

## **POLICY ON POSSESSION, USE AND SALE OF ALCOHOLIC BEVERAGES AND ILLEGAL DRUGS**

TPCA is committed to maintaining a drug-free school and workplace. All campus property is drug and alcohol free. TPCA is committed to full compliance with the Drug Free Workplace Act and the Drug-Free Schools and Communities Act regulations as contained in 34 C.F.R. Part 86. New students and employees are provided this information during orientation. Annually, students and employees are provided this information by means of TPCA's publication of this ASR and material posted on campus. At least once a year, TPCA provides a risk management program for employees. As part of the program, TPCA addresses topics such as possession and use of alcoholic beverages and illegal drugs, and penalties that may be imposed for the illegal possession or use.

All students and employees are prohibited from the unlawful cultivation, manufacture, distribution, sale, purchase, possession, transportation, or use of illegal drugs and alcohol on TPCA's property or as part of any officially sponsored off-campus activities. Students are also prohibited from being under the influence of alcohol, illegal drugs or any other substance that could adversely affect the health, safety or welfare of students and employees on TPCA's property or at any of its officially sponsored activities. This includes all forms of marijuana, regardless of the state legality of the substance.

To provide information about the potential effects of dependence on drugs and alcohol, TPCA strives to:

- Educate students and employees about alcohol and drug abuse in an effort to encourage responsible decisions about their use;
- Provide referrals to students and employees who have experienced negative consequences with alcohol and drugs so as to reduce the harm and manage the risks associated with their use;
- Support students and employees who are in recovery from substance abuse and addiction;
- Promote constructive lifestyles and norms that discourage alcohol and drug abuse; and
- Develop social and physical environments that facilitate alcohol and drug abuse-free lifestyles.

### **Biennial Review**

In accordance with federal regulations, TPCA conducts reviews at least biennially to determine the effectiveness of this policy to ensure consistent enforcement of applicable drug and alcohol related statutes, ordinances, and institutional policies against students and employees found to be in violation. Bi-Annual Review reports and supporting documents will be maintained by TPCA and made available upon request. Students or employees with any questions concerning this policy should contact the School Director.

TPCA is committed to monitoring and assessing the effectiveness of the policy and program to determine any necessary changes. TPCA ensures the uniform application of sanctions to employees and students. To perform this review, TPCA uses both formal and informal assessments.

- Formally, TPCA maintains a Drug and Alcohol Prevention Committee that determines the effectiveness of this program and ensures the standards of conduct are fair and consistently enforced. The formal program review is conducted every two years by the Committee.
- Collection of Data
  - All logs from security service, police department and student counseling (related to drug and alcohol use/abuse) will be reviewed.
- Evaluation of Data
  - The Committee will perform an informal assessment of the data. Methods used in the review include administrative overview, and informal student surveys.
- Items to evaluate
  - Number of reports/complaints/counseling
  - Programs of study students are enrolled
  - Methods used to guide, counsel and assist students
  - Increase/decrease in incidents
  - Institutional resources (number, kind, effectiveness)
  - Outreach efforts to students and employees
  - Employee Assistance Program (EAP) referrals

### **Reporting of Violations to Local and/or State Law Enforcement**

TPCA may report to local and/or state law enforcement, as may be required by federal and state drug laws, any student who is found in possession of, using, or selling illegal drugs on campus as well as anyone who is found to have broken the state laws regarding underage drinking.

### **Disciplinary Sanctions**

Illegal possession or use of drugs or alcohol can have penalties, including community service, suspension or loss of driver's license, jail time and fines. Students who violate TPCA's prohibitions against drug and alcohol are subject to disciplinary action up to and including termination of their enrollment at TPCA. Federal, state and local violations will be properly adjudicated by the appropriate government agency.

Additionally, employees who violate the prohibitions against drugs and alcohol are subject to disciplinary action up to and including termination of their employment. Each employee has access to TPCA employee rules and regulations governing employee conduct in the TPCA Employee Handbook. These rules and regulations are in effect when on campus in any capacity and participating in any TPCA sponsored activity. For further guidance, employees are instructed to see the TPCA Employee Handbook.

### **Treatment Programs**

Students and employees are encouraged to seek substance abuse treatment. While no treatment, rehabilitation or re-entry program is available on campus, TPCA provides a list of referrals through the School Director's Office. Additionally, the following is a list of outside services and support groups available to students and employees:

- Al-Anon Serenity Group: 956-337-4805
- Alcoholics Anonymous— Gratitude Group: 956-722-9001
- Alcohol and Drug Abuse Hotline: 800-444-9999

- Alcohol and Drug Recovery Center: 888-978-3685
- A Health Image Counseling Services: 956-724-2345
- Amor Counseling: 956-568-5858
- City of Laredo Health Department: 956-722-3651
- Counseling & Therapy Concepts: 956-723-5523
- Concilio Hispano Libre: 956-728-0440
- Daisy Counseling Services: 956-523-0152
- El Puente Counseling Center: 956-722-0121
- La Familia Consulting & Counseling Services: 956-795-0948
- Laredo Counseling Services: 956-729-1991
- Laredo Police Department— Emergency: 911
- Laredo Police Department— Non-Emergency: 956-795-2800
- National Council on Alcoholism & Drug Dependence:
- PILLAR: 956-723-7457
- Psychotherapy & Counseling: 956-796-9335
- SCAN (Serving Children & Adolescents in Need): 956-725-7211
- Substance Abuse & Mental Health Services Administration: 877-726-4727/800-622-HELP (4357)
- The Lighthouse Professional Counseling Services: 956-723-4770

Events are held annually discussing the dangers and impact of drug and alcohol abuse at TPCA. Such events include, but are not limited to, wellness fairs, training sessions, and counseling workshops. These programs are open to TPCA students and employees free of charge. These platforms develop the strengths and skills related to the effective management of drug and alcohol related problem areas. TPCA offers alcohol and drug-free activities such as Arrive Alive. (<http://www.arrivealive.org/>)

### **Health Risks**

There are definite health risks associated with the abuse of alcohol and drugs. Alcohol or any other drug used in excess over time can produce illness, disability, and death. The health consequences of substance abuse may be immediate and unpredictable, such as cardiac arrest with cocaine use, or more subtle and long term, such as liver deterioration associated with the prolonged use of alcohol. In addition to health-related problems, other concerns relating to substance abuse include the following:

- People who abuse alcohol and other drugs often have erratic lifestyles which interfere with sleep, nutrition, and exercise.
- Alcohol and substance use and abuse may lead to financial difficulties, domestic violence, deterioration of the family structure, motor vehicle accident injuries, and reduced job performance.
- Repeated abuse of alcohol can lead to dependence.

Below is a listing of drugs of abuse and their health risks taken from the U.S. Drug Enforcement Administration (DEA) website. A more detailed listing can be found in the DEA Factsheets at <https://www.dea.gov/factsheets>.

## **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 youngsters 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 barbiturates) 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.

## **Drug and Alcohol Laws**

Federal and Texas law considers the illegal use of drugs and alcohol to be serious crimes. The sanctions for violations of these laws range from fines to lengthy terms of incarceration, or both. The following provisions of the Federal, state, and municipal law serve as the foundation for TPCA's policy. (Note: This list is not a complete summary of relevant laws and ordinances regarding alcohol and drugs.)

### **Alcohol Laws**

#### ***Federal Laws***

- Federal law has set 21 as the minimum age to purchase or possess any alcoholic beverage. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal.

#### ***Texas Laws***

- 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)
- 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)

- 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 operating a plane, driving with a minor in the vehicle, or boating. (Texas Penal code 49.045-.06)
  - Punishable with a minimum term of confinement of 30 days.
- 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)
- 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)
- A minor commits an offense if the minor purchases or attempts to purchase an alcoholic beverage. (Texas Alcoholic Beverage Code 106.02-.025)
  - The offense is punishable by a fine of not less than \$250; 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.
- A minor commits an offense if he consumes an alcoholic beverage. (Texas Alcoholic Beverage Code 106.04)
  - The offense is punishable by a fine of not less than \$250; 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.
- 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 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.
- A minor commits an offense if he possesses an alcoholic beverage. (Texas Alcoholic Beverage Code 106.05)
  - The offense is punishable by a fine of not less than \$250; 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.
- 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 punishable by a fine of not less than \$250; 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.

- 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 punishable by a fine of not less than \$250; 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.

## **Drug Laws**

### ***Federal Laws***

- The Controlled Substances Act places all substances that are regulated under existing federal law into one of five schedules:

#### **Schedule I Controlled Substances**

Substances in this schedule have a high potential for abuse. Some examples of substances listed in schedule I are: heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), peyote, methaqualone, and 3, 4-methylenedioxymethamphetamine ("ecstasy").

#### **Schedule II Controlled Substances**

Substances in this schedule have a high potential for abuse that may lead to severe psychological or physical dependence. Examples of single entity schedule II narcotics include morphine and opium. Other schedule II narcotic substances and their common name brand products include: hydromorphone (Dilaudid®), methadone (Dolophine®), meperidine (Demerol®), oxycodone (OxyContin®), and fentanyl (Sublimaze® or Duragesic®). Examples of schedule II stimulants include: amphetamine (Dexedrine®), Adderall®), methamphetamine (Desoxyn®), and methylphenidate (Ritalin®). Other schedule II substances include: cocaine, amobarbital, glutethimide, and pentobarbital.

#### **Schedule III Controlled Substances**

Substances in this schedule have a potential for abuse less than substances in schedules I or II and abuse may lead to moderate or low physical dependence or high psychological dependence. Examples of schedule III narcotics include combination products containing less than 15 milligrams of hydrocodone per dosage unit (Vicodin®) and products containing not more than 90 milligrams of codeine per dosage unit (Tylenol with Codeine®). Also included are buprenorphine products (Suboxone®) and (Subutex®) used to treat opioid addiction. Examples of schedule III non-narcotics include benzphetamine

(Didrex®), phendimetrazine, ketamine, and anabolic steroids such as oxandrolone (Oxandrin®).

#### Schedule IV Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances in schedule III. An example of a schedule IV narcotic is propoxyphene (Darvon® and Darvocet-N 100®). Other schedule IV substances include: alprazolam (Xanax®), clonazepam (Klonopin®), clorazepate (Tranxene®), diazepam (Valium®), lorazepam (Ativan®), midazolam (Versed®), temazepam (Restoril®), and triazolam (Halcion®).

#### Schedule V Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances listed in schedule IV and consist primarily of preparations containing limited quantities of certain narcotics. These are generally used for antitussive, antidiarrheal, and analgesic purposes. Examples include cough preparations containing not more than 200 milligrams of codeine per 100 milliliters or per 100 grams (Robitussin AC® and Phenergan with Codeine®).

### ***Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance***

- **21 U.S.C. 844(a)**  
1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.  
After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, or both.  
After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both, if:
  - (a) - 1st conviction and the amount of crack possessed exceeds 5 grams.
  - (b) - 2nd crack conviction and the amount of crack possessed exceeds 3 grams.
  - (c) - 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.
- **21 U.S.C. 853(a)(2) and 881(a)(7)**  
Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment.
- **21 U.S.C. 881(a)(4)**  
Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.
- **21 U.S.C. 844a**  
Civil fine of up to \$10,000.
- **21 U.S.C. 853a**  
Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offences.



- **18 U.S.C. 922(g)**  
Ineligible to receive or purchase firearms.

### *Texas Laws*

- The manufacture, delivery, or possession of a controlled substance (as defined by the Texas Controlled Substances Act) in the State of Texas is a crime and punishable by a fine up to \$250,000 and/or prison term of life or not more than 99 years. (Tex. Health & Safety Code 481.112-.119)
- 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)
- A person commits an offense if the person knowingly or intentionally possesses a usable quantity of marijuana.
  - This offense is punishable by 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)
- 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. (Tex. Health & Safety Code 481.122)
- 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)