

2025 Drug and Alcohol Abuse Prevention Program (DAAPP) Notice – for Students

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

1. Standards of Conduct

University Drug Policies

All members of the University community are expected to abide by state and federal laws pertaining to controlled substances and illegal drugs. "Controlled substances" refers to those drugs and substances whose possession, sale, or delivery results in criminal sanctions under the Texas Controlled Substances Act, as well as substances which possess a chemical structure similar to that of a controlled substance (e.g., "designer drugs").

In addition to legal considerations, Texas A&M University Student Rule 24.4.12, *Drugs* prohibits "the act of using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substances."

University Alcohol Policies

Individuals must be at least 21 years old to purchase alcoholic beverages. Possession and consumption of alcoholic beverages is restricted. Texas A&M University Student Rule 24.4.13, *Alcohol* states that "alcohol use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly authorized by University regulations), is prohibited on Texas A&M University premises and University sponsored events." University sponsored events include institution-sponsored on or off campus activities, such as officially sanctioned field trips, activities of a student organization recognized by the institution (such as fraternities or sororities), and institutional-sponsored activities abroad. Student organizations that sponsor activities where alcohol is served, must have the approval of their (faculty/staff) advisor and abide by established University rules.

Students, ages 21 or older, who choose to consume alcoholic beverages in residence hall rooms are expected to do so in moderation to ensure residents' rights to privacy, sleep, and study. The following behaviors are reasons for appropriate student conduct or remedial action by the University: loud or disruptive behavior, interference with the cleanliness of the residence halls, or drinking habits that are injurious to the health or education of an individual or those around them.

2. Legal Sanctions

A student who violates any of these alcohol or drug laws may 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 federal laws may include, but not limited to: fines, probation, jail or prison sentences.

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 marihuana 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 marihuana 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.

College Station

- **Sec. 4-2 Possession and consumption of alcoholic beverages in Northgate Central Business District** - (b) Public consumption and possession. In the Northgate Central Business District, it shall be unlawful to possess an open container or publicly consume an alcoholic beverage. (d)(1) Non-City property. This section shall not be applicable to buildings not owned or controlled by the City, residential structures, or licensed premises located in the Northgate Central Business District or the possession of open containers or consumption of alcoholic beverages in motor vehicles.
 - Class C Misdemeanor, punishable of up to no more than \$500 with no jail time.
- **Sec. 86-115 Alcoholic beverages and public intoxication in city parks** –
 - (a) It shall be unlawful for any person to bring into, possess or consume any alcoholic or malt beverages on or in any public park, or loiter in an intoxicated condition in such park located within the city limits.

(b) Upon application to the city manager, or his or her duly authorized representative, any person may obtain a use permit to bring in, possess and consume alcoholic or malt beverages on or in the areas described in subsection (a) of this section. All use permit fees, deposits or bonds shall be set by resolution of the city council and are on file in the city secretary's office.

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

- **Sec. 8-444 Offenses -**

(b) It shall be unlawful to sell, possess, or consume alcoholic beverages in a non-permitted area.

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

- **Sec. 8-689 Conduct of Drivers –**

(3) Not inhale or consume any alcoholic beverage, drug, or other substance that could adversely affect their ability to operate a pedicab.

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

- **Glass bottles and containers are prohibited in city parks and certain designated locations.**

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

- **Alcohol may be consumed in city parks by adults 21 years of age or older -** If you have a function where alcohol is served, neither the alcohol nor anything else can be sold without a TABC license.

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

Bryan

- **Sec. 6-2 Sale of Alcoholic Beverages; Hours –**

(b) It shall be unlawful for any person in the city to sell, offer to sell, or deliver beer or to sell or offer for sale a mixed alcoholic beverage between the hours of 2:00 a.m. and 7:00 a.m. on any day and between the hours of 2:00 a.m. and noon on Sunday, except that beer or a mixed alcoholic beverage may be served to a customer between 10:00 a.m. and noon on Sunday during the service of food to a customer.

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

- **Sec. 6-3 Possession, consumption of alcoholic beverages in public places; hours -** It shall be unlawful for any person in the city to consume or possess with intent to consume an alcoholic beverage in a public place at any time on Sunday between 2:15 a.m. and 12:00 noon and on any other day between 2:15 a.m. and 7:00 a.m.

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

- **Sec. 6-26 Consumption of Alcoholic Beverages Prohibited in Certain Public Places –**

(a) A person commits an offense if he or she consumes an alcoholic beverage in or on any public street, right-of-way, sidewalk, or pedestrian way located in the Downtown Bryan Area.

(b) It is a defense to prosecution under subsection (a) of this section that the person:

(1) Was attending a "special event" permitted under [sections 106-190](#) through [106-197](#):

a. That was authorized by the city; and

b. For which a valid permit or license to sell or serve alcoholic beverages was issued by the Texas Alcoholic Beverage Commission.

(2) Was within the confines of an establishment licensed by the Texas Alcoholic Beverage Commission for on-premises consumption;

(3) Was within an area designated as a licensed "sidewalk cafe," as that use is defined by section 62-243, that establishment also being licensed by the Texas Alcoholic Beverage Commission for on-premises consumption;

(4) Was inside a building not owned or controlled by the city; or

(5) Was inside a residential structure.

(c) Nothing in this section is intended to prohibit or otherwise control the manufacture, sale, distribution, transportation, or possession of alcoholic beverages, except to the extent allowed by state law.

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

Austin

- **Sec. 4-11-59 Alcoholic Beverage Consumption Areas –**

(A) A permit holder shall designate, subject to the approval of the director, the portions of the premises on which the consumption of alcoholic beverages is permitted. A designated area:

- (1) must be located and designed to minimize adverse effects on adjacent property;
- (2) may include the interior of a building or a deck, patio, or garden; and
- (3) must exclude parking areas.

(B) A person may not consume, and a permit holder, a manager, or an employee of a BYOB venue may not allow the consumption of, an alcoholic beverage outside of a designated area.

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

Brenham

- **Sec. 19-6 Alcoholic Beverages** - It shall be unlawful for any person to consume any alcoholic beverage in, or to carry or bring any alcoholic beverage into, the Blue Bell Aquatic Center.

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

Canyon

- **Sec. 96.01 Alcoholic Beverages in City Park or City-Owned Building –**

(A) The possession or consumption of alcohol is prohibited in city parks or buildings except as permitted in sections 98.13 and 98.15 of this code.

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

- **Sec. 96.02 City Recreational Vehicle Park –**

(D) The Director of Park Services for the city shall prepare and post a sign within the park advising those persons using the park of the rules relating to disruptive, destructive, or violent conduct, littering, operation of vehicles within the park; destruction of trees or shrubs within the park; public consumption of alcohol or other intoxicating substances within the park; limitation of stay within the park; regulations relating to animals allowed to roam at large; use of the dump stations; and any city ordinances pertaining to use of the property by visitors to the park. The Park rules shall be approved by the City Commission and may be revised as necessary.

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

- **Sec. 98.13 Events with Alcohol** - (A) Any event providing for alcohol sales or consumption shall have a valid permit or license to sell or serve alcoholic beverages issued by the Texas Alcoholic Beverage Commission and shall follow all TABC rules and regulations associated with the permit. (B) At any such event the event sponsor shall designate an area for the use of members of the public who elect to bring their own beer or wine to the event and do not purchase beer or wine from the licensee. Members of the public of lawful age may bring beer or wine to special events provided that no glass containers are permitted, and no alcohol consumption is permitted in the city's aquatic park or on playgrounds.

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

Corpus Christi

- **Sec. 4-1 Alcoholic Beverages on Public School Property** - It shall be unlawful for any person to possess, use, or consume any alcoholic beverage, as defined by the Texas Alcoholic Beverage Code, in or on any public school property within the city limits.

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

- **Sec. 4-2 Hours During which Consumption or Possession of Alcoholic Beverages in Public Place Prohibited** - It shall be unlawful for any person in the city to consume any alcoholic beverage in any public place or for any person to possess any alcoholic beverage in any public place for the purpose of consuming the same in such public place at any time on Sunday between the hours of 2:15 a.m. and 12:00 noon, and on all other days at any time between the hours of 2:15 a.m. and 7:00 a.m.

- Penalty upon conviction for violating this section shall be a fine up to fifty dollars (\$50.00).

• **Sec. 4-8 Open Containers and Consumption of Alcoholic Beverages Prohibited in Certain Public Places –**

(a) Definitions:

Corpus Christi Central Business District shall mean the area contained within the map submitted to Texas Alcoholic Beverage Commission for approval, a copy of which is on file with the city secretary and incorporated here by reference, with the boundaries beginning on Buford, at the intersection with Shoreline, then west to Alameda, north to Lipan, west to Josephine, north to the alley way between Mestina and Leopard, then west on the alley way to Coke Street, then south to Commanche, then west to Palm Drive, then north to Up River Road, then west to the Woodlawn Shopping Center, then southwest to the southerly point of the Woodlawn Shopping Center, then northwest to the intersection of Elmore and Leopard to include the Woodlawn Shopping Center, then east on Leopard to Oliver Ct., then northeast to the Oliver Ct. dead-end and along the property line to Buddy Lawrence, then southeast to Nueces Bay Blvd., to include the shopping center and U.S. Post Office, then north to the northside frontage road on Interstate 37, then east to Ramirez, then northwest to Waco, then northeast to West Broadway, to include the Old Bayview Cemetery, then along West Broadway, then north from the end of Stillman Road to Harbor Drive, then east on Harbor Drive to Chaparral Street, then to the midway point of the Harbor Bridge, then east into the Corpus Christi Bay to include the spoil island off the barge dock, continuing south to include all the T-Heads, then to Shoreline Drive, just before McGee Beach, and south to the point of beginning at Buford.

Open container shall mean a container that is no longer sealed.

(b) A person commits an offense if he or she possesses an open container of or consumes an alcoholic beverage within the Corpus Christi Central Business District.

(c) It is a defense to prosecution under subsection (b) of this section that the person:

- (1) Was in attendance at an event that was authorized by the city manager or the city manager's designee;
- (2) Was within the area of an establishment licensed by the Texas Alcoholic Beverage Commission for alcohol consumption on the premises;
- (3) Was inside a motor vehicle;
- (4) Was inside a building not owned or controlled by the city; or
- (5) Was inside a residential structure or on residential property with the owner's consent.

(d) If a person possesses or has in his possession an open container specifically made for the purpose of containing an alcoholic beverage and labeled as containing an alcoholic beverage, it shall be presumed that any content therein is an alcoholic beverage.

(e) Nothing in this section is intended to prohibit or otherwise control the manufacture, sale, distribution, transportation, or possession of alcoholic beverages, except to the extent allowed by state law.

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

Dallas

• **Sec. 6-6.1 Open Containers and Consumption of Alcoholic Beverages Prohibited in Certain Public Places -**

(a) A person commits an offense if he consumes an alcoholic beverage outside the Dallas central area on:

- (1) any property owned or leased by the city; or
- (2) a public street or any public place within 18 feet of a public street.

(b) A person commits an offense if he possesses an open container of or consumes an alcoholic beverage on a public street, public alley, or public sidewalk within 1,000 feet of the property line of a facility that is a public or private school, including a parochial school, that provides all or any part of prekindergarten through twelfth grade.

(c) A person commits an offense if he possesses an open container of or consumes an alcoholic beverage within the Dallas central area.

(d) It is a defense to prosecution under Subsection (a), (b), or (c) of this section that the person:

- (1) was attending a special event:
 - (A) that was authorized by the city; and

- (B) for which a valid permit or license to sell or serve alcoholic beverages was issued by the Texas Alcoholic Beverage Commission;
- (2) was within the area of an establishment licensed by the Texas Alcoholic Beverage Commission for alcohol consumption on the premises.
- (3) is able to prove a defense to prosecution under Section 32-11.3(b) of this code;
- (4) was in a motor vehicle;
- (5) was inside a building not owned or controlled by the city; or
- (6) was inside a residential structure.
- (e) Nothing in this section is intended to prohibit or otherwise control the manufacture, sale, distribution, transportation, or possession of alcoholic beverages, except to the extent allowed by state law.
 - o Class C Misdemeanor, punishable of up to no more than \$500 with no jail time.

Fort Worth

• Sec. 4-5 Possession or Consumption Near Homeless Shelters or Substance Abuse Centers -

- (a) No person may possess an open container or consume an alcoholic beverage on a public street, public alley or public sidewalk within 1,000 feet of the property line of a homeless shelter that is not located in a central business district or a substance abuse treatment center that is not located in the central business district.
- (b) Special temporary events/activities/festivals approved by the city council and events/activities/festivals lasting no longer than three days that are open to the public for the purpose of providing entertainment/food and/or sales of merchandise are exempt from the provisions of subsection (a) above.
- (c) For purposes of this section, the following definitions will apply.
 - CENTRAL BUSINESS DISTRICT* - A compact and contiguous geographical area of a municipality used for commercial purposes that has historically been the primary location in the municipality where business has been transacted.
 - HOMELESS SHELTER* - A supervised publicly or privately operated shelter or other facility that is designed to provide temporary living accommodations to individuals who lack a fixed regular and adequate residence.
 - OPEN CONTAINER* - A container that is no longer sealed or the meaning assigned by Tex Alcoholic Beverage Code § 109.35, whichever is more restrictive.
- o Class C Misdemeanor, punishable of up to no more than \$500 with no jail time.

• Sec. 4-6 Possession Or Consumption Of Alcohol In Certain Public Places -

- (a) Definitions. For the purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning:
 - OPEN CONTAINER. A container that is no longer sealed.
 - WEST 7TH AREA. The area as depicted in Appendix A to this chapter.
- (b) A person commits an offense if he possesses an open container of, or consumes, an alcoholic beverage in or on any public street, sidewalk, alley or pedestrian way located in the West 7th Area as defined in this section.
- (c) It is a defense to prosecution under subsection (b) if the person:
 - (1) Was attending a special event that was authorized by the City and for which a valid permit or license to sell or serve alcoholic beverages was issued by the Texas Alcoholic Beverage Commission;
 - (2) Was inside a building not owned or controlled by the City;
 - (3) Was inside a residential structure;
 - (4) Was within the area of an establishment licensed by the Texas Alcoholic Beverage Commission for alcohol consumption on the premises;
 - (5) Was within the area authorized for a sidewalk cafe as described in Article IX, Chapter 20, evidenced by a properly issued permit.
- (d) Nothing in this section is intended to prohibit or otherwise control the manufacture, sale, distribution, transportation, or possession of alcoholic beverages, except to the extent allowed by state law.
- (e) Each violation of Section 4-6 is a Class C Misdemeanor and shall be punishable by a fine of not more than five hundred dollars.

* Link to map can be found at https://codelibrary.amlegal.com/codes/ftworth/latest/ftworth_tx/0-0-0-4386

• **Sec. 24-17 Alcoholic Beverages**

(a) It shall be unlawful for any person to intentionally or knowingly sell, possess with the intent to sell, or consume any alcoholic beverage in the following areas:

- (1) Within the fenced enclosed areas surrounding any swimming pool, wading pool or spray pool within any park of the city;
- (2) Within any recreation or community center or the parking lots of any recreation or community center; or
- (3) Within any area of a wildlife preserve.

(b) It shall be unlawful for any person to intentionally or knowingly sell, possess with the intent to sell, or consume any alcoholic beverage within any area of a park, playground, or athletic field that has been designated by the park and recreation director as being an area in which alcohol consumption, sale, or possession is prohibited and has been so designated by signs indicating such prohibition.

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.

• **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.

Houston

• **Sec. 3.3 Alcohol in central business district –**

(a) In this section, the following words and terms shall have the meanings ascribed in this subsection:

Central business district means the area depicted as the central business district of the city on the map that was adopted by city council Resolution No. 93-109* and was approved by order of the Texas Alcoholic Beverage Commission dated January 25, 1994, true copies of which map, resolution and order are on file in the office of the city secretary.

*It should be noted that reference to Resolution No. 93-109 should reference Resolution No. 93-103.

Licensed premises means the premises of any place for which a Texas Alcoholic Beverage Commission permit or license has been issued that allows on-premises consumption of alcoholic beverages.

Open container means an alcoholic beverage container that is no longer sealed.

Special event lot means a lot leased or licensed by the owner, operator, manager or management team of a sports venue through an agreement with the lot owner and where the lot is under the control of the owner, operator, manager or management team of the sports venue during an event authorized by them.

Sports venue means a stadium, arena, ballpark, parking lot, or other related property in the central business district that is owned, operated, or project managed by the Harris County-Houston Sports Authority.

- (b) It shall be unlawful for any person to be in possession of an open container in the central business district.
- (c) It shall be unlawful for any person to engage in the public consumption of any alcoholic beverage in the central business district.
- (d) It is a defense to prosecution under this section that the alleged offense took place in a motor vehicle; in a building not owned or controlled by the city; in a residential structure; on the premises of a sports venue or special event lot during the hours authorized by the owner, operator, manager or management team of the sports venue; or on licensed premises that are situated in the central business district.
 - Class C Misdemeanor, punishable of up to no more than \$500 with no jail time.

Kingsville

• Sec. 9-8-11 Liquor in Public Parks Prohibited, Exception -

- (A) Except as hereinafter provided, it shall be unlawful for any person to consume or possess any alcoholic beverage or beverages in any public park within the corporate limits of the city.
- (B) In the event a person, persons, or corporation shall lease or rent park facilities managed by the City for public or private use and shall desire to serve or permit alcoholic beverages to be consumed on the premises, in addition to the requirements for Special Use Permit Agreements in §9-8-8, the following rules shall apply:
 - (1) (a) An application shall be made to the Parks & Recreation Director which shall contain the following:
 - 1.The person or persons responsible for the use of the building.
 - 2.The purpose for which the building is to be used.
 - 3.The number of persons expected to attend the function for which the building let.
 - 4.The type of beverages to be sold or consumed on the premises.
 - 5.The type of security that will be provided by the applicant.
 - 6.The hours such beverages will be sold or consumed on the premises.
 - 7.The person whose license will be used for the sale of any alcoholic beverage.
 - 8.The applicant shall sign a statement that all applicable state laws will be complied with before any alcoholic beverages are sold or consumed on the premises.
 - 9.Proof of Liability and Liquor Liability Insurance naming City of Kingsville as additionally insured, security plan, and proof of staffing certification by TABC.
 - (b) If the City Manager deems that the public interest shall be served by the issuance of a permit for such purposes, then the City Manager may issue a permit and such permit shall contain the rules applicable to same.
 - (2) In addition to the items enumerated above, the City Manager may make such additional requirements as they deem necessary for the safety and well-being of the persons attending such function.
 - Class C Misdemeanor, punishable of up to no more than \$500 with no jail time.

McAllen

• Sec. 6-3 Sale, Possession and Consumption of Alcoholic Beverages During Extended Hours –

- (a) It shall be lawful for the holder of a mixed beverage permit within the corporate limits of the city to acquire a mixed beverage late hours permit and under such mixed beverage late.
- (b) It shall be unlawful for any person within the corporate limits of the city to consume or possess with intent to consume an alcoholic beverage in a public place at any time on Sunday between 1:15 a.m. and 12:00 noon or on any other day between 12:15 a.m. and 7:00 a.m., provided, however, it shall not be unlawful for a person to consume or possess with intent to consume an alcoholic beverage if such alcoholic beverage is within the confines and limits of the premises on which a mixed beverage late hours permit has been issued during the extended hours granted by subsection (a).
- (c) A violation of subsection (b) is punishable by a fine of not more than \$50.00.
- (d) The penalty provided for in subsection (c) should not be construed as exclusive, and the city hereby provides that any other remedy available to it in the enforcement of this section, in law or in equity, is not intended to be, is not to be, and is not foreclosed by the provision of such penalty.

• **Sec. 6-4 McAllen Nature Center; Alcoholic Beverages Prohibited –**

- (a) The property previously known as the Valley Botanical Gardens or McAllen Botanical Gardens, shall be known and referred to as the McAllen Nature Center.
- (b) No person shall possess or consume any alcoholic beverages in the McAllen Nature Center at any time.
 - Class C Misdemeanor, punishable of up to no more than \$500 with no jail time.

• **Sec. 6-5 Possession or Consumption of Alcoholic Beverages in the Central Business District –**

- (a) CBD is defined as that area of the city lying within the boundaries of Business 83, Houston Avenue, 18th (Bicentennial) and Tenth Street.
- (b) Open container means a container that is no longer sealed which contains an alcoholic beverage.
- (c) Pedestrian shall mean any person standing, walking, or traversing any public roadway, park, sidewalk or alley, including public and private parking lots located within the CBD.
- (d) It shall be unlawful for a pedestrian to possess an open container of an alcoholic beverage or to consume an alcoholic beverage in the CBD.
- (e) This section does not prohibit the legal possession of an open container or the consumption of alcoholic beverages in motor vehicles, buildings not owned or controlled by the city, residential structures or licensed premises located within the CBD, or anywhere within the Entertainment and Cultural Overlay District established under chapter 138 of this Code, whenever city manager or designee has issued a special events permit allowing the sale of alcoholic beverages, the possession by pedestrians of open containers of alcoholic beverages, or the consumption of alcoholic beverages at any location specified in said permit, which shall be made subject to such reasonable conditions and requirements as are deemed necessary and proper to maintain the health, safety and welfare of persons within and in the vicinity of the specified locations.
 - Class C Misdemeanor, punishable of up to no more than \$500 with no jail time.

• **Sec. 74-77 Alcoholic Beverages Prohibited –**

- (a) Athletic events. No person may possess or consume alcoholic beverages in a city-owned or controlled park or recreational facility during the time in which an organized athletic activity is being conducted at that park or recreational facility, whether or not such athletic activity is organized by the city or any other person.
 - Class C Misdemeanor, punishable of up to no more than \$500 with no jail time.

Midland

• **Sec. 5-4-6 Consumption in Certain Places Prohibited –**

- (a) It shall be unlawful for any person to consume any alcoholic beverage (as defined in V.T.C.A., Alcoholic Beverage Code § 1.04(1)) in or upon any motor vehicle when the said motor vehicle is upon a public highway, road, street, alley, or sidewalk within the City.
- (b) It shall be unlawful for any person to consume any alcoholic beverage (as defined in V.T.C.A., Alcoholic Beverage Code § 1.04(1)) in or upon any public highway, road, street, alley or sidewalk within the City.
- (c) The possession of an alcoholic beverage, not in the original unopened container, shall be prima facie evidence of consumption for purposes of subsection (A) and subsection (B) above. Provided, however, that this Section shall not apply to any alcoholic beverage that is locked in the trunk of a motor vehicle in such a manner as to be inaccessible from the interior or to any person riding in such vehicle.
- (d) Provided, however, that the provisions of subsection (B) above shall not apply to any public highway, road, street, alley or sidewalk within the City that has been temporarily closed to public use for vehicular or pedestrian traffic by order of the City Council for special events and for special civic occasions.
 - Class C Misdemeanor, punishable of up to no more than \$500 with no jail time.

• **Sec. 9-5-20 Possession and Consumption of Alcoholic Beverages –**

- (A) It shall be unlawful for any person to consume any alcoholic beverage (as defined in V.T.C.A., Alcoholic Beverage Code § 1.04(1)) while in or upon Hogan Park and any of the public parks listed in Section 9-5-18 of this Chapter, with the exception of those portions of Hogan Park and Ulmer Park, set forth in Subsection (B)

of this Section. The possession of an alcoholic beverage not in the original unopened container shall be prima facie evidence of consumption for purposes of this Section.

(B) Consumption

1. The consumption of alcoholic beverages within the golf course and Christensen Stadium at Hogan Park shall be allowed, subject to applicable state law and ordinances of the City.
2. The consumption of beer, and no other alcoholic beverage, shall be allowed within the main picnic area at Hogan Park, being that area surrounded by a fence and designated as the main picnic area by appropriate signs and markings, and within 100 feet of the picnic tables at Ulmer Park, subject to the following conditions:
Beer must be dispensed from a metal keg, and only paper or plastic cups may be used for the consumption of same.
(b) Use of the main picnic area for activities which include the possession and consumption of beer shall be limited to groups of 50 persons or more which have first obtained a reservation permit from the Parks Division office for the use of such area. Such permit shall be issued on a first come, first served basis. The Parks office may issue permits to smaller groups on any days that are not reserved by 50 or more persons, again on the first come, first served basis.
3. The consumption of beer, but no other alcoholic beverage, shall be allowed within the Bill Williams Softball Complex at Hogan Park consisting of fields A, B, C, D, E and F which are all enclosed within a common fence and identified by appropriate signs, but only on the days during which national championship tournaments or state tournaments are being conducted within said complex. National Championship Tournaments are defined as being open to member teams from the sponsoring association or organization and at least 80 percent of the competing teams are from outside the State of Texas. State Tournaments are defined as tournaments which are open to all member teams in the State of Texas of the sponsoring association or organization that has at least 60 percent of the competing teams are from outside Midland County, Texas and where the opportunity exists for the champion to compete in other tournaments at a regional, bi-regional or national level.

- (C) The consumption and possession of beer and wine, and no other alcoholic beverages, will be permitted within Centennial Plaza subject to applicable state and local law and regulations promulgated by the Midland Center advisory board, and upon written approval by Midland Center management.
- o Class C Misdemeanor, punishable of up to no more than \$500 with no jail time.

Round Rock

• **Sec. 4-5 Unlawful to Drink or Possess Intoxicating Liquors Within Certain Areas –**

- (a) Ball fields. It shall be unlawful for any person, firm or corporation to carry, possess, or drink any alcoholic or intoxicating beverage in any city-owned or - operated baseball or softball field while a person or persons of non-drinking age are participating in organized league play.
 - (b) Swimming pool areas. Except as provided herein, it shall be unlawful for any person, firm, or corporation to carry, possess, or drink any alcoholic or intoxicating beverage in any city-owned and - operated swimming pool area. The foregoing prohibition shall not apply to any swimming pool owned by the city, but operated or managed by a third party under contract with the city.
 - (c) Park areas. Permits. It shall be unlawful for any person, firm or corporation to sell any alcoholic or intoxicating beverage in any city-owned or -operated park without first obtaining a permit therefor from the chief of police. The decision of the chief of police to grant or deny any such permit shall be appealable to the city council.
- o Class C Misdemeanor, punishable of up to no more than \$500 with no jail time.

San Antonio

• **Sec. 4-4 Consumption of Alcoholic Beverages in The Central Business District –**

- (a) In this section, the following words and terms shall have the meanings ascribed in this subsection:
 1. Central business district means the area depicted as the central business district of the city on the map attached to the ordinance from which this section derives, which is to be submitted for approval

to the Texas Alcoholic Beverage Commission, and upon said approval, true copies of which map, resolution and order shall be placed on file in the office of the city clerk and which describe the area as follows:

Beginning at South San Marcos Street at its intersection with West Commerce Street, south to its intersection with Matamoros Street, east to its intersection with the Union Pacific Railway, south to South Alamo Street, north to its intersection with East Durango Boulevard, east to South Cherry Street, north to its intersection with East Commerce Street, east to its intersection with North Mesquite Street, north to its intersection with Burleson Street, west to its intersection with Austin Street, north to its intersection with Casa Blanca Street, west to Newell Avenue, southwest to East Elmira Street, west to the intersection of West Elmira and the westbound service road of Interstate Highway 10, underneath Interstate Highway 10, then westbound from the intersection of the Interstate Highway 10 eastbound service road and Perez Street to its intersection with North Frio Street, south to its intersection with West Martin Street, west to its intersection with North San Marcos Street, south to its intersection with West Commerce Street.

2. Licensed premises means the premises of any place for which a Texas Alcoholic Beverage Commission permit or license has been issued that allows on-premises consumption of alcoholic beverages.
3. Open container means an alcoholic beverage container that is no longer sealed.

(b) A person commits an offense if the person:

1. Is within the central business district, as defined by subsection (a)(1), and
2. Possesses an open container or engages in the public consumption of any alcoholic beverage.

(c) It is a defense to prosecution under this section that the alleged offense took place in a motor vehicle, in a building not owned or controlled by the city, in a residential structure or on a licensed premise that is situated in the central business district.

(d) Except as set out herein, this section does not prohibit or otherwise control the manufacture, sale, distribution, transportation or possession of alcoholic beverages.

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

• **Sec. 4-4.3 Consumption of Alcoholic Beverages on Or Near Public Streets in The King William Area of the Central Business District –**

(a) A person commits an offense if the person:

1. Is on a public street or on public property within twelve (12) feet of a public street in the King William area of the central business district, as defined by subsection (b), and
2. Possesses a container for an alcoholic beverage that is not sealed (an "open container") or consumes an alcoholic beverage.

(b) For purposes of this section, the "King William area" of the central business district is defined as follows: beginning at the intersection of East Durango Boulevard and the east bank of the San Antonio River; thence, south and east following the east bank of the San Antonio River to its intersection with the Southern Pacific Railway railroad right-of-way; thence, east along the Southern Pacific Railway railroad right-of-way to its intersection with South Presa Street; thence, north on South Presa Street to its intersection with East Durango Boulevard; thence, west along East Durango Boulevard to its intersection with the east bank of the San Antonio River, the place of beginning; save and except any of the land included within the boundaries of the King William Park.

(c) This section does not prohibit or otherwise control the manufacture, sale, distribution, transportation or possession of alcoholic beverages.

(d) The city manager is authorized to erect and post signs in and around the King William area forewarning persons that possession of an open container or the consumption of alcoholic beverages on a public street or on public property within twelve (12) feet of a public street is prohibited.

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

• **Sec. 4-4.4 Public Possession of an Open Container or Consumption of Alcoholic Beverages within One Thousand (1,000) Feet of The Haven for Hope Campus –**

- (a) A person commits an offense if the person:
 1. Is on a public street, public alley, or public sidewalk within one thousand (1,000) feet of the property line of the Haven for Hope campus, and
 2. Possesses a container for an alcoholic beverage that is no longer sealed, ("open container") or consumes an alcoholic beverage.
- Class C Misdemeanor, punishable of up to no more than \$500 with no jail time.

• **Sec. 22-1. Restrictions on sale and use of alcoholic beverages in parks.**

- (a) Except as provided in subsection (b), it shall be unlawful for any person to sell, possess, consume or distribute alcoholic beverages in any city park.
- (b) The following parks or park facilities are exempted from the restriction in subsection (a): (1) Sunken Garden Theater in Brackenridge Park; (2) Koehler Area in Brackenridge Park; (3) S.A. Zoo in Brackenridge Park; (4) Witte Museum in Brackenridge Park; (5) HemisFair Park; (6) Tower of the Americas; (7) King William Park; (8) La Villita; (9) Market Square; (10) RiverWalk; (11) Reserved; (12) McFarlin Tennis Center in San Pedro Park; (13) Spanish Governor's Palace; (14) Reserved; (15) Coliseum Oaks Park; (16) Martin Luther King Plaza; (17) Dorie Miller; (18) Sunrise; (19) Willow Springs Golf Course; (20) Harlandale; (21) Kingsborough; (22) Mission Del Lago Golf Course; (23) Mission Parkway; (24) Pytel; (25) Riverside Golf Course; (26) Southside Lions-Area, east of Pecan Valley Drive only; (27) Stinson; (28) Mateo Camargo picnic facility; (29) Reserved; (30) Reserved; (31) Reserved; (32) Reserved; (33) Reserved; (34) Reserved; (35) Reserved; (36) Reserved; (37) Kennedy Park Softball Complex; (38) Reserved; (39) Reserved; (40) Reserved; (41) Reserved; (42) Rosedale Mass picnic facility; (43) Graff Pavilion in O. P. Schnabel Park; (44) Reserved; (45) Cedar Creek Golf Course; (46) Eisenhower Mass picnic facility; (47) North East Sports Park in McAllister Park; (48) Olmos Basin Park; (49) Olmos Basin Golf Course; (50) San Antonio Botanical Garden and San Antonio Garden Center; (51) San Pedro Driving Range and Par 3; (52) Alva Jo Fischer Softball Complex in Lady Bird Johnson Park; (53) Belmeade Park; (54) Lions Field Center; (55) San Pedro Playhouse in San Pedro Park; PARKS AND RECREATION § 22-1 Supp. No. 143 1569 (56) Main Plaza, but only in accordance with the rules and regulations promulgated by Main Plaza Conservancy as reviewed and approved by the city manager. (57) Brackenridge Park Golf Course. (58) Northern Hills Golf Course; (59) Northeast Golf Center; (60) Golf Expansion Area in O.P. Schnabel Park; (61) Polo Field Driving Range Building in Brackenridge Park.
- (c) The director of parks and recreation or his designated representative is authorized to issue a special permit to allow the possession and consumption of alcohol within restricted parks for specific events. The director shall have authority to establish guidelines for the issuance of such permits imposing whatever conditions he deems appropriate.

Washington DC

• **Sec. 25-1002 Purchase, Possession of Consumption by Persons Under 21; Misrepresentation of Age; Penalties -**

- (b) No person who is under 21 years of age shall purchase, attempt to purchase, possess, or drink an alcoholic beverage in the District, except as provided under subchapter IX of Chapter 7.
- (c)
 1. No person shall falsely represent his or her age, or possess or present as proof of age an identification document which is in any way fraudulent, for the purpose of purchasing, possessing, or drinking an alcoholic beverage in the District.
 2. No person shall present a fraudulent identification document for the purpose of entering an establishment possessing an on-premises retailer's license, an Arena C/X license, or a temporary license.
 3. For the purpose of determining valid representation of age, each person shall be required to present to the establishment owner or representative at least one form of valid identification, which shall have been issued by an agency of government (local, state, federal, or foreign) and shall contain the name, date of birth, signature, and photograph of the individual; provided, that a military identification card

issued by an agency of government (local, state, federal, or foreign) shall be an acceptable form of valid identification whether or not it contains the individual's signature.

(d)

1. Except as provided in paragraph (4)(D) of this subsection, any person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine and suspension of driving privileges as follows:

- (A) Upon the first violation, a fine of not more than \$300 and suspension of driving privileges in the District for 90 consecutive days;
- (B) Upon the second violation, a fine of not more than \$600 and suspension of driving privileges in the District for 180 days; and
- (C) Upon the third and each subsequent violation, a fine of not more than \$1,000 and suspension of driving privileges in the District for one year.

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

• **Sec. 25-1001 Drinking of Alcoholic Beverage in Public Place Prohibited; Intoxication Prohibited –**

- (a) Except as provided in subsections (b) and (c) of this section, no person in the District shall drink an alcoholic beverage or possess in an open container an alcoholic beverage in or upon any of the following places:
 - (1) A street, alley, park, sidewalk, or parking area;
 - (2) A vehicle in or upon any street, alley, park, or parking area;
 - (3) A premises not licensed under this title where food or nonalcoholic beverages are sold or entertainment is provided for compensation;
 - (4) Any place to which the public is invited and for which a license to sell alcoholic beverages has not been issued under this title;
 - (5) Any place to which the public is invited for which a license to sell alcoholic beverages has been issued under this title at a time when the sale of alcoholic beverages on the premises is prohibited by this title or by the regulations promulgated under this title; or
 - (6) Any place licensed under a club license at a time when the consumption of the alcoholic beverages on the premises is prohibited by this title or by regulations promulgated under this title.
- (b) Subsection (a)(1) of this section shall not apply if drinking or possession of an alcoholic beverage occurs:
 - (1) In or on a structure that projects upon the parking, and which is an integral, structural part of a private residence, such as a front porch, terrace, bay window, or vault, by, or with the permission of, the owner or resident; or
 - (2) At an event licensed by the Board.
- (c) No person, whether in or on public or private property, shall be intoxicated and endanger the safety of himself, herself, or any other person or property.
- (d) Any person violating the provisions of subsection (a) or (c) of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than the amount set forth in [§ 22-3571.01], or imprisoned for not more than 60 days, or both.

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 (see Appendix 1 and 2)

<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

Alcohol abuse is a prime contributor to suicide, homicide, motor vehicle deaths, and other unintended deaths. Excessive alcohol consumption leads to more than 100,000 deaths annually in the United States. Alcohol abuse can lead to alcohol dependence, premature death through overdose, alcohol-related stroke, and complications involving the brain, heart, liver, and many other body organs. Alcohol abuse also causes liver disease, gastritis, and anemia, as well as cancers of the esophagus and larynx.

The abuse of illicit drugs can result in a wide range of health problems. In general, illicit drug use can result in drug addiction, death by overdose, death from withdrawals, seizure, heart problems, infections (e.g., HIV/AIDS, hepatitis), liver disease, and chronic brain dysfunction.

Alcohol used in any amount by a pregnant woman can cause birth defects and permanent brain damage to the child. Drug use by a pregnant woman may cause addiction or health complications in her unborn child.

Alcohol abuse interferes with psychological functions, causes interpersonal difficulties, and is involved in most cases of child abuse. Substance abuse disrupts work, reduces motivation, causes legal and financial problems, and social and family problems. Other problems associated with alcohol and drug use include the following psychological dysfunctions: dependency, memory loss, hallucinations, paranoia, and psychosis.

For additional health risks associated with alcohol and drug abuse:

Department of Justice, *Drugs of Abuse*, <https://www.dea.gov/documents/2017/06/15/drugs-abuse>

National Institute on Alcohol Abuse and Alcoholism, *Alcohol's Effect on the Body*, <https://www.niaaa.nih.gov/alcohol-health/alphabets-effects-body>

Centers for Disease Control and Prevention, *Fact Sheets - Alcohol Use and Your Health*, <https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>

Visit the National Institute on Drug Abuse, <https://www.drugabuse.gov/>

A complete resource guide provided by the U.S. Department of Justice; Drug Enforcement Administration can be obtained by following this link.

https://www.dea.gov/sites/default/files/2018-06/drug_of_abuse.pdf

For information located here at Texas A&M University about health risks associated with alcohol and other drug abuse, contact Student Life – Substance Misuse and Violence Prevention at 979.845.0280 or email smvp@tamu.edu.

4. Resources and Counseling Services

NOTE: In addition to the resources and counseling services identified below, all Texas A&M students, regardless of where they are located, have access to Telus Health Student Support App. Telus offers immediate assistance through the following:

- Confidential, real-time virtual counseling via chat and phone
- Scheduled, short-term counseling appointments via telehealth with a licensed counselor
- Connect with the same counselor over multiple sessions via telephone or video appointments
- Extensive on-demand content library
- Support in your language

For more information on Telus Health Student Support app, visit <https://uhs.tamu.edu/mental-health/student-support.html>

ADA accommodations

Students with a disability who are seeking academic accommodations should contact Disability Resources at 979-845-1637, follow [University SAP 08.01.02.M0.04, Student Requests for Academic Accommodations under the ADA](#) and visit the [Disability Resources website](#) for related information.

TAMU School of Law determines and manages academic accommodations for law students in Fort Worth, San Antonio and School of Law distance education programs. Law students who would like to request academic accommodations must contact the Office of Student Affairs at law-disability@law.tamu.edu or 817-212-4111.

Bryan/College Station

To help individuals who struggle with alcohol or other drugs, the following resources are available to **TAMU and TAMHSC students located in Bryan/College Station:**

University Health Services

University Health Services (UHS) provides substance abuse assessments, treatment, counseling, and recovery supports for students. Students requiring higher levels of treatment have specialized referral care available. All appointments are confidential. For more information or to schedule an appointment, call 979.458.4584 or check the website at <http://uhs.tamu.edu>.

UHS Aggie Recovery Community

Texas A&M is committed to supporting Aggies who are in or are seeking recovery from substances. The University Health Services Aggie Recovery Community (ARC) provides students in recovery a safe and substance-free environment that assists and supports Aggies as they pursue their academic and professional goals.

Services Offered:

- Dedicated Drop-In Center
- Peer-to-peer process groups
- Recovery oriented meetings
- Meditation groups
- Substance free community events and activities
- Recovery Coaching
- Recovery Protection Plan
- Advocacy
- Referrals to on and off campus resources
- Recovery Accountability
- Community Service Opportunities
- Recovery Oriented Outdoor Adventures

Additionally, the following resources are available to **TAMU and TAMHSC students located in Bryan/College Station and TAMU engineering students located at an Engineering Academy:**

Student Life – Substance Misuse and Violence Prevention, is committed to promoting responsible decision-making regarding alcohol and drugs to the Texas A&M community through educational programming and resources. To request a presentation or obtain more information call 979.845.0280 or email smvp@tamu.edu.

TAMU Higher Education Center at McAllen:

Staff will refer all students needing both short and long term counseling care services to Claraly Peña-Leal, M.S., LPC-S, Professional Counselor III, University Health Services Texas A&M Health, Higher Education Center at McAllen, ph: 956.271.1366, cpena-leal@tamu.edu uhs.tamu.edu

TAMU Health Science Center student resources *based on location*:

University Health Services (UHS) provides substance abuse assessments, treatment, counseling, and recovery supports for students. Students requiring higher levels of treatment have specialized referral care available. All appointments are confidential. For more information or to schedule an appointment, call 979.458.4584 or check the website at <http://uhs.tamu.edu>.

In addition to the resources and counseling services identified above, *all Texas A&M students*, regardless of where they are located, have access to Telus Health Student Support App.

This includes the following HSC locations:

- Bryan - College Station
- Dallas
- Houston
- Kingsville
- McAllen
- Round Rock
- Temple

Telus offers immediate assistance through the following:

- Confidential, real-time virtual counseling via chat and phone
- Scheduled, short-termed counseling appointments via telehealth with a licensed counselor
- Connect with the same counselor over multiple session via telephone or video appointments
- Extensive on-demand content library
- Support in your language

For more information on Telus Health Student Support app, visit <https://uhs.tamu.edu/mental-health/student-support.html>

La Hacienda Treatment Center – Two locations: College Station, TX & Hunt, TX

- BCS students – 979.846.9500
- Dallas – School of Medicine
- Houston – School of Medicine
- Round Rock – School of Medicine

TMA Physician Health Program - AOD programs are available because of students' professional status (free services, <http://www.texmed.org/>).

- BCS – School of Medicine
- Dallas – School of Medicine
- Houston – School of Medicine
- Round Rock – School of Medicine

Professional Recovery Network – call 800.727.5152

- Dallas – School of Dentistry
- College Station – School of Pharmacy
- Kingsville – School of Pharmacy

TAMU at Kingsville Student Health and Wellness Counseling Services – call 361.593.3991 to talk to a counselor or set up an appointment.

- Kingsville – School of Pharmacy

Dentists Concerned for Dentists, Staff and Families – call confidential hot line at 214.206.7496 or visit <https://www.dcds.org/member-center/dentists-concerned-for-dentists>

- Dallas – School of Dentistry

University of Texas HSC at Houston Employee Assistance and Work Life Program – provides services, including personal counseling and on-line resources to:

- College Station – School of Pharmacy (4th year students)
- Kingsville – School of Pharmacy (4th year students)

Student Life – Substance Misuse and Violence Prevention at TAMU provides resources for Alcohol and Other Drugs <https://studentlife.tamu.edu/hp/programs/>.

This includes the following HSC locations:

- Bryan - College Station
- Dallas
- Houston
- Kingsville
- McAllen
- Round Rock
- Temple

Mays Business School – CityCentre student resources include:

Local Treatment Programs:

- Behavioral Hospital of Bellaire Detox, Drug and Alcohol Rehabilitation 713.600.9500 or 800.423.0017
- Cypress Creek Hospital Chemical Dependency Treatment Detoxification 281.586.7600
- Memorial Hermann Prevention and Recovery Center (PaRC) 832.781.0410
- Palmer Drug Abuse Program (PDAP) 281.589.4833
- Phoenix House Prevention and Intervention Svcs of Houston / Galveston 888.671.9392 or 713.426.2637
- The Right Step 844.768.0169 (24/7 hotline)
- Houston Recovery Center-Sobering Center-24 hrs (150 N Chenevert St, Houston, TX 77002) 713.236.7800
- Way Out Recovery Program (LBGT/ HIV Recovery Services) 713.529.0037

Local Resources:

- The Helpline for Harris County residents 713.970.7000 or 1.866.970.4770
- Narcotics Anonymous of the Houston Area 713.661.4200 or 888.600.6229 (Espanol)
- Alcoholics Anonymous of the Houston Area 713.686.6300 or 713.661.6833 (Español)
- Al-Anon Family Groups-Houston Intergroup 713.683.7227
- Career and Recovery (United Way) 713.754.7000
- The Council on Recovery (United Way) 713.914.0556

TAMU School of Law Fort Worth student resources include:

Telus Health Student Support

Phone: 866.576.1410

Website: <https://www.myssp.app/us/signup>

This confidential and free counseling program is available to Texas A&M University students to provide -- confidential, real-time virtual counseling available 24/7 via chat and phone; scheduled, short-term counseling appointments via telehealth with a licensed counselor; extensive on-demand content library; support in your language.

Texas Lawyers Assistance Program (TLAP)

Phone: 1.800.343.8527 (call or text)

Website: <https://www.tlaphelps.org/law-students>

TLAP provides confidential support to law students for problems with stress, anxiety, depression, substance use, and other mental health disorders. TLAP works with all 10 Texas law schools to provide students with wellness programming, education related to character and fitness requirements by BLE, peer and group support, referrals to quality professionals and programs, and connection to financial assistance for needed care.

Professional Counselor for In-Residence Law Students for the Fort Worth degree programs

Phone: 817.212.4115

Website: <https://caps.tamu.edu/student-portal-log-in/>

Counseling services provided by the embedded counselor for in-residence students of the Fort Worth law degree programs will include confidential, free-of-charge, short-term, in-person, and/or online personal counseling.

Substance Abuse and Mental Health Services Administration (SAMHSA) National Hotline

Phone: 1.800.662.4357

TTY: 1.800.487.4889

Website: <https://www.samhsa.gov/find-help/national-helpline>

The Substance Abuse and Mental Health Services Administration (SAMHSA) is the agency within the U.S. Department of Health and Human Services that leads public health efforts to advance the behavioral health of the nation. SAMHSA's mission is to reduce the impact of substance abuse and mental illness on America's communities.

SAMHSA's National Helpline is a free, confidential, 24/7, 365-day-a-year treatment referral and information service (in English and Spanish) for individuals and families facing mental and/or substance use disorders.

Narcotics Anonymous

Phone: 1.817.335.6360

Website for Fort Worth: www.fwana.org

Website: <https://www.na.org/meetingsearch/>

Alcoholics Anonymous

Phone: 1.817.332.3533

Phone: 1.800.369.1602

Website for Fort Worth: www.fortworthaa.org

Website: <https://aa-intergroup.org/>

Recovery Resource Council

2700 Airport Freeway | Fort Worth, TX 76111

Phone: 1.817.332.6329

Website: www.RecoveryCouncil.org

The mission of Recovery Resource Council is to promote wellness and recovery from alcohol, substance use disorders, and trauma. Building on a core value of Making Meaningful Change, Recovery Resource Council has been serving North Texas since 1946 with an established a pathway to substance abuse screening and mental, behavioral health treatment services for low income, uninsured, or under-insured youth and adults.

MHMR of Tarrant County – Addiction

3840 Hulen St., North Tower | Fort Worth, TX

Phone: 1.817.335.3022

Website: www.mhmrtarrant.org

The Salvation Army of Fort Worth

Adult Rehabilitation Center | 2901 NE 28th St. | Fort Worth, TX

Phone: 1.817.834.6271

Website: https://www.salvationarmydfw.org/p/services/addiction_recovery

Volunteers of America

4700 S. Riverside Dr. | Fort Worth, TX 76119

Phone: 1.817.369.8614

Website: <https://www.voatx.org/locations/substances-abuse-treatment>

Volunteers of America Texas is a faith-based, nonprofit organization dedicated to helping the vulnerable reach their full potential.

TAMU School of Law San Antonio student resources include:

Telus Health Student Support

Phone: 866.576.1410

Website: <https://www.myssp.app/us/signup>

This confidential and free counseling program is available to Texas A&M University students to provide -- confidential, real-time virtual counseling available 24/7 via chat and phone; scheduled, short-term counseling appointments via telehealth with a licensed counselor; extensive on-demand content library; support in your language.

Texas Lawyers' Assistance Program (TLAP)

Phone: 1.800.343.8527 (call or text)

Website: <https://www.tlaphelps.org/law-students>

TLAP provides confidential support to law students for problems with stress, anxiety, depression, substance use, and other mental health disorders. TLAP works with all 10 Texas law schools to provide students with wellness programming, education related to character and fitness requirements by BLE, peer and group support, referrals to quality professionals and programs, and connection to financial assistance for needed care.

Substance Abuse and Mental Health Services Administration (SAMHSA) National Hotline

Phone: 1.800.662.4357

Website: <https://www.samhsa.gov/find-help/national-helpline>

The Salvation Army of San Antonio

Adult Rehabilitation Center | 1324 S. Flores St. | San Antonio, TX 78204

Phone: 1.210.223.6877

Website: [Social Services - San Antonio Area Command \(salvationarmysanantonio.org\)](https://socialservices-sanantonio.org)

TAMU at Qatar student resources include:

TAMUQ Student Affairs provides substance abuse assessments and referrals for students through Dr. Steve Wilson. Intervention and limited ongoing recovery support counseling is available. All contacts are confidential. For more information or to schedule an appointment, call 4423.0316 or email stephen.wilson@qatar.tamu.edu.

TAMU at Galveston student resources include:

TAMUG Counseling Center at 409.740.4736 or in Suite 104, Siebel Student Services Center

TAMU Bush School of Government & Public Service Washington, D.C. Teaching Site student resources include:

University Health Services provides substance abuse assessments and referrals for students. Intervention and limited ongoing recovery support counseling is available. All contacts are confidential. For more information or to schedule an appointment, call 979.458.4584 or check the website at <http://uhs.tamu.edu>

In addition to the resources and counseling services identified above, all Texas A&M students, regardless of where they are located, have access to Telus Health Student Support App. Telus offers immediate assistance through the following:

- Confidential, real-time virtual counseling via chat and phone
- Scheduled, short-termed counseling appointments via telehealth with a licensed counselor
- Connect with the same counselor over multiple session via telephone or video appointments
- Extensive on-demand content library
- Support in your language

For more information on Telus Health Student Support app, visit <https://uhs.tamu.edu>

Veterinary Education, Research, and Outreach Program (VERO) resources include:

Students have access to the following West Texas A&M University (WTAMU) services for On-Campus Counseling and Health Services related to Alcohol and Other Drugs.

WTAMU campus employs counselors and mental health professionals to provide confidential short-term assistance for current students experiencing personal concerns, career decisions, and issues which may be interfering with academic success including anxiety, depression, and substance abuse. For our military veterans, we also have a group of dedicated counselors to help provide guidance. Referral to community resources is often part of the counseling process if assistance is needed after WTAMU counseling sessions.

TELUS is a 24/7 resource for students seeking mental health support. Students are able to access providers through chat, phone calls, video chat, and in-person services, seek support from peers, and access a library of resources catered to the mental health needs of students. All resources provided by students are free of charge! Simply download the app and select West Texas A&M University as your school to get started. Web access to the TELUS platform can be found by visiting <https://studentsupport.telushealth.com>.

In addition to these WTAMU resources, VERO students can arrange an appointment online, by phone, or by email. To arrange an appointment by email, contact the VMBS professional counselors at vetcounselor@caps.tamu.edu. Students can also call the main University Health Services Counseling Office to schedule an appointment at 979.845.4427, although they may refer you to the VMBS professional counselors directly for more appointment time options.

Additionally, community-based and campus-specific resources are as follows.

On Campus Resources

Resource office	Address	Contact number
University Police Department	Old Sub 102	806.651.2300
UPD Victim Assistance	Old Sub 106	806.651.2307
Student Counseling	VH Activities Center 242	806.651.2340
Student Medical Services	VH Activities Center 104	806.651.3287
Human Resources	Old Main 308	806.651.2114
The Work/Life Solutions Program by Guidance Resources	www.wtamu.edu/HR	866.301.9623
International Student Office	Old Main 124	806.651.2073
Office of Veterans Services	JBK Student Center 133	806.651.4939

Off Campus Resources

Resource office	Address	Contact number
Canyon Police Department	301 16 th Street #3, Canyon	806.655.5000
Randall County Sheriff's Department	9100 S. Georgia Street, Amarillo	806.468.5800
Amarillo Police Department	200 SE 3 rd Avenue, Amarillo	806.378.3038
Potter County Sheriff's Office	13103 NE 29 th Avenue, Amarillo	806.379.2900
Northwest Texas Hospital	1501 S. Coulter St., Amarillo	806.354.1000
BSA Health System	1600 Wallace Blvd. Amarillo	806.212.2000

Domestic Violence/Sexual Assault Hotline - Family Support Services www.fss-ama.org	2209 7th Ave Amarillo	806.374.5433 (crisis line, bilingual) / 844.363.3452 helpline
Pavilion Counseling Center www.nwths.com/services/behavioral-health	1501 S Coulter St. Amarillo	806.354.1810 800.537.2585
Texas Panhandle Centers www.texaspanhandlecenters.org	901 Wallace Blvd Amarillo	806.337.1000 806.359.6699 (crisis)
Veterans' Health Care System (VA)	6010 Amarillo Blvd. Amarillo	806.355.9703 main / 833-284-7212 VA Health Connect 806-355-9703 ext 7430 mental health

5. Student Conduct Sanctions

A student found responsible for noncompliance with the Texas A&M University Student Rules or laws regarding alcohol and/or other drugs is subject to sanctions commensurate with the offenses.

Student conduct action in cases involving drug related violations by students may result in suspension or expulsion from the University and/or referral for prosecution.

Violation of any state or federal law pertaining to controlled substances that occur off campus and are not associated with a University connected activity may result in student conduct charges in situations in which the continued presence of the individual on campus is likely to interfere with the educational process and/or the orderly operation of the University.

University conduct proceedings will occur in accordance with the procedures outlined in the University Student Rules. Any conduct action imposed by the University may precede, and be in addition to, any penalty imposed by authorities off campus.

Other Impacts of Drug and Alcohol Violations

Effective with the 2021-2022 award year, having a drug conviction while receiving federal (Title IV) financial aid will no longer impact a student's federal financial aid eligibility. However, students who are receiving funds from certain state aid programs, such as the Toward EXcellence, Access, and Success (TEXAS) Grant, must certify annually, prior to the disbursement of funds, that they have not been convicted of a felony or crime involving a controlled substance.

6. Appendix

Appendix 1

FEDERAL TRAFFICKING PENALTIES

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.	5 kgs or more mixture	First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture			
LSD (Schedule I)	1–9 grams mixture	Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	1 kg or more mixture	Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		10 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		50 grams or more pure or 500 grams or more mixture	
			100 gm or more pure or 1 kg or more mixture	2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	First Offense: Not more than 10 years. If death or serious injury, not more that 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount			
Flunitrazepam (Schedule IV)	Other than 1 gram or more	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
All Schedule V drugs	Any amount			

Appendix 2

FEDERAL TRAFFICKING PENALTIES—MARIJUANA

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants;	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.