a healthy lifestyle, away from the pressures or risks of drugs and alcohol. They offer many health behavioral resources on the Living Well website at livingwell.tamu.edu/wellness-resources

TAMU at Galveston Resources:

- Alcoholics Anonymous – 713.686-6300 – 1823 33rd Street, Galveston, TX 77550 <https://www.aa.org/>
- Adult Children of Alcoholic Groups – 310.534-1815, <https://adultchildren.org/>
- Galveston Recovery Program – [1.800.643.0967](tel:18006430967) or 1.866.729.3848 (24-Hour Crisis Hotline), outpatient treatment for alcohol and drug problems, www.gulfcoastcenter.org
- Bay Area Council on Drug & Alcohol Abuse – Community Coalition office 1.800.510-3111 <https://www.bacoda.org/>

National Resources:

- SAMHSA (Substance Abuse and Mental Health Services Administration) 1.800.662.4357 or TTY: 800.487.4889
- [Department of Drug Enforcement: Drug Fact Sheets](#)

5. Disciplinary Sanctions

The TAMU policy prohibiting the unlawful possession, use, distribution, or manufacture of illicit drugs and/or alcohol on the campus and at university-sponsored events protects and supports the employees and students of TAMU.

Sanctions under Law

All TAMU students and employees are expected to comply with federal, state, and local drug and alcohol laws as well as TAMU policies and procedures. Any student or employee who violates any of these drug or alcohol laws will be reported to the appropriate law enforcement agency and will be subject to prosecution in accordance with the law. Legal sanctions for violation of local, state, and/or federal laws may include, but are not limited to fines, jail, or prison sentences up to ninety-nine (99) years or life.

University Sanctions

The university shall, within the scope of applicable federal and state due process requirements, take such administrative or disciplinary action as is appropriate for violations of the Drug and Alcohol Abuse Prevention Program, TAMU policy and applicable law. When such violation is also a violation of federal, state, or local law, TAMU may decide to proceed or delay its own disciplinary processes.

Employee

- Upon the receipt of information indicating a controlled substance or alcohol affecting attendance, performance, or safety at work, employees may be required to submit to a medical examination or drug testing, enroll in the Employee Assistance Program, take leave without pay, and, potentially, be separated from the university.
- In the event of prohibited possession, use, or distribution by an employee administrative or disciplinary action may include, but is not limited to, reprimand, suspension, termination of employment, or arrest or referral to the appropriate law enforcement agency.
- If the employee engages in driving as part of his/her job-related duties, such privilege may be revoked.
- Any action taken by TAMU may be taken immediately.

Visitors

- Any visitor engaging in any act prohibited by university guidelines shall be called on to immediately cease such behavior and shall be subject to other sanctions including referral to law enforcement officials for arrest and prosecution.