Drug and Alcohol Abuse Prevention Program
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INTRODUCTION

Wayland Baptist University joins with Universities and Colleges across the United States in an effort to provide education about and to prevent drug and alcohol use and abuse. The United States Congress passed and the President signed into law the Drug-Free Schools and Communities Act Amendments of 1989-Public Law 101-226 on December 12, 1989. This Act requires an institution of higher education to certify that it has adopted and instituted a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students, faculty, and staff.

The conditions for meeting these certification requirements include the following provisions:

1. All institutions of higher education must provide annually, in writing, to faculty, staff, and students a statement declaring:
   a. Standards of conduct that prohibit unlawful possession, use, or distribution of illicit drugs and alcohol on University property or in connection with University activities;
   b. An institutional commitment to impose sanctions against students, faculty, and staff who violate such standards of conduct;
   c. Appropriate legal sanctions under local, state and federal law for the unlawful possession or distribution of illicit drugs and alcohol;
   d. Health risks associated with the use of illicit drugs and alcohol abuse;
   e. The availability of drug and alcohol counseling, treatment, rehabilitation, and re-entry programs.

2. The University must certify that sanctions will be consistently enforced;
3. The University must review the effectiveness of its drug and alcohol program no less than biennially (every 2 years) and implement changes appropriately.

This brochure is designed to inform all members of the Wayland Baptist University community of the information listed above. Additional information may be obtained from the resource agencies and offices listed in the text of this brochure.

I. STANDARDS OF CONDUCT

A. Employees

Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students or university personnel on university owned or controlled property or in conjunction with any university activity.

Employees should also be aware that Wayland Baptist University complies with Federal Law regarding the use and possession of marijuana; therefore, marijuana use and possession on campus, including university housing, is prohibited even if the employee's use and/or
possession meets the qualifications of state laws governing the medicinal use of marijuana. Documentation of medically prescribed marijuana will not exempt an employee from complying with University policy. The unlawful sale of alcoholic beverages or illegal drugs is also prohibited.

B. Students
Currently enrolled students are required to abide by the university’s Substance Abuse Policy which is found in the Wayland Baptist University Student Handbook.

Wayland proudly adheres to high standards of intellectual, moral, ethical, and spiritual values. Convinced that self-discipline is more desirable than outside force and that the truly educated person must pursue what is right under all circumstances, Wayland entrusts each student with the solemn obligation of preserving these standards.

However, in the light of revelation, reason, and the custom of the Christian community from which Wayland has sprung, certain practices are evaluated. The use or possession of alcoholic beverages and/or illegal drugs is forbidden.

Students should be aware that laws regarding underage drinking will be strictly enforced by university officials including Wayland police. Students should also be aware that Wayland Baptist University complies with Federal Law regarding the use and possession of marijuana; therefore, marijuana use and possession on campus, including university housing, is prohibited even if the employee’s use and/or possession meets the qualifications of the Texas Compassionate Use Act. Documentation of medically prescribed marijuana will not exempt an employee from complying with University policy. The unlawful sale of alcoholic beverages or illegal drugs is also prohibited.

II. SANCTIONS

A. Employees
University Policy 1.5.3 describes the sanctions regarding the use, possession or distribution of illegal drugs and/or alcohol in the following way:

No employee will report for work or will work impaired by any substance, drug or alcohol, lawful or unlawful, except with the administration’s approval. Such approval will be limited to lawful medications and based strictly on an assessment of the employee’s ability to perform his/her regular or other assigned duties safely and efficiently.

"Impaired" means under the influence of a substance such that the employee’s motor senses (i.e., sight, hearing, balance, reaction, reflex) or judgment either are or may be reasonably presumed to be affected.

Employees found to possess or distribute illegal drugs will be terminated.
No employee at any work site owned or controlled by the university will possess any quantity of any substance, drug or alcohol, lawful or unlawful, except for authorized substances.

B. Students
Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on university owned or controlled property or in conjunction with any university activity. The university may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by university officials. The following sanctions will be applied to all violations of Wayland Baptist University’s policies on Substance Abuse:

1. Students found to possess alcohol on university owned or controlled property or in conjunction with any university activity will be (at minimum) placed on disciplinary probation for a period of two long semesters. The university reserves the right to use discretion in determining duration of sanction.
2. Students found to distribute alcohol on university owned or controlled property or in conjunction with any university activity will be (at minimum) suspended for a period of one long semester. The university reserves the right to use discretion in determining duration of sanction.
3. Students found to possess controlled substances, other than alcohol, on university owned or controlled property or in conjunction with any university activity will be (at minimum) suspended from the university for a period of two long semesters.
4. Students found to manufacture or distribute controlled substances, other than alcohol, on university owned or controlled property or in conjunction with any university activity will be expelled from the university.
5. Students found to use any type of inhalant as an intoxicant will be (at minimum) placed on disciplinary probation for a period of two long semesters.
6. Students found to be intoxicated by alcohol or controlled substances are considered to be in possession of that substance for disciplinary purposes.

These sanctions and their duration are to be imposed at the discretion of university officials upon recommendation of the Judicial Council. Recurrence of offenses will incur more stringent sanctions. Completion of a rehabilitation program may be required as a part of a sanction at any level. University officials in the context of the university’s disciplinary system will make imposition of sanctions. The university may report any violations as outlined above to the proper law enforcement authorities for prosecution.

Possible sanctions for violations involving alcohol and/or controlled substances may include:

**Loss of Privileges**
Entails any or all of the following sanctions:
1. Removal from preferred university housing.
2. Restriction from attending designated university events.
3. Restriction from the lobbies of residence halls and/or other public gathering places on campus such as Pete’s Place or the Laney Center.
4. Loss of dorm visitation privileges.
5. Restriction from eating meals in the cafeteria.

**Eviction**
Immediate removal from university housing. Removal from housing due to disciplinary sanction will not remove in any way the student’s responsibility to pay housing charges for the semester in which this sanction is administered.

**Community Service**
Community Service would entail participation in for the designated number of hours for a designated community service organization in Plainview or the surrounding area, or for the university on a designated Wayland campus.

**Formal Reprimand**
entails the following sanctions: a stern warning that any further violation of university rules and regulations during the probationary period could result in disciplinary probation, suspension or expulsion.

**Disciplinary Probation**
Disciplinary Probation may entail any or all the following sanctions:
1. Restriction from representing the university in any fashion. This sanction includes all public performances or appearances under the auspices of the University.
2. Restriction from any university-sponsored travel.
3. Restriction from holding offices in any university organizations.
4. Restriction from receipt of any university scholarship assistance and/or institutional aid (federal financial aid, state aid, or gifts directly to students from outside entities are not affected by this sanction).

**Disciplinary Suspension**
Disciplinary Suspension entails the following sanctions:
1. The student will be restricted from enrollment during the period of suspension.
2. Re-enrollment after disciplinary suspension will be contingent upon the approval of the Executive Director of Student Services or the Vice President of Enrollment Management and acceptance through the Admissions Committee process.

**Disciplinary Expulsion**
Disciplinary Expulsion permanently restricts the student from enrollment in the University. Students who are suspended or expelled from the university are expected to leave immediately.

**III. LEGAL SANCTIONS**

Students and employees who violate the standards of conduct outlined in this DAAPP are subject to both institutional sanctions (as outlined in Section II) as well as legal sanctions provided under local, state, and federal law. Pertinent criminal sanctions for unlawful possession or distribution of illicit drugs and alcohol are outlined below.

Students and employees are cautioned that convictions for drug and alcohol violations may prevent individuals from entering many fields of employment and make them ineligible for federal grants and loans. For example, if a student is convicted of a drug-related felony or misdemeanor that took place while the student was receiving Federal student aid, the student will become ineligible to receive further aid for a specified period of time upon conviction. For more information about the impact of drug-related convictions on Federal student aid, visit [https://studentaid.ed.gov/sa/eligibility/criminal-convictions#drug-convictions](https://studentaid.ed.gov/sa/eligibility/criminal-convictions#drug-convictions).
A. Federal Law
The Federal Controlled Substances Act makes it unlawful for a person to knowingly or intentionally manufacture, distribute or dispense a controlled substance or counterfeit substance. It is also unlawful to possess with the intent to manufacture, distribute, or dispense a controlled substance or counterfeit substance.

The law also makes it unlawful for any person to knowingly or intentionally possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or as otherwise permitted by law.

There are strict penalties for violating the Controlled Substances Act, including mandatory prison terms for many offenses. The following information, although not exhaustive, provides an overview of federal penalties for certain drug-related convictions related to the illegal possession or distribution of controlled substances.

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

**Sentencing Provisions**
- 1st conviction: Up to 1 year imprisonment and fined at least $1,000, or both. 21 U.S.C. 844(a)
- After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least $2,500, or both. 21 U.S.C. 844(a)
- After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least $5,000, or both. 21 U.S.C. 844(a)

21 U.S.C. 844a further provides a civil penalty of up to $10,000 upon a defendant’s first conviction of possession of small amounts of any controlled substances listed in 21 U.S.C. 841(b)(1)(A).

**Forfeitures**
- 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. 853(a)(2) and 881(a)(7)
- Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance. 21 U.S.C. 881(a)(4)

**Denial of Federal Benefits**
- Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses. 21 U.S.C. 862

**Miscellaneous**
- Ineligible to receive or purchase a firearm. 19 U.S.C. 922(g)

Federal Penalties and Sanctions for Illegal Trafficking of a Controlled Substance
The Federal *Controlled Substance Act* proscribes federal penalties and sanctions for illegal trafficking of a controlled substance. A summary of this information is available online at: [https://www.dea.gov/sites/default/files/2018-06/drug_of_abuse.pdf](https://www.dea.gov/sites/default/files/2018-06/drug_of_abuse.pdf) and included in this section. A separate summary of penalties and sanctions pertaining to Marijuana, also available online at the aforementioned link, is also provided in this section.

Of note, 21 U.S.C. 860 provides that anyone convicted of distributing, possessing with intent to distribute, or manufacturing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private college, junior college, or university is subject to (1) twice the maximum punishment authorized by 21 U.S.C. 841(b), pertinent parts of which are summarized in the tables that follow.

### FEDERAL TRAFFICKING PENALTIES

<table>
<thead>
<tr>
<th>DRUG/SCHEDULE</th>
<th>QUANTITY</th>
<th>PENALTIES</th>
</tr>
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<tbody>
<tr>
<td>Cocaine (Schedule I)</td>
<td>500-499 grams mixture</td>
<td>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.</td>
</tr>
<tr>
<td>Cocaine Base (Schedule I)</td>
<td>28-279 grams mixture</td>
<td>5 kgs or more mixture</td>
</tr>
<tr>
<td>Fentanyl (Schedule II)</td>
<td>40-399 grams mixture</td>
<td>280 grams or more mixture</td>
</tr>
<tr>
<td>Fentanyl Analogue (Schedule I)</td>
<td>10-99 grams mixture</td>
<td>400 grams or more mixture</td>
</tr>
<tr>
<td>Heroin (Schedule I)</td>
<td>100-999 grams mixture</td>
<td>100 grams or more mixture</td>
</tr>
<tr>
<td>LSD (Schedule I)</td>
<td>1-9 grams mixture</td>
<td>1 kg or more mixture</td>
</tr>
<tr>
<td>Methamphetamine (Schedule II)</td>
<td>5-49 grams pure or 50-499 grams mixture</td>
<td>10 grams or more mixture</td>
</tr>
<tr>
<td>PCP (Schedule II)</td>
<td>10-99 grams pure or 100-999 grams mixture</td>
<td>50 grams or more pure or 500 grams or more mixture</td>
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<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>PENALTIES</th>
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<tr>
<td>100 grams or more mixture</td>
<td>Second 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.</td>
</tr>
<tr>
<td>1 kg or more mixture</td>
<td>Second 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.</td>
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<th>PENALTIES</th>
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<td>5 kgs or more mixture</td>
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<tr>
<td>280 grams or more mixture</td>
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<td>400 grams or more mixture</td>
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<tr>
<td>100 grams or more mixture</td>
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<tr>
<td>1 kg or more mixture</td>
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</tbody>
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2 or More Prior Offenses: Life imprisonment. Fine of not more than $20 million if an individual, $75 million if not an individual. |
B. State Law

In this section, summaries of state legal statutes regarding the use, possession or distribution of illegal drugs are provided for each of the states in which Wayland maintains a campus or teaching extension. Additionally, summaries of state legal statutes regarding alcohol consumption and possession are listed. The following description is a summary only and is not a substitute for legal advice. Anyone wishing further clarification may need to consult a lawyer.

ALASKA

Drug Offenses

Classification of Common Controlled Substances (AS 11.71.140-180)

- Schedule IA — opium, codeine, heroin, methadone, morphine, dilaudid, percodan, demerol
- Schedule IIA — cocaine, amphetamines, LSD, mescaline, peyote, PCP, methaqualone (quaaludes), pentobarbital, psilocybine
- Schedule IIIA — hashish, barbiturates
- Schedule IVA — tranquilizers such as valium and librium, darvon
- Schedule VA — small amount of codeine or opium in non-narcotic mixtures such as cough medicine
- Schedule VIA — marijuana
Alaska state law as well as policies of Wayland Baptist University prohibits the possession, use, delivery or manufacture of the controlled substances listed above. The category of the substance as well as varying amounts determines the magnitude of the offense, which includes unclassified felony, Class A, B or C felony, Class A or B misdemeanor or violation.

Penalties for Felony Conviction in Alaska

Alaska prescribes the following penalty for felony possession or distribution of a controlled substance, “A defendant convicted of ...misconduct involving a controlled substance in the first degree shall be sentenced to a definite term of imprisonment of at least five years but not more than 99 years.”

“Except as provided in (i) of this section, a defendant convicted of a class A felony may be sentenced to a definite term of imprisonment of not more than 20 years, and shall be sentenced to a definite term within the following presumptive range, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a first felony conviction and does not involve circumstances described in (2) of this subsection, five to eight years;

(2) if the offense is a first felony conviction

(A) and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury or death during the commission of the offense, or knowingly directed the conduct constituting the offense at a uniformed or otherwise clearly identified peace officer, firefighter, correctional employee, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance of official duties at the time of the offense, seven to 11 years;

(B) and the conviction is for manufacturing related to methamphetamine under AS 11.71.020 (a)(2)(A) or (B), seven to 11 years, if

(i) the manufacturing occurred in a building with reckless disregard that the building was used as a permanent or temporary home or place of lodging for one or more children under 18 years of age or the building was a place frequented by children; or

(ii) in the course of manufacturing or in preparation for manufacturing, the defendant obtained the assistance of one or more children under 18 years of age or one or more children were present;

(3) if the offense is a second felony conviction, 10 to 14 years;

(4) if the offense is a third felony conviction and the defendant is not subject to sentencing under (l) of this section, 15 to 20 years.

(d) Except as provided in (i) of this section, a defendant convicted of a class B felony may be sentenced to a definite term of imprisonment of not more than 10 years, and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a first felony conviction and does not involve circumstances described in (2) of this subsection, one to three years; a defendant sentenced under this paragraph may, if the court finds it appropriate, be granted a suspended imposition of sentence under AS 12.55.085 if, as a condition of probation under AS 12.55.086, the defendant is required to serve an active term of imprisonment within the range specified in this paragraph, unless the court finds that a mitigation factor under AS 12.55.155 applies;

(2) if the offense is a first felony conviction,
(A) the defendant violated AS 11.41.130, and the victim was a child under 16 years of age, two to four years;

(B) two to four years if the conviction is for an attempt, solicitation, or conspiracy to manufacture related to methamphetamine under AS 11.31 and AS 11.71.020 (a)(2)(A) or (B), and

(i) the attempted manufacturing occurred, or the solicited or conspired offense was to have occurred, in a building with reckless disregard that the building was used as a permanent or temporary home or place of lodging for one or more children under 18 years of age or the building was a place frequented by children; or

(ii) in the course of an attempt to manufacture, the defendant obtained the assistance of one or more children under 18 years of age or one or more children were present;

(3) if the offense is a second felony conviction, four to seven years;

(4) if the offense is a third felony conviction, six to 10 years.

(e) Except as provided in (i) of this section, a defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of not more than five years, and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a first felony conviction and does not involve circumstances described in (4) of this subsection, zero to two years; a defendant sentenced under this paragraph may, if the court finds it appropriate, be granted a suspended imposition of sentence under AS 12.55.085, and the court may, as a condition of probation under AS 12.55.086, require the defendant to serve an active term of imprisonment within the range specified in this paragraph;

(2) if the offense is a second felony conviction, two to four years;

(3) if the offense is a third felony conviction, three to five years;

(4) if the offense is a first felony conviction, and the defendant violated AS 08.54.720 (a)(15), one to two years.

(f) If a defendant is sentenced under (a) or (b) of this section,

(1) imprisonment for the prescribed minimum or mandatory term may not be suspended under AS 12.55.080;

(2) imposition of sentence may not be suspended under AS 12.55.085;

(3) imprisonment for the prescribed minimum or mandatory term may not be reduced, except as provided in (j) of this section.

(g) If a defendant is sentenced under (c), (d), (e), or (i) of this section, except to the extent permitted under AS 12.55.155 - 12.55.175,

(1) imprisonment may not be suspended under AS 12.55.080 below the low end of the presumptive range;

(2) and except as provided in (d)(1) or (e)(1) of this section, imposition of sentence may not be suspended under AS 12.55.085;

(3) terms of imprisonment may not be otherwise reduced.”

Penalties for Misdemeanor Conviction in Alaska
(a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.

(b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than 90 days unless otherwise specified in the provision of law defining the offense.

A court may not impose a sentence of imprisonment or suspended imprisonment for possession of marijuana in violation of AS 11.71.060 if the defendant alleges, and the court finds, that the defendant was not under formal or informal probation or parole conditions in this or another jurisdiction at the time of the offense; that the defendant possessed the marijuana for the defendant's personal use within the defendant's permanent or temporary residence; and that the defendant has not been previously convicted more than once in this or another jurisdiction for possession of marijuana. If the defendant has not been previously convicted as described in this subsection, the maximum unsuspended fine that the court may impose is $500. If the defendant has been previously convicted once as described in this subsection, the maximum unsuspended fine that the court may impose is $1,000.

Alaska state marijuana penalties:
- Less than 1 oz. for personal possession — Class B misdemeanor
- 1 oz. to 1/4 lb. for personal possession — Class A misdemeanor
- Manufactures, delivers or possesses with intent to manufacture or deliver one ounce or more — Class C felony

Alcohol Offenses

Alaska statutes relating to unlawful possession or distribution of alcoholic beverages:

AS 04.16.050 — Possession by Persons Under 21 — Violation (1st or 2nd offense) or Class B Misdemeanor (3rd and additional offenses) Persons under 21 may not knowingly consume or possess alcoholic beverages, except as allowed under AS 04.16.051 (b)

AS 04.16.051 — Furnishing Alcoholic Beverages to Persons Under 21 — A Misdemeanor
(a) May not furnish or deliver alcoholic beverages to person under 21,
(b) Except:
   (1) by the parent of a child, guardian of a ward or to a legal spouse, not on licensed premises; or
   (2) by doctor or nurse as part of medical treatment.

AS 04.16.040 — Drunken Persons on Licensed Premises — A Misdemeanor
Drunken person may not knowingly enter or remain on licensed premises.

AS 04.16.052 — Furnishing Alcoholic Beverages to Persons Under 21 by Licensees — A Misdemeanor
Licensee or employee may not, with criminal negligence,
   (1) sell, barter, or give alcoholic beverage to person under 21 within licensed premises;
   (2) allow person under 21 to enter and remain on premises, except as states in AS 04.16.049;
   (3) allow person under 21 to consume alcoholic beverages on premises; or
(4) allow person under 21 to sell or serve alcoholic beverages.

AS 14.16.060 — Purchase by Person Under 21 — A Misdemeanor

(a) Person under 21 may not purchase alcoholic beverages or solicit another to purchase for him.

(b) Person may not influence sale of alcoholic beverages to person under 21 by misrepresenting age of that person.

(c) Person may not order alcoholic beverages from licensee to sell or give to person under 21.

(d) Person under 21 may not enter licensed premises and misrepresent age to induce licensee to sell or give alcoholic beverage to him.

(e) Person under 21 may not misrepresent facts required under AS 04.16.049(a)(2) or (3).

Penalties for Misdemeanor Conviction in Alaska

(a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.

(b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than 90 days unless otherwise specified in the provision of law defining the offense.

Local Laws

Anchorage

Ordinance No. AO 2015-17 states that it is unlawful to consume marijuana in public within the Municipality of Anchorage (Minor Offense Fine Schedule Section 89.05.025A). This includes schools and universities. Sec. 17.38.040. Public consumption banned, penalty. It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to $100.

Sec 17.238.010. It is a criminal offense for persons under 21 years of age to possess any amount of marijuana.

Sec:04.11.410 restricts liquor package store licensing within 200 feet of a school or church.

Sec. 04.16.050. Possession, control, or consumption by persons under 21 years of age. (a) A person under 21 years of age may not knowingly consume, possess, or control alcoholic beverages except those furnished to persons under AS 04.16.051(b). (b) A person under 21 years of age who knowingly consumes, possesses, or controls an alcoholic beverage other than an alcoholic beverage furnished under AS 04.16.051(b) commits the offense of minor consuming or in possession or control. (c) Minor consuming or in possession or control is a violation, punishable by a fine of $500. The violation must be charged and filed with the court as a separate case and may not be combined or joined with any other minor offense or criminal charge in one action at the time of filing. A court may reduce the fine to $50 for a person who has not more than one previous violation or to $250 for a person who has two or more previous violations if the person provides the court, not later than six months after a judgment of conviction is entered, with proof of completion of (1) an alcohol safety action program or a juvenile alcohol safety action program developed, designated, or approved by the Department of Health and Social Services under AS 47.37; or (2) a community diversion panel.
Sec. 04.16.059. Aggravated penalties for certain violations involving a person under 21 years of age and committed by a sex offender or child kidnapper. (a) Notwithstanding AS 04.16.051, 04.16.055, 04.16.057, and 04.16.180, the penalty for a violation of AS 04.16.051, 04.16.055, or 04.16.057 that involved a person under 21 years of age and that was committed by a person who is required to register as a sex offender or child kidnapper under AS 12.63 is as follows: (1) if the underlying offense is a violation, a sex offender or child kidnapper committing the offense is guilty of a class B misdemeanor and shall be punished as provided in AS 12.55; (2) if the underlying offense is a class A misdemeanor, a sex offender or child kidnapper committing the offense is guilty of a class C felony and shall be punished as provided in AS 12.55; (3) if the underlying offense is a class C felony, a sex offender or child kidnapper committing the offense is guilty of a class B felony and shall be punished as provided in AS 12.55. (b) In this section, “sex offender or child kidnapper” has the meaning given in AS 12.63.100.

Sec. 04.16.080. Sales or consumption at school events. A person may not sell or consume alcoholic beverages during a school event at the site of the event. (This includes Wayland Baptist, especially due to the presence of Stream Academy Charter Middle School).

Under AS 04.11.491, “alcoholic beverage” means a spirituous, vinous, malt, or other fermented or distilled liquid, whatever the origin, that is intended for human consumption as a beverage by the person who possesses or attempts to possess it and that contains alcohol in any amount if the liquid is produced privately, or that contains one-half of one percent or more of alcohol by volume, if the liquid is produced commercially.

Sec. 04.21.020. Civil liability of persons providing alcoholic beverages. (a) Except as provided under (b) and (d) of this section, a person who provides alcoholic beverages to another person may not be held civilly liable for injuries resulting from the intoxication of that person unless the person who provides the alcoholic beverages holds a license authorized under AS 04.11.080 — 04.11.220 or is an agent or employee of such a licensee and (1) the alcoholic beverages are provided to a person under the age of 21 years in violation of AS 04.16.051, unless the licensee, agent, or employee secures in good faith from the person a signed statement, liquor identification card, or driver’s license meeting the requirements of AS 04.21.050(a) and (b), that indicates that the person is 21 years of age or older; or (2) the alcoholic beverages are provided to a drunken person in violation of AS 04.16.030. (b) A person who sells or barters an alcoholic beverage to another person in violation of AS 04.11.010 is strictly liable (1) to the recipient or another person for civil damages if, while under the influence of the alcoholic beverage, the person receiving the alcoholic beverage engages in conduct that results in civil damages and the recipient’s being under the influence of the alcoholic beverage substantially contributes to the civil damages; and (2) for the cost to the state or a political subdivision of the state to criminally prosecute a person who receives an alcoholic beverage from a person who violates AS 04.11.010 if the prosecution results from the violation of AS 04.11.010 described in this subsection. (c) In an action under (b) or (d) of this section, it is not a defense that the person receiving the alcoholic beverage voluntarily consumed the alcoholic beverage or that the person receiving the alcoholic beverage was voluntarily under the influence of the alcoholic beverage. (d) A person who knowingly furnishes or delivers an alcoholic beverage to a person under 21 years of age in violation of AS 04.16.051 is civilly liable to the recipient or another person for civil damages if, while under the influence of the alcoholic beverage, the person receiving the
alcoholic beverage engages in conduct that results in civil damages and the recipient’s being 
under the influence of the alcoholic beverage substantially contributes to the civil damages. (e) 
In this section, “civil damages” includes damages for personal injury, death, or injury to property 
of a person, including the state or a political subdivision of the state.

Fairbanks

ARTICLE VIII. - DRUG ABUSE AND PARAPHERNALIA

SEC. 46-361. - DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the 
meanings ascribed to them in this section, except where the context clearly indicates 
a different meaning:

*Controlled substances* means a narcotic drug as defined in AS 11.71.900 and as supplemented by any regulations adopted under AS 11.71; and a depressant, hallucinogenic or stimulant drug as defined in AS 11.71.900 and as supplemented by any regulations adopted under AS 11.71; and shall also include marijuana, hashish and cocaine.

*Drug paraphernalia.*

(1) "Drug paraphernalia" means all items, equipment, devices, products and materials of any kind which are used, or intended for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance. Drug paraphernalia includes but is not limited to:

a. Kits used or intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

b. Kits used or intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

c. Isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance.

d. Testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances except for use by or under the direction of law enforcement agencies or medical research or treatment facilities.
e. Scales and balances used or intended for use in weighing or measuring controlled substances.

f. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting controlled substances.

g. Separation gins and sifters used or intended for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.

h. Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances.

i. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.

j. Containers and other objects used or intended for use in storing or concealing controlled substances.

k. Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body.

l. Objects used or intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
   1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
   2. Water pipes.
   3. Carburetion tubes and devices.
   4. Smoking and carburetion masks.
   5. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
   7. Chamber pipes.
   8. Carburetor pipes.
   10. Air-driven pipes.
   11. Chillums.
   13. Ice pipes or chillers.

(2) In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:
a. Statements by the manufacturer, owner or by anyone in control of the object concerning its use.
b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance.
c. The proximity of the object, in time and space, to a direct violation of AS 11.71.
d. The proximity of the object to controlled substances.
e. The existence of any residue of controlled substances on the object.
f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of AS 11.71; the innocence of an owner, or of anyone in control of the object, as to a direct violation of AS 11.71, shall not prevent a finding that the object is intended for use as drug paraphernalia.
g. Instructions, oral or written, provided with the object concerning its use.
h. Descriptive materials accompanying the object which explain or depict its use.
i. National and local advertising concerning its use.
j. The manner in which the object is displayed for sale.
k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
l. Direct or circumstantial evidence of the ratio of sales of the objects to the total sales of the business enterprise.
m. The existence and scope of legitimate uses for the object in the community.
n. Expert testimony concerning its use.

*Minor* means a natural person who has not reached 18 years of age.

*Sell or sale* means the commercial transfer of ownership, possession or use of drug paraphernalia in the regular course of a wholesale or retail business for consideration of any type.

SEC. 46-363. - MINORS.

(a) Any person engaged in, conducting, managing or carrying on a drug paraphernalia store shall not permit persons under the age of 18 years of age to enter, unaccompanied by his or her parent or legal guardian, any area of such establishment or store, where such person under the age of 18 years may view drug paraphernalia.

(b) For purposes of this section, a drug paraphernalia store means any establishment or place where drug paraphernalia is displayed, grouped,
advertised or promoted for the purpose of sale, either as a primary business or as an incident of some other business.

(Code 1960, § 6.703)

SEC. 46-364. - REMEDIES.

(a) A person who violates any provision of this article shall be subject to a civil penalty of not less than $50.00 nor more than $1,000.00 for each offense or injunctive relief to restrain the person from continuing the violation or threat of violation, or both injunctive relief and a civil penalty. Upon application for injunctive relief and a finding that a person is violating or threatening to violate any provision of this article, the superior court shall grant injunctive relief to restrain the violation.

(b) Each day of violation of any provision of this article shall constitute a separate offense.

(c) Any item sold or possessed with the intent to sell by any person after a court has adjudicated such an item to constitute drug paraphernalia shall be subject to forfeiture of the paraphernalia to the city upon order of the court entered in any injunction proceedings instituted under the authority of this section or in a separate forfeiture action instituted by the city.

SEC. 14-176. - ALCOHOL OFFENSES.

(a) Open container prohibited. It shall be unlawful to carry, transport or possess an open container of alcoholic beverages on the public streets, sidewalks, alleys, parks, or other public places throughout the city; except that an open container of alcoholic beverages may be carried in a vehicle in a locked trunk or other secured location inaccessible to the driver and passengers within the vehicle.

(b) Open containers defined. "Open containers" means any original container or package without the Internal Revenue Service strip stamp intact upon such container or package; any container or package that has been opened at least once since purchase or manufacture; or any container or package containing an alcoholic beverage other than the original container or package.

(c) Exceptions. Open containers are permitted in areas outside the downtown area if the area is under borough or state control and if alcohol consumption is authorized by borough ordinance or state statute, including, but not limited to, parks and ball fields; or in situations outside the downtown area in which a gathering of people on private residential property, with the consent of the owner or legal occupant of the property, extends onto public areas immediately adjacent to the property.

(d) Possession prohibited. No person may possess any alcoholic beverage in any park or other area open to the public where alcoholic beverages are prohibited.

(e) Downtown area described. "Downtown area" means the area of the city bounded by Cowles Street from First Avenue south to Airport Way, Airport
Way east to the Steese Expressway, the Steese Expressway north to Third Street, Third Street west to Minnie Street, Minnie Street west to Illinois Street, Illinois Street south to Phillips Field Road, Phillips Field Road west to Pioneer Road, then south on a line extended from the intersection of Pioneer Road and Phillips Field Road across the Chena River to First Avenue, and then east on First Avenue to Cowles Street.

(f) **Proxy-buying prohibited.** A person violates this section if that person purchases and/or provides alcoholic beverages to another knowing that there is a substantial probability that the recipient of the alcoholic beverages will violate subsection (a).

(g) **Penalty.** A person convicted under subsection (a), (d), or (f) of this section shall be fined not more than $300.00 for the first offense, and not more than $500.00 for each subsequent offense.

(Code 1960, § 4.407; Ord. No. 5427, § 1, 2-3-2001; Ord. No. 5776, § 1, 7-11-2009; Ord. No. 5959, 11-8-2014)

SEC. 46-399. - PRESUMPTIONS REGARDING ILLEGAL CONTROLLED SUBSTANCES.

The following situations shall give rise to a presumption that the property described in this section was furnished or intended to be furnished in exchange for an illegal controlled substance or is the proceeds of such an exchange, or the substituted proceeds of such an exchange, and therefore forfeitable under this article, such presumptions being rebuttable by a claimant by a preponderance of the evidence:

(a) All money, negotiable instruments, securities, weapons or other things of value found in close proximity to illegal controlled substances, to forfeitable drug manufacturing or distributing paraphernalia, or to records concerning the importation, manufacture, sale, or distribution of illegal controlled substances;

(b) All money, negotiable instruments, securities or other things of value found to have trace amounts of controlled substances on them; and

(c) All property acquired by a person who has a prior felony conviction in Alaska or in another state or country related to the manufacture, distribution, sale, or possession of illegal controlled substance if:

(I) The prior conviction was within five years of the act which gave rise to a forfeiture action under this article; and

(2) The property in question was acquired after the date of the prior conviction; and

(3) There is no source of funds for the acquisition of such property
other than the conduct that gave rise to the forfeiture action.

Sec. 46-44. - Consuming marijuana in public place.

(a) It is unlawful for any person to knowingly consume marijuana when the person is:

(1) On, in, or upon any public place, except as permitted by ordinance, regulation, statute or permit; or

(2) Outdoors on property adjacent to a public place, and without consent of the owner or person in control thereof.

(b) For purposes of this section, the following definitions apply:

(I) Consume has the meaning, in all conjugate forms, of consumption set forth in AS 17.38.900.

(2) Marijuana has the meaning set forth in AS 17.38.900.

(3) Public place means a place to which the public or a substantial group of persons has access and includes, but is not limited to, streets, highways, sidewalks, alleys, transportation facilities, parking areas, convention centers, sports arena, schools, places of business or amusement, shopping centers, malls, parks, playgrounds, prisons, and hallways, lobbies, doorways and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

(c) Violation of this section is a minor offense punishable by a fine of $100.00. Disposition of this offense may be without court appearance pursuant to AS 29.25.070 and the Alaska Minor Offense Rules upon payment of the $100.00 fine and payment of the state surcharge required by AS 12.55.039 and AS 29.25.074. This fine may not be judicially reduced.

Ordinance No. 6070 Chapter 14 Article VI Sec. 14-213. Restrictions on marijuana establishments.

(a) No onsite consumption of marijuana at any marijuana establishment is allowed in the city, even if authorized by state law.

(b) No marijuana cultivation facility may be located within 750 feet of areas zoned as Multiple Family (MF), Multiple Family
Residential/Professional Office District (MFO), Two -Family Residential (TF), and all Single -Family (SF) zoned areas. a dwelling.

As used in this section, "dwelling" means a building or portion thereof designed or used exclusively for residential purposes, but not including hotels, motels, guest rooms, boarding homes, group homes, or nursing homes.

(c) No retail marijuana store may be located within 750 feet of a school or within 750 feet of a drug or alcohol rehabilitation facility.

As used in this section, "school" means a building whose primary use is for instruction, on a daily basis, of students grades K through 12, and "drug or alcohol rehabilitation facility" means a building whose primary use is for treatment of persons seeking rehabilitation and recovery from drug or alcohol abuse or addiction.

Wasilla

Wasilla does not have laws that differ from state law regarding drugs or alcohol.

ARIZONA

Alcohol Offenses:

A person who is under the legal drinking age and who misrepresents the person’s age to any person by means of written instrument of identification with the intent to induce a person to sell, serve, give or furnish liquor contrary to law is guilty of a class 1 misdemeanor. A.R.S. § 4-241. In addition to any other penalties prescribed by law, a person shall pay a fine of at least two hundred fifty dollars. A.R.S. § 4-246.

A person who is under the legal drinking age and who solicits another person to purchase, sell, give, serve or furnish spirituous liquor contrary to law is guilty of a class 3 misdemeanor. A.R.S. § 4-241. In addition to any other penalties prescribed by law, a person shall pay a fine of at least two hundred fifty dollars. A.R.S. § 4-246.

A person who is under the legal drinking age and who uses a fraudulent or false written instrument of identification or identification of another person or uses a valid license or identification of another person to gain access to a licensed establishment is guilty of a class 1 misdemeanor. A.R.S. § 4-241. In addition to any other penalties prescribed by law, a person shall pay a fine of at least two hundred fifty dollars. A.R.S. § 4-246.

A person who knowingly influences the sale, giving, or serving of spirituous liquor to a person under the legal drinking age by misrepresenting the age of such person or who orders, requests, receives or procures spirituous liquor from any licensee, employee or other person
with the intent of selling, giving or serving it to a person under the legal drinking age is guilty of a class 1 misdemeanor. A.R.S. § 4-241.

It is a class 1 misdemeanor for a person under the legal drinking age (21 years of age) to buy, receive, or have in the person’s possession or to consume spirituous liquor. A.R.S. § 4-244.

It is a class 1 misdemeanor for any person to sell, furnish, dispose of or give or cause to be sold, furnished, disposed of or given, to a person under the legal drinking age (21 years of age) any spirituous liquor. A.R.S. § 4-244.

**Drug Offenses:**

A person shall not knowingly possess or use marijuana, possess marijuana for sale, produce marijuana, or transport marijuana for sale. A.R.S. § 13-3405.

A person who possesses marijuana weighing less than two pounds is guilty of a class 6 felony, weighing less than four pounds is guilty of a class 5 felony, and weighing over four pounds is guilty of a class 4 felony. The various offenses in this statute range in severity of punishment from a class 6 felony to a class 2 felony with a range of up to 15 years’ imprisonment. A.R.S. § 13-3405.

A person shall not knowingly possess or use a narcotic drug; possess a narcotic drug for sale; possess equipment or chemicals for the purpose of manufacturing a narcotic drug; manufacture a narcotic drug; administer a narcotic drug to another person; obtain or procure the administration of a narcotic drug by fraud, deceit, misrepresentation or subterfuge; or transport for sale, import into this state, offer to transport for sale or import a narcotic drug. A.R.S. § 13-3408. Violations include a class 4 felony to a class 2 felony with a range of up to 15 years’ imprisonment. Additionally, a fine of not less than $2000 or three times the value of the narcotic drugs involved, whichever is greater (up to a statutory maximum) A.R.S. § 13-3408.

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, inject, inhale or otherwise introduce into the human body a drug. “Drug” means any narcotic drug, dangerous drug, marijuana or peyote. “Drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a drug violation. Violators are guilty of a class 6 felony. A.R.S. § 13-3415.

**Penalties for First Time Felony Conviction**

<table>
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<tr>
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<td>3.5 years</td>
<td>7 years</td>
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<tr>
<td>Class 4</td>
<td>1 year</td>
<td>1.5 years</td>
<td>2.5 years</td>
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Penalties for Misdemeanor Convictions
A sentence of imprisonment for a misdemeanor shall be for a definite term to be served other than a place within custody of the state department of corrections. The court shall fix the term of imprisonment within the following maximum limitations:

1. For a class 1 misdemeanor, six months.
2. For a class 2 misdemeanor, four months.
3. For a class 3 misdemeanor, thirty days.

Local Laws

Phoenix

In this Chapter, unless the context otherwise requires:

1. Act of violence means an incident consisting of a riot, brawl or a disturbance in which bodily injuries are sustained by any person and such injuries would be obvious to a reasonable person, or tumultuous conduct of sufficient intensity as to require the intervention of a peace officer to restore normal order, or an incident in which a weapon is brandished, displayed or used.

2. Amusement means any establishment or device for which a license fee is set forth in Section 7-13 of this Chapter.

3. Board means the License Appeal Board.

4. Business hours means the posted hours that the business is open to the public, the hours that the business is normally open to the public or, in the case of a business without fixed or normal business hours, those hours that the business is open to the public.

5. Business premises means all area controlled or utilized by the licensee in connection with the operation of the licensed business, including all parking areas, driveways, and walkways under the licensee’s control or made available for customer use. This definition applies irrespective of whether the area is open or accessible to the public.

6. City Clerk means the City Clerk of the City of Phoenix or the City Clerk’s designee.
7. *Coin-operated game machine* means any machine, device or apparatus in a business open to the public that is used as a game or contest of any description or for entertainment or which may be used for any such game or contest or for entertainment and the operation or use of which is permitted, controlled, or made possible by the deposit or placing of any coin, plate, disc, slug, key, currency, or any other device into any slot, crevice, or other opening, or by any payment in lieu thereof, except a machine, device, or apparatus used or offered for use by any person for playing or rendering music or as a test of strength or endurance.

8. *Concession game* means any game operated by a concessionaire for profit in which an individual pays a fee for participation and may receive a prize.

9. *Concessionaire* means any business operating at a fair, carnival, festival or similar event that occurs on a temporary, intermittent or seasonal basis.

10. *Conviction* means entry of judgment of guilt by the court of original jurisdiction.

11. *Game center* means any enclosed or indoor establishment open to the public in which six or more coin-operated game machines are operated for the purpose of amusement or entertainment.

12. *Intentionally* means, with respect to a result or to conduct described in this Chapter defining an offense, that a person’s objective is to cause that result or to engage in that conduct.

13. *Kiddie ride* means an amusement device designed for children in which no more than three children ride upon an imitation object or animal such as a horse, car, motorcycle, spaceship, wagon or cartoon figure that operates either as a carrousel or on a fixed platform. This definition is limited to those amusement devices that have a horizontal diameter of no more than six feet at their widest part.

14. *Knowingly* means, with respect to conduct or a circumstance described in this Chapter, that a person is aware or believes that his or her conduct is of that nature or that the circumstance exists. It does not require any knowledge of the unlawfulness of the act or omission.

15. *Manager* means an individual authorized by the licensee to exercise overall operational control of the business, to supervise employees, or to fulfill any of the functions of a manager required by this article.

16. *Person* means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, receiver, syndicate or other legal entity.
17. *Person financially interested* means, for a corporation, any person who is an officer or a director or a shareholder holding more than ten percent of the shares thereof and for a non-corporate business means any person who shares in the profits of the business on the basis of gross or net revenue but not including any person who receives a portion of such gross or net revenue in return for the privilege of permitting any other persons to maintain any amusement in their place of business.

18. *Physical barrier* means a solid wall or other similar fixture that is all of the following:
   a. Non-transparent.
   b. Cannot be moved by a patron.
   c. Does not permit any object to be passed through, under or over it.
   d. In compliance with all applicable Building and Fire Codes.

19. *Pool hall* means any establishment open to the public that rents or makes available for a consideration six or more billiard or pool tables.

20. *Qualifying charitable organization* means a charitable organization that is exempt from Federal Income Taxation under Section 501(c)(3) of the Internal Revenue Code and that has been in continuous existence for the previous thirty-six months.

21. *Repeated acts of violence* means two or more acts of violence occurring within any seven consecutive calendar days or three or more acts of violence occurring within any thirty consecutive calendar days.

22. *Ride* means any amusement device in which a charge is made to the public for the privilege of riding in or on any mechanical device, and where the purpose of the ride is to amuse and entertain, including, but not limited to, such things as merry-go-rounds, whips, Ferris wheels, roller coasters, and other similar devices, but excluding a kiddie ride.

23. *School* means any regularly organized nonprofit, charitable, or religious institution providing solely educational curricula for its students which curricula are taught by competent instructors.

24. *Spirituos liquor* means any alcohol, brandy, whisky, rum, tequila, mescal, gin, wine, port, ale, beer, malt liquor, malt beverage, absinthe, or compound or mixture of any of them or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol and any liquid mixture or preparation, whether patented or otherwise, that produces intoxication, fruits preserved in ardent spirits and beverages containing more than one-half of one percent of alcohol by volume.
25. *Tag* means the sticker, decal or label issued by the City Clerk pursuant to this Chapter for a particular device, game, ride or machine.

26. *Tamper-proof* means unable to be removed without the use of a screwdriver, wrench, or other similar tool.

27. *Teenage dancehall* means an establishment open to persons under eighteen years of age in which at least one person under the age of eighteen years is unaccompanied by either a parent, legal guardian or other adult having the care, custody or supervision of the juvenile, where music is furnished for the purpose of dancing, and at which an admission or minimum fee is charged. A teenage dancehall includes the building or pavilion or other place provided for dancing together with all surrounding premises used for parking or any other activity related to the dancing operation.


23-51 USE OF GLUE, SOLVENTS AND VAPORS RESTRICTED; SALE AND PLACE OF KEEPING OF GLUE RESTRICTED; RECORDING OF SALES REQUIRED; CERTAIN ACTS PROHIBITED; PENALTY.

(a) As used in this section the phrase "glue containing a solvent having the property of releasing toxic vapors or fumes" shall mean and include any glue, cement, or other adhesive containing one or more of the following chemical compounds: acetone, an acetate, benzene, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, or toluene.

(b) No person shall breathe, inhale or drink (i) any glue containing a solvent having the property of releasing toxic vapors or fumes, or (ii) any other solvent, aerosol, vapor or gas for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis or irrational behavior, or in any manner changing, distorting, or disturbing the auditory visual or mental processes. This subsection shall not apply to anesthetic substances administered for a valid medical or dental purpose.

(c) No person shall knowingly sell or offer for sale, deliver or give to any person under eighteen years of age, any glue containing a solvent having the property of releasing toxic vapors or fumes which will induce an intoxicated condition as defined herein.
(d) A person making a sale or transfer of possession of a glue containing a solvent having the property of releasing toxic vapors or fumes shall require adequate identification and shall record the name, address, sex and age of the person to whom the sale or transfer is made; records required by this subsection shall be kept in a permanent register available for inspection by the Chief of Police for a period of at least one year; provided, that this subsection shall not apply to a sale or transfer made to a person intending to use such glue for manufacturing or industrial purposes.

(e) No person, except a person who is, at the time of such sale, actually employed by or engaged in operating any bona fide commercial establishment at a fixed location, shall sell to any other person any glue containing a solvent having the property of releasing toxic vapors or fumes, and all sales of such product not made in or from such an establishment are hereby prohibited.

(f) All glues containing solvent having the property of releasing toxic vapors or fumes being held for sale by a bona fide commercial establishment at a fixed location shall be kept in such a place as to be unavailable to any customer without the assistance of an employee or owner of said establishment.

(g) Nothing contained in this section shall be applicable to the transfer of a tube or other container of glue from a parent to his child, or from a guardian to his ward.

(h) No person shall be found in any public place under the influence of (i) any glue containing a solvent having the property of releasing toxic vapors or fumes, or (ii) any other solvent, aerosol, vapor or gas, in such a condition that he is unable to exercise care for his own safety or the safety of others, nor shall any person, by reason of his being under the influence of any aforementioned substance interfere with, obstruct or prevent the free use of any street, sidewalk or other public way.

(i) Any person who willfully violates any of the provisions of this section shall be guilty of a misdemeanor.

(Ord. No. G-830, § 1; Ord. No. G-993, §§ 1—3)

Cross reference—Businesses, ch. 10; minors, ch. 22.

23-51.1 VAPOR RELEASING SUBSTANCES CONTAINING TOXIC SUBSTANCES; DEFINITION; SALE OF SUCH SUBSTANCES; CERTAIN ACTS PROHIBITED; PENALTY.

(a) Paints, varnishes and like coating substances releasing vapors or fumes containing benzene, toluene, volatile ketones, isophorone, acetone, chloroform, methylene chloride, mesityl oxide, xylene, cumene, ethylbenzene, trichloroethylene, MIBK, MIAK, MEK, and diacetone alcohol shall be considered toxic substances.

(b) No person shall knowingly sell or offer for sale, deliver or provide, or give to any person under eighteen years of age, nor shall any person under eighteen years of age purchase or accept, any vapor releasing substances that contain a toxic substance as defined in subsection (a) of this section. No sale or transfer of possession of any vapor releasing substances that contain a toxic substance as defined in subsection (a) of this section shall be made except by a person who is at the time of sale actively employed by or engaged in operating a bona fide commercial establishment at a fixed location.

(c) Nothing contained in this section shall be applicable to the transfer of any vapor releasing substances containing toxic substances as defined in subsection (a) of this section from a parent to a child, from a guardian to his ward, from an employer to employee, from a teacher to a student or in any other similar relationship when such transfer is for a lawful and bona fide purpose.

(d) Every bona fide commercial establishment selling vapor releasing substances as defined in subsection (b) of this section shall conspicuously display a sign of not less than eleven inches by fourteen inches in size which states: "Warning: Deliberate Inhalation of Spray Paint Vapors Can Be Dangerous." Such printed warning shall be easily legible.

(e) This section is limited to such coating substances as are dispensed by the use of aerosol spray devices.

(f) Anyone who willfully violates any of the provisions of this section shall be guilty of a misdemeanor.

(Ord. No. G-1291, § 1; Ord. No. G-3703, § 1)


10-186 REVOCATION. +1

A. The City Clerk may revoke a structured sober living home or structured sober living home manager license if a cause of suspension identified in Section 10-185 reoccurs and the license has been suspended within the preceding 12 months.
B. The City Clerk may revoke a structured sober living home or structured sober living home manager license if the City Clerk determines that:

1. A licensee gave false or misleading information in the application.

2. A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises.

3. A licensee violated or is not in compliance with any section of this article or any applicable provisions of the Phoenix Zoning, Neighborhood Preservation, Building, or Property Maintenance Code or ordinances.

4. A licensee has operated a structured sober living home during a period of time when the licensee’s license was suspended.

5. A licensee has been convicted of an offense listed in Section 10-180(A)(8) for which the time period required in Section 10-180(A)(8) has not elapsed.

6. In the case of a structured sober living home, a licensee is delinquent in payment to the City of taxes or fees related to the structured sober living home license or arising out of any other business activity owned or operated by the licensee.

7. The licensee has violated a consent agreement entered into with the City Clerk under this article within the previous five years.

8. The licensee has had a license or permit related to owning, operating, or managing a structured sober living home denied, revoked, or suspended in another jurisdiction within the previous five years.

9. A licensee refused to allow an inspection of the structured sober living home as required under Section 10-182.

C. The fact that a conviction is appealed will not prohibit or impede the City Clerk’s ability to revoke a license.

D. When the City Clerk revokes a license, the revocation will continue for one year and the licensee must not be issued a structured sober living home or structured sober living home manager license for one year from the date revocation becomes effective. If, subsequent to revocation, the City Clerk finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under subsection (B)(5) of this section, an applicant may not be granted another license until the appropriate number of years required under Section 10-180(A)(8) has elapsed.
24-38 SPIRITOUS LIQUOR IN PARKS.

A. For the purposes of this section:

1. **Beer** means any beverage obtained by the alcoholic fermentation, infusion or decoction of barley malt, hops, or other ingredients not drinkable, or any combination of them.

2. **Park** means any park as defined in Section 24-31

3. **Spiritous liquor** means alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor or malt beverage, absinthe, a compound or mixture of any of them or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one per cent of alcohol by volume.

B. It shall be unlawful for any person to consume or have in his possession any spirituous liquor in a park except as provided in Subsection C of this section.

C. The Director is empowered to issue permits authorizing the consumption and possession of beer in a park and to adopt rules and procedures for the issuance of such permits.

D. A person who has obtained a permit pursuant to Subsection C of this Section shall display the permit upon request. The permit holder and all persons covered by the permit shall abide by the stipulations of use set forth in the permit. The permit may be revoked for failure to comply with the requirements of this Subsection.

E. This Section shall not apply to premises for which a license has been issued pursuant to Title 4, Arizona Revised Statutes.

(Ord. No. G-5144, § 2, adopted 4-16-2008, eff. 5-16-2008)

**Sierra Vista**

Sierra Vista does not have laws in addition to, or differing from state law concerning drugs or alcohol.

**HAWAII**
Drug Offenses
Under the Hawai'i Penal Code, crimes are of 3 grades according to their seriousness: felonies, misdemeanors and petty misdemeanors
Class A felony: Fine not exceeding $50,000 and/or indeterminate term of imprisonment of 20 years without the possibility of suspension of sentence or probation.
Class B felony: fine not exceeding $25,000 and/or imprisonment of not more than 5 years.
Class C felony: fine not exceeding $10,000 and/or imprisonment of not more than 10 years.
Misdemeanor: fine not exceeding $2,000 and/or imprisonment of not more than 1 year.
Petty misdemeanor: fine not exceeding $1,000 and/or imprisonment of not more than 30 days.
§706-640, 659, 660, 663, H.R.S.
In addition, promoting (possessing, distributing and manufacturing) drugs (including marijuana) and intoxicating compounds can result in a Class A, B or C felony, misdemeanor or petty misdemeanor. § 712-1241-1250, H.R.S.
A person commits the offense of promoting intoxicating compounds if the person knowingly breathes, inhales or drinks any intoxicating compound or any other substances for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis or irrational behavior, or in any manner changing, distorting or disturbing the auditory, visual or mental processes; or sells, offers, delivers or gives to any person under 18 years of age, unless upon written order of such person’s parent or guardian, any intoxicating compound or any substance which will induce an intoxicated condition when the seller, offeror or deliveror knows or has reason to know that such compound is intended for use to induce such condition. This offense is a misdemeanor. § 712-1250, H.R.S

Alcohol Offenses
§281-101.5 Prohibitions involving minors; penalty. (a) Any adult who provides or purchases liquor for consumption or use by a person under twenty-one years of age shall be guilty of the offense under section 712-1250.5.
(b) No minor shall consume or purchase liquor and no minor shall consume or have liquor in the minor's possession or custody in any public place, public gathering, or public amusement, at any public beach or public park, or in any motor vehicle on a public highway; provided that notwithstanding any other law to the contrary, this subsection shall not apply to:

(1) Possession or custody of liquor by a minor in the course of delivery, pursuant to the direction of the minor's employer lawfully engaged in business necessitating the delivery;

(2) Possession, custody, or consumption of liquor by a minor in connection with the minor's authorized participation in religious ceremonies requiring such possession, custody, or consumption; or

(3) Any person between the ages of eighteen and twenty, who is participating in a controlled purchase as part of a law enforcement activity or a study authorized by the department of health to determine the level of incidence of liquor sales to minors.
(c) No minor shall falsify any identification or use any false identification or identification of another person or of a fictitious person for the purpose of buying or attempting to buy liquor or for the purpose of obtaining employment to sell or serve liquor on licensed premises.

(d) Any person under age eighteen who violates this section shall be subject to the jurisdiction of the family court. Any person age eighteen to twenty-one who violates subsection (b) or (c) shall be guilty of a petty misdemeanor. The court shall order that any person under twenty-one years of age found to be in violation of this section shall have, in addition to any other disposition or sentencing provision permitted by law, the person's license to operate a motor vehicle, or the person's ability to obtain a license to operate a motor vehicle, suspended as follows:

(1) For licensed drivers, the driver's license shall be suspended for not less than one hundred and eighty days with exceptions to allow, at the discretion of the sentencing court, driving to and from school, school-sponsored activities, and employment;

(2) For persons with a provisional license, the provisional license shall be suspended for not less than one hundred and eighty days with exceptions to allow, at the discretion of the sentencing court, driving to and from school, school-sponsored activities, and employment;

(3) For persons with an instruction permit, the instruction permit shall be suspended for not less than one hundred and eighty days with exceptions to allow, at the discretion of the sentencing court, driving to and from school, school-sponsored activities, and employment;

(4) For persons not licensed to drive, eligibility to obtain a driver's license, provisional license, or instruction permit shall be suspended until the age of seventeen or for one hundred and eighty days, at the discretion of the court; and

(5) Chapter 571 notwithstanding, in any case where a person under the age of eighteen violates this section, the family court judge may suspend the driver's license, provisional license, or instruction permit, or suspend the eligibility to obtain a driver's license, provisional license, or instruction permit in accordance with this section;

provided that the requirement to provide proof of financial responsibility pursuant to section 287-20 shall not be based upon a sentence imposed under paragraphs (1) and (2). In addition, all persons whether or not licensed, found to be in violation of this section shall be sentenced to seventy-five hours of community service work, and an eight to twelve-hour program of alcohol education and counseling the costs of which shall be borne by the offender or the offender's parent or guardian.

(e) As used in this section, "consume" or "consumption" includes the ingestion of liquor.

Consuming or possessing intoxicating liquor while operating a motor vehicle or moped is fined not more than $2,000 or imprisonment or imprisonment of not more than 30 days, or both. § 291-3.1, H.R.S

Consuming or possessing intoxicating liquor while a passenger in a motor vehicle is a petty misdemeanor. § 291-3.2, H.R.S.
A person commits the offense of promoting intoxicating liquor to a person under the age of 21 if the person recklessly sells, offers, influences the sale, serves, delivers or gives a person under the age of 21 intoxicating liquor; or permits a person under the age of 21 to possess intoxicating liquor while on property under his control. This offense is a misdemeanor. § 712-1250.5, H.R.S

Local Laws

Honolulu

Honolulu does not have laws in addition to, or differing from state law concerning drugs or alcohol.

Mililani

Mililani does not have laws in addition to, or differing from state law concerning drugs or alcohol.

NEW MEXICO

Drug Offenses

<table>
<thead>
<tr>
<th>Trafficking controlled substances (30-31-20 NMSA 1978, et seq.):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing, sale, or distribution – 1st offense</td>
</tr>
<tr>
<td>2nd degree Felony</td>
</tr>
<tr>
<td>Fine up to $10,000, Prison up to 9 years, or both</td>
</tr>
<tr>
<td>Manufacturing, sale, or distribution – 2nd or subsequent offenses</td>
</tr>
<tr>
<td>1st degree Felony</td>
</tr>
<tr>
<td>Fine up to $15,000, Prison up to 18 years, or both</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Distribution to a minor (30-31-21 NMSA 1978, et seq.):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana – 1st offense</td>
</tr>
<tr>
<td>3rd degree Felony</td>
</tr>
<tr>
<td>Fine up to $5,000, Prison up to 3 years, or both</td>
</tr>
<tr>
<td>Marijuana – 2nd or subsequent offenses</td>
</tr>
<tr>
<td>2nd degree Felony</td>
</tr>
<tr>
<td>Fine up to $10,000, Prison up to 9 years, or both</td>
</tr>
<tr>
<td>Any other controlled substance – 1st offense</td>
</tr>
<tr>
<td>2nd degree Felony</td>
</tr>
<tr>
<td>Fine up to $10,000, Prison up to 9 years, or both</td>
</tr>
<tr>
<td>Any other controlled substance – 2nd or subsequent offenses</td>
</tr>
<tr>
<td>1st degree Felony</td>
</tr>
<tr>
<td>Fine up to $15,000, Prison up to 18 years, or both</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Distribution of controlled or counterfeit substances (30-31-22 NMSA 1978, et seq.):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana or synthetic cannabinoids – 1st offense under 100 lbs.</td>
</tr>
<tr>
<td>4th degree Felony</td>
</tr>
<tr>
<td>Fine up to $5,000, Prison up to 18 months, or both</td>
</tr>
<tr>
<td>Marijuana or synthetic cannabinoids – 2nd or subsequent offenses under 100 lbs.</td>
</tr>
<tr>
<td>3rd degree Felony</td>
</tr>
<tr>
<td>Fine up to $5,000, Prison up to 3 years, or both</td>
</tr>
<tr>
<td>Marijuana or synthetic cannabinoids – 1st offense over 100 lbs.</td>
</tr>
<tr>
<td>3rd degree Felony</td>
</tr>
<tr>
<td>Fine up to $5,000, Prison up to 3 years, or both</td>
</tr>
</tbody>
</table>
### WAYLAND BAPTIST UNIVERSITY ANNUAL DAAPP

<table>
<thead>
<tr>
<th>Substance and Offense</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana or synthetic cannabinoids – 2nd or subsequent over 100 lbs.</td>
<td>2nd degree Felony</td>
</tr>
<tr>
<td>Any other controlled substance in Schedule I, II, III, or IV, except as listed below – 1st offense</td>
<td>3rd degree Felony</td>
</tr>
<tr>
<td>Any other controlled substance in Schedule I, II, III, or IV, except as listed below – 2nd or subsequent offense</td>
<td>2nd degree Felony</td>
</tr>
<tr>
<td>Any controlled substance in Schedule V</td>
<td>Misdemeanor</td>
</tr>
<tr>
<td>Gamma hydroxybutyric acid (GHB) or Flunitrazepam with intent to commit a crime against that person, including criminal sexual penetration – 1st offense</td>
<td>3rd degree Felony</td>
</tr>
<tr>
<td>Gamma hydroxybutyric acid (GHB) or Flunitrazepam with intent to commit a crime against that person, including criminal sexual penetration – 2nd or subsequent offense</td>
<td>2nd degree Felony</td>
</tr>
<tr>
<td>Counterfeit substances in Schedule I, II, III, or IV</td>
<td>4th degree Felony</td>
</tr>
<tr>
<td>Counterfeit substance in Schedule V</td>
<td>Petty Misdemeanor</td>
</tr>
</tbody>
</table>

**Penalties for illegal drug possession (30-31-23 NMSA 1978, et seq.):**

<table>
<thead>
<tr>
<th>Substance and Offense</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 oz of marijuana or synthetic cannabinoids – 1st offense</td>
<td>Petty misdemeanor</td>
</tr>
<tr>
<td>1 oz of marijuana or synthetic cannabinoids – 2nd and subsequent offenses</td>
<td>Petty misdemeanor</td>
</tr>
<tr>
<td>Over 1 oz but under 8 oz of marijuana or synthetic cannabinoids</td>
<td>Misdemeanor</td>
</tr>
<tr>
<td>8 oz or more marijuana or synthetic cannabinoids</td>
<td>4th degree Felony</td>
</tr>
<tr>
<td>For possession of Schedule I, II, III, or IV controlled substances, or analogs thereof, except for those substances listed below</td>
<td>Misdemeanor</td>
</tr>
<tr>
<td>Phencyclidine (PCP), or derivatives, salts, isomers, analogs, etc.</td>
<td>4th degree Felony</td>
</tr>
</tbody>
</table>
Methamphetamines, or derivatives, salts, isomers, analogs, etc.  | 4th degree Felony | Fine up to $5,000, Prison up to 18 months, or both

Flunitrazepam, or derivatives, salts, isomers, analogs, etc.  | 4th degree Felony | Fine up to $5,000, Prison up to 18 months, or both

Gamma hydroxybutyric acid (GHB), or derivatives, salts, isomers, analogs, etc.  | 4th degree Felony | Fine up to $5,000, Prison up to 18 months, or both

Narcotic drugs enumerated in Schedule I or II, or derivatives, salts, isomers, analogs, etc.  | 4th degree Felony | Fine up to $5,000, Prison up to 18 months, or both

Falsely obtaining or attempting to obtain controlled substances (30-31-25 NMSA 1978, et seq.):  
Falsifying applications, fraud, forgery, deception, or subterfuge related to trying to obtain controlled substances  | 4th degree Felony | Fine up to $5,000, Prison up to 18 months, or both

Drug paraphernalia (30-13-25.1 NMSA 1978, et seq.):  
Unlawful possession of drug paraphernalia  | Misdemeanor | Fine $50 – $100, Jail up to 1 year, or both

Delivering or providing drug paraphernalia to a minor  | 4th degree Felony | Fine up to $5,000, Prison up to 18 months, or both

Alcohol Offenses  
Each state has different laws and penalties in regard to using alcohol. Here is a brief overview of New Mexico laws regarding alcohol:

MINOR IN POSSESSION OF ALCOHOL  
A minor (under 21) who buys, attempts to buy, possesses or permits himself to be served alcoholic beverages is subject to a fine of not more than $1,000, suspended license, and/or community service hours.

PRESENTING OR MAKING A FALSE ID  
Using or possessing an altered, forged, or fictitious identification card is a misdemeanor punishable by a fine of not more than $500 and/or a jail term of not more than 6 months; actually altering or forging an ID or driver’s license is a 4th degree felony punishable by a fine up to $5,000, Prison up to 18 months, or both.

OPEN CONTAINER  
A person who violates New Mexico’s open container law commits a moving violation, punishable by a $25 fine and points added to an offender’s driving record.

A person who’s convicted of violating the open container law for a second or subsequent time commits a misdemeanor. The maximum sentence is imprisonment for 90 days and/or a $300 fine. In addition to jail and a fine, a second conviction results in a revocation of the offender’s
license for three months. Upon a third or subsequent conviction, the offender’s license will be revoked for one year.

SELLING OR GIVING ALCOHOL TO A MINOR

Providing alcohol to a minor is a 4th degree felony, and is prohibited in restaurants, homes, and other private and public locations in New Mexico.

DRI

Anyone who drives a vehicle while under the influence of alcohol or other drugs is subject up to 90 days in jail, a fine of $500, 24 hours community service and a one-year suspension of their license for the first conviction.

Local Laws

Albuquerque

Albuquerque does not have laws in addition to, or differing from state law concerning drugs or alcohol.

Clovis

Chapter 9.32 - DISPLAY AND SALE OF DRUG PARAPHERNALIA, SIMULATED DRUGS AND CONTROLLED SUBSTANCES, AND INHALANTS TO MINORS

9.32.01 O - Definitions.

As used in this chapter:

A. "Controlled substance" means any drug or substance included in Schedules I through V of the Controlled Substances Act found at NMSA 1978, Section 30- 31-1 et seq.
B. "Drugs" means substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary or any supplement to these publications.
C. "Person" means individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.
D. "Drug paraphernalia" means any device intended for use in ingesting, smoking, administering or preparing marijuana, cocaine, phencyclidine, opium or any derivative thereof, or any other controlled substance. For purposes of this subsection, the phrase "intended for use" shall refer to the intent of the person selling, offering to sell, dispensing, giving way or displaying the drug paraphernalia herein defined. In
determining whether an item constitutes drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Whether a person charged with violating this chapter, is licensed distributor or drug precursor as defined in NMSA 1978, Sect 30-318-2.

2. Expert testimony as to the use of the item.

3. Evidence concerning the total business of a person or business establishment and the type of items involved in the business.

4. National and local advertising concerning the use of the item of which the person charged with violating this chapter has knowledge.

5. Evidence of advertising concerning the nature of the business establishment.

6. Statements by a person charged with violating this chapter concerning the use of the item.

7. Prior convictions, if any, of a person charged with violating this chapter, under any state, federal or municipal law relating to any controlled substance.

8. Instructions, oral or written, provided with the item concerning its use.

9. Descriptive materials accompanying the item which explain or depict its use.

10. Catalogs or other promotional materials concerning the item of which the person charged with violating this chapter has knowledge.

E. "Minor" means any person who has not attained eighteen years of age.

F. "Premises open to minors" means any business establishment which sells its wares or merchandise to minors or which permits minors to enter into its place of business.

G. "Premises" means a business establishment and the structure of which it is a part and facilities and appurtenances therein and grounds, areas and facilities held out for the use of patrons.

H. "Simulated drug" means a substance that is not a controlled substance which by dosage unit appearance, including color, shape, size and markings and by representations made that would lead a reasonable person to believe that the substance
is a controlled substance. In determining whether an item constitutes simulated drugs a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance or its use or effect;
2. Statements made to the recipient that the substance may be resold for inordinate profit;
3. Whether the substance is packaged in a manner normally used for illicit controlled substances;
4. Evasive tactics or actions utilized by the owner or person in control of the substance to avoid detection by law enforcement authorities;
5. Prior convictions, if any, of the owner or any one in control of the object, under state or federal law related to controlled substances or fraud;
6. Whether the physical appearance of the substance is substantially identical to a controlled substance.

I. "Inhalant" means glue, an aerosol spray product or other chemical substance which causes a condition of or induces symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, stupefaction or dulling of the senses or in any manner changes, distorts or disturbs the audio, visual or mental processes.

(Ord. 1539-97 §2(part), 1997).

9.32.020 - Control of drug paraphernalia, simulated drugs and inhalants.

It is unlawful for any person to sell, dispense, give away, or display any drug paraphernalia or simulated controlled substance or simulated drug or inhalant to minors in or upon any premises. It is also unlawful for any person to sell, offer to sell, dispense, give away or display any drug paraphernalia or simulated controlled substance or simulated drug or inhalant to persons other than minors in or upon any premises which are premises open to minors, unless the drug paraphernalia, simulated controlled substance or simulated drugs or inhalants are kept in such part of the premises that is not open to view by minors and to which minors do not have access.

(Ord. 1539-97 § 2(part), 1997).
9.32.030 - Violation- Penalty.

Any person violating any of the provisions of this chapter is guilty of a public offense and upon conviction thereof shall be punished as provided in Chapter 1.24.

(Ord. 1539-97 § 2(part), 1997).

Chapter 9.34 - DISPLAY, SALE, AND REGISTRATION OF METHAMPHETAMINE PRECURSORS

9.34.010 - Definitions.

The following definitions shall apply to this chapter:

A. "Methamphetamine precursor drugs" means and includes any drug or product contained as its sole common active ingredient such as ephedrine, pseudoephedrine, or phenylpropanolamine; or any combination drug or product containing as one of its active ingredients ephedrine, pseudoephedrine, or phenylpropanolamine. This term does not include any compounds, mixtures, or preparations that are in liquid, liquid capsule, or gel capsule form and in which pseudoephedrine is not only the active ingredient.

B. "Over the counter sales" means a retail sale of a drug or product but does not include the sale of a drug or product dispensed pursuant to the terms of a valid prescription.

C. "Retailer" means any person, corporation, partnership or other business entity conducting business within the city of Clovis that sells or furnishes any over the counter drug product containing methamphetamine precursor drugs to any person who is the ultimate user or consumer of the product.

(Ord. 1823-2005 § 2(part), 2005).

9.34.020 - Quantity.
No retailer or employee thereof, shall knowingly sell, transfer or otherwise furnish in a single transaction more than three packages, not to exceed a total of one hundred tablets, of one or more products that contain methamphetamine precursor drugs, unless sold pursuant to a valid prescription.

(Ord. 1823-2005 § 2(part), 2005).

9.34.30 - Display restrictions.

All retailers that offer methamphetamine precursor drugs for sale shall ensure that all packages of the drug are displayed or offered for sale only:

A. Behind the checkout counter where the public is prohibited; or


9.34.040 - Required identification.

All retailers that sell or deliver, or attempt to sell or deliver methamphetamine precursor drugs to a person that does not possess a valid prescription, whether as a sole active ingredient or in combination product, shall require the purchaser to show proper identification, to include a photo identification with the person's name, date of birth, and current address.

(Ord. 1823-2005 § 2(part), 2005).

9.34.50 - Registration forms.

A. All retail establishments that sell non-prescription methamphetamine precursor drugs shall keep a registration form of its sales. Retailers may obtain an approved registration form from the Ninth Judicial District Attorney's office, or may create a registration form, which shall contain the following information:

1. Name and specific quantity of methamphetamine precursor drugs purchased;
2. The name of the purchaser;
3. The current address of the purchaser;
4. The driver's license number or other photo identification card number of the purchaser;
5. The date of purchase;

6. Certification by the retailer.

B. The registration forms shall be maintained by folder or other container that will prevent observation by customers of the retailer. All registration forms required by this section shall be completed accurately and be made available by twelve noon of the day following the sales transactions. The registration form shall be maintained by the retailer, in a secured location, which shall be delivered to a local law enforcement officer upon request. For purposes of this section, a local law enforcement officer means the Clovis chief of police, his designee, any certified officer of the Clovis police department, or any certified officer assigned to the Region V Drug Task Force. Registration forms not delivered to a local law enforcement officer within ninety days of the sale or delivery, will be destroyed by the retailer by shredding or other means that will completely destroy or obliterate the information contained within the form. Local law enforcement agencies shall maintain the registration forms for a period not to exceed six months from date of sale or delivery unless required by public law, after which they shall completely destroy or obliterate the information contained within the form.

C. The registration forms may be used only for drug enforcement (investigating, arresting and prosecuting violations of drug laws) or for investigating criminal violations.

D. It is unlawful for any person to provide false information or a false form of identification to a retailer for the purpose of purchasing methamphetamine precursor drugs.

E. It is unlawful for any retailer, or any employee of a retailer, to falsify, alter or modify any purchaser information in respect to the registration form required by this section.

(Ord. 1823-2005 § 2(part), 2005).

9.34.060 - Penalty.

Any violation of this chapter constitutes a misdemeanor punishable in accordance with Section 1.24.030.

(Ord. 1823-2005 § 2(part), 2005).

9.34.070 - Annual review.
The city commission shall annually, at its first meeting in September of each calendar year, review this chapter and determine whether, based on subsequent events and passage of state or federal laws, this chapter should be repealed or amended.

(Ord. 1823-2005 § 2(part), 2005).

Chapter 5.12 - ALCOHOLIC BEVERAGE SALES*

5.12.10 - Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. "Alcoholic liquors" means and includes any and all distilled or rectified spirits, potable alcohol, brandy, whisky, rum, gin, aromatic bitters bearing the federal internal revenue strip stamps, or any similar alcoholic beverage, including all blended or fermented beverages, dilutions or mixtures of one or more of the foregoing, containing more than one-half of one percent alcohol by volume, but excluding medicinal bitters.

B. "Beer" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt and hops or other cereals in water, and includes such liquors as porter, beer, ale, and stout.

C. "Club" means any organization of persons organized and operated under the laws of this state, organized for nonprofit to members, with a membership of not less than fifty regularly admitted and enrolled members who have paid membership dues at the rate of not less than five dollars per year, which is the owner, lessee or occupant of premises used exclusively for club purposes and which the chief of division of liquor control of the New Mexico Bureau of Revenue finds is operated solely for recreation, social, patriotic, political, benevolent or athletic purposes.

D. "Dispenser" means any person selling, offering for sale, or having in his possession with intent to sell, alcoholic liquors by the drink or in packages containing less than five gallons.

E. "Minor" means any person under twenty-one years of age.

F. "Package" means any immediate container of alcoholic liquors, beer or wine which is filled or packed by the manufacturer or
bottler thereof for sale by such manufacturer or bottler to retailers, dispensers or clubs for resale.

G. "Retailer" means any person selling, offering for sale, or having in his possession with intent to sell, any alcoholic liquors for consumption off the premises of the licensee and in unbroken packages containing less than five gallons.

H. "Wine" means all alcoholic beverages obtained by the fermentation of the natural sugar contained in fruit or other agricultural products, with or without the addition of sugar or other products, and which does not contain less than one-half of one percent nor more than twenty-one percent alcohol by volume.

(Prior code § 3-1).

5.12.020 - License-Application investigation.

Upon receipt by the city of notice from the chief of the division of liquor control of the state of an application for a new license as a retailer, dispenser or club within the city or for transfer of an existing license, it shall be the duty of the chief of police to make a thorough investigation concerning the character and integrity of the applicant, the conditions existing in the neighborhood where such establishment is sought, the number of existing licenses in the locality or area affected, and the effect of the granting of such license or transfer upon the public health, safety and morals.

(Prior code § 3-7).

5.12.030 - License-Granting or denial.

At the completion of such investigation, the chief of police shall forthwith recommend to the city commission that such application be granted or denied as in their discretion may be for the best interest of the city, and thereupon, the city commission shall by motion either consent to or object to the granting of such license or transfer. The city clerk shall thereupon immediately advise the chief of the division of liquor control of the action taken by the city commission.

(Prior code § 3-8).

5.12.040 - License-City attorney duty.
It shall be the duty of the city attorney to represent the city in all hearings held by
the chief of the division of liquor control upon applications to which objections have
been filed by the city commission.

(Prior code § 3-9).

5.12.50

5.12.51 - License Tax-Imposed-Amount.

A. There is imposed an annual license tax upon the privilege of persons
holding licenses under the laws of the state of New Mexico to
operate within the city as a retailer, dispenser, canopy licensee,
restaurant licensee or club licensee in the amount of two hundred
fifty dollars.

B. The tax levied by this section shall be paid on or before July 1st of each
year.

C. The tax shall not be prorated, but shall be paid in the full amount by
all persons or entities who operate under state authority within the
city at any time during the period from July 1st to June 30th.

D. No person or entity shall receive a city license until the tax
provided for in this chapter has been paid.


5.12.070 - License Tax-Daily basis for dispensers at public celebrations.

Any person holding a dispenser's license for the sale of alcoholic liquors within
the city, and a special permit issued by the state as provided by statute, and also
holding a concession from the board or other governing body in charge thereof, for
the sale of alcoholic liquors at a county fair or other public celebration is required
to pay a tax in the amount of ten dollars per day for each day of such county fair or
other public celebration. The daily tax imposed is payable in advance. The holder of
any such special permit shall be subject to all laws of the city governing the sale of
alcoholic liquors.

(Ord. 1129-79 § 8, 1979: prior code§ 3-4).


Any police officer of the city, upon the written order of the city commission, duly
entered, shall forthwith close up the place of business of any retailer, dispenser or
club who has not paid the municipal license tax according to the terms of this chapter.

(Prior code § 3-5).

5.12.090 - License tax-No refunds- Transferability.
A. The revocation or suspension of any retail, dispensary club license shall not entitle the licensee to the refund of any portion of the tax imposed by this chapter which such licensee has paid.

8. In the event of a transfer of any license under the provisions of the laws of the state, no refund shall be made by the city to the original licensee for the unexpired portion of such license, but such assignment and transfer shall vest in the assignee and transferee the right to operate under the license tax so paid by the original licensee for the period covered by the paid license tax and to pay the balance of such license tax upon the same terms and conditions as if such assignee or transferee were the original licensee.

(Prior code § 3-6).

5.12.100 - Dispensers-Permitted activities.

Any person holding a regularly issued and current license from the state as a dispenser and who has paid the license tax imposed by this chapter shall be entitled to carry on the business of a dispenser of alcoholic liquors at the place designated in such license. Such license shall entitle the holder thereof to sell alcoholic liquors, as in Section 5.12.010, by the drink or in packages containing less than five gallons.

(Prior code § 3-10).

5.12.110 - Dispensers-Unlawful activities.

It is unlawful for any dispenser, or the servant, agent or employee of any dispenser to:

A. Fail to break and destroy any empty bottle which has contained alcoholic liquors upon the emptying thereof; or

B. Pour into any empty or partially empty bottle which contains or has contained any alcoholic liquor, liquor of a different kind, class, brand, proof or age from that represented by the label, indicia, legend or descriptive matter on such bottle; or
C. Have, allow, suffer or permit upon the licensed premises of such dispenser any bottle containing alcoholic liquor of a different kind, class, brand, proof or age from that represented by the label, indicia, legend or descriptive matter appearing on the containing bottle; or

D. Expressly or impliedly misrepresent the kind, class, brand, proof or age of any alcoholic liquor served by the drink; or

E. Pour into any empty or partially empty liquor bottle, liquor of the same kind, class, brand and origin as that represented by the label, indicia, legend and descriptive matter appearing on the receptacle bottle.

(Prior code § 3-24).

5.12.120 - Dispensers-Violations designated.

It is a violation of this chapter for any dispenser:

A. To sell, possess for the purpose of sale, or to bottle any bulk wine, for sale other than by the drink for immediate consumption on his licensed premises;

B. To receive, have, possess, sell, keep or allow, suffer or permit upon his licensed premises any package or container of alcoholic liquor which does not contain less than five gallons; provided, that barrels, half-barrels and quarter-barrels of beer may be sold to persons and groups for consumption at parties, outings and picnics;

C. Directly or indirectly, or through any subterfuge, to own, operate or control any interest in any wholesale liquor establishment, liquor manufacturing or bottling firm; provided, that his subsection shall not prevent any dispenser from owning stock in any corporation which wholesales, manufactures or bottles alcoholic liquors when he owns such stock for investment purposes only;

D. To sell, or possess for the purpose of sale, any alcoholic liquors at any location or place except his licensed premises or the location permitted under Section 5.12.070.

(Prior code § 3-11).

5.12.130 - Retailers-Permitted activities.
Any person holding a regularly issued and current license from the state as a retailer and who has paid the license tax imposed by this chapter is entitled to carry on the business of a retailer of alcoholic liquors at the place designated in such license. Such license entitles the holder thereof to sell alcoholic liquors for consumption off his licensed premises and in unbroken packages containing less than five gallons.

(Prior code § 3-12).

5.12.140 - Retailers-Violations designated.

It is a violation of this chapter for any retailer:

A. To allow or permit any alcoholic liquors to be drunk or consumed on his licensed premises;

B. To maintain or keep in close proximity to such licensed premises any place for the consumption of alcoholic liquors purchased from him;

C. To sell any alcoholic liquors at any place other than his licensed premises;

D. Directly or indirectly, or through any subterfuge, to own, operate or control any interest in any wholesale liquor establishment, liquor manufacturing or bottling firm; provided, that this subsection shall not prevent any retailer from owning stock in any corporation which wholesales, manufactures or bottles alcoholic liquors when he owns such stock for investment purposes only.

(Prior code § 3-13).

5.12.150 - Clubs-Permitted activities.

Any person holding a regularly issued and current license from the state as a club and who has paid the license tax imposed by this chapter is entitled to carry on the activities of a licensee club at the place designated in such license. Such license entitles the holder thereof to sell alcoholic liquors by the drink for immediate consumption on the premises of such club.

(Prior code § 3-14).
5.12.160 - Clubs-Violations designated.

It is a violation of this chapter for any club to sell any alcoholic liquor, except beer, by the can or bottle, in any manner other than by the drink for immediate consumption on the premises thereof; provided, that nothing in this section shall be construed to prevent the sale and service of wines by clubs by the bottle for immediate consumption on the premises.

(Prior code § 3-15).

5.12.170 - Hours of Business-Generally-On election days.

A. The licenses of retailers of alcoholic liquors shall allow them to sell and deliver alcoholic liquors, and the licenses of dispensers of alcoholic liquors and clubs shall allow them to sell, serve, deliver and permit the consumption of alcoholic liquors on their licensed premises on Mondays from seven a.m. until midnight, on other weekdays from after midnight of the previous day until two a.m. then from seven a.m. until midnight, and on Sundays only after midnight of the previous day until two a.m.

B. Dispenser, retail and club licenses shall close their places of business during voting hours on the days of the biennial primary election held on the second Tuesday in May of each even-numbered year and the biennial general election held upon the first Tuesday after the first Monday in November of each even-numbered year, and on the days of any municipal election held in the city.

(Prior code § 3-22).

5.12.180 - Hours of Business-Sundays.

Any holder of a dispenser’s or club license, who has obtained from the state of New Mexico a permit to sale, serve or permit the consumption of alcoholic liquors by the drink on the licensed premises on Sundays shall have the right to open their licensed premises for business on Sundays from twelve noon until midnight.

(Ord. 1129-79 § 9, 1979: prior code § 3-22.1).

5.12.190 - Serving liquor after hours of business unlawful.
It is unlawful for any licensed retailer of alcoholic liquors to sell or deliver alcoholic liquors, or for any licensed dispenser or club to sell, deliver, serve or permit the consumption of alcoholic liquors on their licensed premises during hours other than those prescribed.

(Prior code § 3-23).

5.12.200 - Manufacturing for sale without license unlawful.

It is unlawful for any person who is not the holder of a license permitting the same, issued under the provisions of the laws of the state, or whose license has been suspended or revoked, to manufacture for the purpose of sale, sell, or possess for the purpose of sale, any alcoholic liquor in the city. The keeping in excess of one gallon of alcoholic liquors, as defined by this chapter, shall be prima facie evidence of an intent to sell the same.

(Prior code § 3-16).

5.12.210 - Selling or giving alcoholic beverages to minors - Possession.

A. It is a violation of this section for a person, including a person licensed pursuant to the provisions of the Liquor Control Act, or an employee, agent or lessee of that person, if he knows or has reason to know that he is violating the provisions of this section, to:

1. Sell, serve or give alcoholic beverages to a minor or permit a minor to consume alcoholic beverages on the licensed premises;

2. Buy alcoholic beverages for or procure the sale or service of alcoholic beverages to a minor;

3. Deliver alcoholic beverages to a minor; or

4. Aid or assist a minor to buy, procure or be served with alcoholic beverages;

B. It is not a violation of this section, as provided in subsections A or C of this section, when a parent or legal guardian of a minor serves alcoholic beverages to that minor on real property, other than licensed premises, under the control of the parent or legal guardian.

C. It is a violation of this section for a minor to buy, attempt to buy, receive, possess or permit himself to be served with alcoholic beverages.

D. In the event a person other than a minor procures another person to
sell, serve or deliver alcoholic beverages to a minor by actual or constructive misrepresentation of facts calculated to cause, or by a concealment of facts the concealment of which is calculated to cause, the person selling, serving or delivering the alcoholic beverages to the minor to believe that the minor is legally entitled to be sold, served or delivered alcoholic beverages and actually deceiving him by that misrepresentation or concealment, then that person and not the person so deceived by such misrepresentation or concealment shall have violated this section.

E. As used in this section, "minor" means a person under twenty-one years of age.

F. In addition to the penalties provided in Section 60-6C-1 NMSA 1978, a violation of the provisions of subsection A of this section shall be punished as follows:

1. For a first violation, the offender shall be:
   a. Fined an amount not more than five hundred dollars;
   b. Ordered by the municipal court to perform thirty hours of community service relating to reducing the incidence of driving while under the influence of intoxicating liquor;

2. For a second violation, the offender shall:
   a. Be fined an amount not more than five hundred dollars;
   b. Ordered by the municipal court to perform forty hours of community service relating to the incidence of driving while under the influence of intoxicating liquor;
   c. Have his license, issued pursuant to the Alcohol Server Education Act [Chapter 60, Article 6E NMSA 1978], suspended for a period of sixty days; and

3. For a third or subsequent violation, the offender shall:
   a. Be fined an amount not more than five hundred dollars;
   b. Be ordered by the municipal court to perform sixty hours of community service related to reducing the incidence of driving while under the influence of intoxicating liquor;
c. Have his license, issued pursuant to the Alcohol Server Education Act [Chapter 60, Article 6E NMSA 1978], suspended for a period of one year.

G. A violation of the provisions of subsection C of this section is a misdemeanor and the offender shall be punished as follows:

1. For a first violation, the offender shall be:
   a. Fined an amount not more than five hundred dollars;
   b. Ordered by the municipal court to perform thirty hours of community service related to reducing the incidence of driving while under the influence of intoxicating liquor;

2. For a second violation, the offender shall be:
   a. Fined an amount not more than five hundred dollars; and
   b. Ordered by the municipal court to perform forty hours of community service related to reducing the incidence of driving while under the influence of intoxicating liquor; and
   c. Have his driver's license suspended for a period of ninety days. If the minor is too young to possess a driver's license at the time of the violation, then ninety days shall be added to the date he would otherwise become eligible to obtain a driver's license; and

3. For a third or subsequent violation, the offender shall be:
   a. Fined an amount not more than five hundred dollars;
   b. Ordered by the municipal court to perform sixty hours of community service related to reducing the incidence of driving while under the influence of intoxicating liquor; and,
   c. Have his driver's license suspended for a period of two years or until the offender reaches twenty-one years of age, whichever period otterm is greater.

H. A violation of the provisions of subsection D of this section is a misdemeanor and the offender shall be punished as follows:

1. For a first violation, the offender shall be:
   a. Fined an amount not more than five hundred dollars;
   b. Ordered by the municipal court to perform thirty hours
of community service related to reducing the incidence of driving while under the influence of intoxicating liquor;

2. For a second violation, the offender shall be:

   a. Fined an amount not more than five hundred dollars;

   b. Ordered by the municipal court to perform forty hours of community service related to reducing the incidence of driving while under the influence of intoxicating liquor; and;

3. For a third or subsequent violation, the offender shall be:

   a. Fined an amount not more than five hundred dollars;

   b. Ordered by the municipal court to perform sixty hours of community service related to reducing the incidence of driving while under the influence of intoxicating liquor; and,

   c. Sentenced to a jail term of not less than two days and not more than five days.


5.12.250 - Providing liquor for alcoholic or person of unsound mind unlawful.

It is unlawful for any person to sell, serve, give or deliver any alcoholic liquors to, or to procure or aid in the procuring of any alcoholic liquors for any habitual drunkard or person of unsound mind knowing that the person buying, receiving, or receiving service of such alcoholic liquors is a habitual drunkard or is of unsound mind.

(Prior code § 3-21).

5.12.260 - Consuming in public places-Curb service unlawful.

A. It is unlawful to drink or consume alcoholic liquors, or for any person who is the owner or proprietor to sell, serve, furnish or permit the drinking or consumption of alcoholic liquors in any public dancehall, poolroom, bowling alley, street, state or federal building, or in any other public place except establishments having a license to
dispense alcoholic liquors.

B. It is also unlawful for any licensee to give any kind of curb service of alcoholic liquors except in unbroken packages, outside of the building on the premises at which licensee's business is operated, except to customers seated at tables.

(Prior code § 3-17).

5.12.270 - Unlawful consuming designated.

It is unlawful for any person to drink any alcoholic liquors in any washroom or toilet of any dispenser, or to drink or consume upon the premises of any dispenser any spirituous liquor or wine so purchased to be consumed with meals; or to drink on the premises of any dispenser any alcoholic liquors obtained elsewhere.
### Oklahoma Drug Statutes Chart
Oklahoma Statutes Title 63 Public Health and Safety

<table>
<thead>
<tr>
<th>SCHEDULE</th>
<th>OFFENSE/PENALTY</th>
<th>ENHANCEMENT/ BENEFIT RESTRICTIONS</th>
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| 2-203. Schedule I  
Characteristics: (1) High potential for abuse; (2) No accepted med use in US or lacks accepted safety for use in treatment under med supervision | 2-401(B)(1) Distribution or possess w/ intent (p.w.i.) to distribute or manufacture a Sched I or II narcotic substance or LSD, GHB (or its chemical alternatives):  
5yrs-life; <$100,000 | or subsequent offense: felony under habitual offender statute; 2x fine imposed by penalty and no s.s. or p.p. |
| 2-204 Schedule I Substances:  
(A) Opiates: e.g., acetylmethadol, dextromoramide  
(B) Opium derivatives: e.g., codeine and morphine compounds, heroin  
(C) Hallucinogenic substances: e.g., LSD, marihuana, mescaline, E2P, psilocybin, DMT  
(D) Depressants and Stimulants: e.g., Qualudues, GHB, N-ethylamphetamines  
(F) synthetic cannabinoids | 2-401(C)(1) Manufacture, cultivation, distribution or p.w.i to distribute a synthetic controlled substances:  
fenol; <$25,000 | or subsequent offense: felony under habitual offender statute & <$100,000 |
| 2-205. Schedule II characteristics: (1) high potential for abuse; (2) accepted med use in US w/ severe restrictions; and (3) abuse may lead to severe psych or phys dependence | 2-401(B)(2) Distribution or possess w/ intent (p.w.i.) to distribute or manufacture other Schedule I, II, III, or IV substances: 2yrs-life; <$20,000 | or subsequent offense: felony under habitual offender statute; 2x fine imposed by penalty and no s.s. or p.p. |
| 2-206. Schedule II substances:  
(A) Narcotics derived from vegetable origin or chemical synthesis:  
(1) Opium and opiates: e.g., raw opium, codeine, morphia and derived painkillers  
(2) chemical equivalents to those listed in (A)  
(3) Opium poppies and poppy straws  
(4) Cocaine  
(B) Other opiates: e.g., | 2-401(G)(3) Aggravated Manufacturing of a controlled substance in the amount listed below:  
20yrs-life; >$50,000  
a. >1kg of heroin mixture  
b. >5kg of cocaine mixture  
c. >50g of chemical precursors containing cocaine base  
d. >100g of PCP mixture  
e. >10g of LSD mixture  
f. >400g of N-phenyl-N-1-(2-phethyl)-4-piperidinyl propanamide mixture | Required to serve 85% of sentence before becoming eligible for parole or subsequent offense: felony under habitual offender statute; 2x fine imposed by penalty and no s.s. or p.p. |
### Oklahoma Drug Statutes Chart

**Oklahoma Statutes Title 63 Public Health and Safety**

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<th>Section</th>
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<th>Criminal Code</th>
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<td>2-207.</td>
<td>Schedule III characteristics: (1) abuse potential less than Schedule I and II; (2) accepted med use in US; and (3) abuse may lead to moderate/low phys dependence or high psych dependence</td>
<td>2-402(B)(2) Possession of Sched III, IV, V, Sched II(D) substances or marihuana: Misdemeanor; &lt;1yr; &lt;$1,000 or subsequent offense w/in 10yrs: felony; 2-10yrs; &lt;$5,000 or subsequent offense more than 10yrs later: felony; 1-3 yrs; &lt;$5,000</td>
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<tr>
<td>2-208.</td>
<td>Schedule III substances: (A) compounds containing stimulants or depressants: (1) GHB products (2) Anabolic steroids and hormones (3) Barbiturates (B) Nalorphine (C) Compounds containing limited narcotic quantities: e.g., codeine, opium and morphine compounds</td>
<td></td>
</tr>
<tr>
<td>2-209.</td>
<td>Schedule IV characteristics: (1) low abuse potential relative to Schedule III; (2) accepted med use in US; and (3) abuse may lead to limited phys dependence or psych dependence relative to Schedule III</td>
<td></td>
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<tr>
<td>2-210.</td>
<td>Schedule IV Substances: (1) Prescription medication containing potentially abusive quantities of certain narcotics: E.g., Klonipin, Ativan, ephedrine, phenobarbital, butorphanol tartate, anti-obesity medication (fenfluramine, etc.)</td>
<td></td>
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<tr>
<td>2-211.</td>
<td>Schedule V</td>
<td>2-401(B)(3) Distribution or possess or subsequent</td>
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# Oklahoma Drug Statutes Chart

Oklahoma Statutes Title 63 Public Health and Safety

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<tr>
<th>Characteristics: (1) low abuse potential relative to Schedule IV; (2) accepted med use is US; and (3) abuse may lead to limited phys dependence or psych dependence relative to Schedule IV</th>
<th>w/ intent (p.w.i.) to distribute or manufacture Sched V substance: &lt;5yrs; &lt;$1,000</th>
<th>offense: felony under habitual offender statute; 2x fine imposed by penalty and no s.s. or p.p.</th>
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<tr>
<td>2-212. Schedule V Substances: (1) Narcotics containing nonnarcotic active medicinal ingredients: e.g., limited percentages of codeine, opium, etc. (2) Compounds containing pseudoephedrine or ephedrine (3) Compounds containing pregabalin</td>
<td>2-401(B)(4) Distribution or possess w/ intent (p.w.i.) to distribute or manufacture an imitation controlled substance: misdemeanor; &lt;1yr; &lt;$1,000</td>
<td>offense: felony; &lt;5yrs; &lt;$5,000</td>
</tr>
<tr>
<td>2-322. Chemical Precursors: e.g., d-lysergic acid, ephedrine, pseudoephedrine, methylamine, etc.</td>
<td>2-401(G) Manufacture or possession of precursors w/ intent to manufacture controlled substance Felony; 7yrs-life; &gt;$50,000</td>
<td></td>
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</table>

**ENHANCEMENT OFFENSES/MITIGATING OFFENSES**

2-401(E) Use of minor to distribute, dispense, transport w/ intent

2-419 Use of minors in transport, sale of controlled substances

2-410 Conditional release for offense

**ENHANCED/REDUCED PENALTIES**

- 2x penalty imposed; 2x fine imposed
- Felony: 2x penalty/fine imposed
- If minor is <15 years old: <25yrs and/or <$100,000
- offense: 2x penalty/fine imposed for penalty or subsequent: habitual offender statute & required to serve 85% of sentence before becoming eligible for parole
- Felony; offense: 2x penalty/fine imposed for penalty & must serve 50% of sentence before parole eligibility or subsequent offense: 3x penalty/fine imposed for penalty & must serve 90% of sentence before parole eligibility & fined <$10,000
- Court may s.s. and impose conditional probation; may require drug rehab treatment

**ADDITIONAL OFFENSES**

2-403(A) Larceny, theft or burglary of a controlled substance

offense: felony; <10yrs; or subsequent: felony; >10yrs; no s.s. or p.p.
### Oklahoma Drug Statutes Chart

**Oklahoma Statutes Title 63 Public Health and Safety**

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<tr>
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<th>Description</th>
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<td>2-403(B)</td>
<td>Robbery of controlled substance from practitioner or manufacturer</td>
<td>Offense: felony; &gt;5yrs; or subsequent: felony; life imprisonment; no s.s. or p. p.</td>
</tr>
<tr>
<td>2-405</td>
<td>Possession/Delivery/Sale of Drug Paraphernalia</td>
<td>Offense: &lt;1yr and/or &lt;$1,000 Offense: &lt;1yr and/or &lt;$5,000 or subsequent: &lt;1yr and/or &lt;$10,000 Sale to a minor: felony</td>
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<tr>
<td>2-404</td>
<td>Registered Practitioners, distributors, manufacturers who:</td>
<td>B. Civil Fine of &lt;$1,000 If violation committed intentionally: felony; &lt;5yrs; &lt;$100,000 or subsequent: 2x penalty imposed</td>
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<tr>
<td>2-406</td>
<td>Registered practitioners, distributors, manufacturers who knowingly:</td>
<td>Offense: felony; &lt;20yrs and/or &lt;$250,000 or subsequent offense: 2x punishment imposed; no s.s. or p. p.</td>
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<tr>
<td>2-407</td>
<td>Obtaining prescription substance by fraud, forgery, misrepresentation; Creation or possession of a counterfeit or invalid prescription form</td>
<td>Offense: felony; &lt;10yrs and/or &lt;$10,000 or subsequent: 4-20yrs and/or &lt;$20,000; no s.s. or p. p.</td>
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<tr>
<td>2-407.1</td>
<td>Possession, purchase or sale of certain substances causing intoxication, distortion or disturbance of auditory, visual, muscular or mental processes (e.g., ethylchloride, butyl nitrite, etc.)</td>
<td>Misdemeanor; &lt;90days; &lt;$500.00</td>
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<tr>
<td>3-415</td>
<td>Trafficking Offenses</td>
<td>Enhanced penalties for all trafficking offenses: 1. Offense: at least 2x the term imposed by penalty for lesser possession conviction 2. Offense: at least 3x the term imposed by</td>
</tr>
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</table>
Alcohol Offenses

The Prevention of Youth Access to Alcohol, became effective July 1, 2006. For minors consuming/in possession of alcohol or 3.2 beer, the following penalties apply:

- 1st violation: fines up to $300 and/or community service not to exceed 30 hours, and mandatory revocation of driver’s license for 6 months;
- 2nd violation: fines up to $600 and/or community service not to exceed 60 hours, and mandatory revocation of driver’s license for 1 year;
- 3rd violation: fines up to $900 and/or community service not to exceed 90 hours, and mandatory revocation of driver’s license for 2 years;

All minors who violate this law are subject to drug and alcohol assessment;
Minors who have not yet received a driver’s license will not be allowed to obtain a license for the same amount of time as the license would have been revoked.
Additionally, Oklahoma law states that a person convicted of providing alcohol to minors shall be deemed guilty of a misdemeanor for the first offense and be punished by a fine of not more than Five Hundred Dollars ($500.00).

**Local Laws**

**Altus**

Chapter 3 - ALCOHOLIC BEVERAGES

**Cross reference**— Alcoholic beverages in pool or billiard hall, § 4-18 et seq.; civil emergency powers of mayor, § 9-26 et seq.; food and food establishments, Ch. 13; licenses and business regulations, Ch. 15.

**State Law reference**— Oklahoma alcoholic beverage control board, etc., Okla. Const., Art. XXVII; intoxicating liquors, 37 O.S. 1971; enforcement of liquor laws by law enforcement officers, 37 O.S. 1971, § 569.


Vendor of 3.2% beer who was obliged either to heed this section discriminating as to the age at which males and females could purchase such beer, thereby incurring a direct economic injury through constriction of her market, or to disobey the law and face sanctions suffered sufficient injury in fact to guarantee the concrete adverseness necessary for standing and to satisfy constitutionally based standing requirements; vendor was entitled to assert those concomitant rights of parties which would be diluted or adversely affected should her constitutional challenge fail. Id.

**ARTICLE I. - IN GENERAL**

Sec. 3-1. - Maintaining a place where sold unlawfully.

It is unlawful for any person or any agent or employee thereof to keep, maintain or aid or abet in keeping or maintaining, a place where intoxicating liquor is manufactured, sold, bartered, given away or otherwise furnished in violation of the ordinances of the city.

(Code 1958, § 711)

**State Law reference**— Unlawful sales of alcoholic beverages, Okla. Const., Art. XXVII, § 4 et seq.

Sec. 3-2. - Loitering where sold unlawfully.

It is unlawful for any person to loiter in any place where intoxicating liquor or beverage of any kind is bartered, sold, given away or otherwise furnished contrary to law.

(Code 1958, § 710)

Sec. 3-3. - Possession generally.
It is unlawful for any person to have in his possession or under his control any intoxicating liquor or beverage of any kind except as permitted by law.

(Code 1958, § 709)


Sec. 3-4. - Possession by persons under age twenty-one.

It shall be unlawful and an offense for any person under the age of twenty-one (21) years to be in possession of any intoxicating beverage containing more than three and two-tenths (3.2) percent alcohol by weight while such person is upon any public street, road or highway or in any public building or place.

(Ord. No. 749, § 1, 10-17-66)


Secs. 3-5—3-15. - Reserved.

ARTICLE II. - MANUFACTURE, SALE AND DISTRIBUTION
Sec. 3-16. - Definitions generally.

The terms enumerated below in this section shall be given the meanings as hereinbelow set forth or as defined by section 506 of the Oklahoma Alcoholic Beverage Control Act (37 O.S. 1985, § 506) to wit:

(1) ABLE Commission means the Alcoholic Beverage Law Enforcement Commission.
(2) Alcohol.
(3) Alcoholic beverage shall mean alcohol, spirits, beer and wine as those terms are defined herein and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings, but does not include low-point beer as defined in section 163.2 of Title 37 O.S.A.
(4) Beer.
(5) Bottle club.
(6) Brewer.
(7) Class B wholesaler.
(8) Convicted and conviction.
(9) Director.
(10) Distiller.
(11) Legal newspaper.
(12) Licensee means any person holding a license under the Oklahoma Alcoholic Beverage Control Act, and any agent, servant, or employee of such licensee while in the
performance of any act or duty in connection with the licensed business or on the licensed premises.

(13) Light beer.
(14) Light wine.
(15) Manufacturer's agent.
(16) Manufacturer.
(17) Meals.
(18) Mixed beverages means one or more servings of a beverage composed in whole or part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage, caterer, or special event license.
(19) Retail salesman.
(20) Occupation.
(21) Original package.
(22) Patrol.
(23) Person.
(24) Premises.
(25) Rectifier.
(26) Regulation or rule.
(27) Retail container for spirits and wines.
(28) Retailer.
(29) Sale.
(30) Short order food.
(31) Sparkling wine.
(32) Spirits.
(33) Wholesaler.
(34) Wine.
(35) Winemaker.
(36) Oklahoma winemaker.

(Ord. No. 604, § 2, 8-17-59; Ord. No. 86-01, § 2, 1-7-86)

Editor's note—Ord. No. 86-01, § 1, adopted January 7, 1986, repealed former § 3-16, and §§ 2 and 3 of Ord. No. 86-01 added §§ 3-16(A) and 3-16(B). In order to maintain Code format, §§ 2 and 3 have been included herein as §§ 3-16 and 3-16.5.

Sec. 3-16.5. - Definitions as used herein.
(a) *Mixed beverage license* authorizes the licensee to purchase alcoholic beverages in retail containers from the holder of a wholesaler or Class B wholesaler license and to sell, offer for sale and possess mixed beverages for on-premises consumption only.

(b) *Caterer license* authorizes the licensee, whose business is to provide food, supplies and services at a social gathering, to sell mixed beverages for on-premises consumption incidental to the sale or distribution of food.

(c) *Special event license* authorizes the licensee to sell and distribute mixed beverages for consumption on the premises for which the license has been issued for a period not to exceed ten (10) consecutive days.

(Ord. No. 86-01, § 2, 1-7-86)

**Note**— See editor's note to § 3-16.

Sec. 3-17. - Purpose.

This article is enacted as an exercise of the police power of the city, to preserve the public peace, safety, health and good order thereof and to aid the enforcement of the policy of the state as established by the Oklahoma Alcoholic Beverage Control Act (37 O.S. 1971, § 501 et seq.).

(Ord. No. 604, § 1, 8-17-59)

Sec. 3-18. - Conditions treated as separate offenses.

As to any violation of any provision of sections 3-19—3-38, inclusive, of this article, which consists in the maintenance of a physical condition of premises or of physical structures, each day's violation shall constitute a separate offense.

(Ord. No. 604, § 26, 8-17-59)

Sec. 3-19. - Advertising generally.

No person shall advertise, or cause to be advertised, in any manner, other than as authorized by section 3-22 of this article, the sale of alcoholic beverages within the limits of this city.

(Ord. No. 604, § 4, 8-17-59)

**State Law reference**— Similar provisions, 37 O.S. 1971, § 516.

Sec. 3-20. - Retail package stores and mixed beverage establishments; location.

The location of retail package store or mixed beverage establishment is specifically prohibited within three hundred (300) feet from any church property primarily and regularly used for worship services and religious activities, or public schools. Provided, that if any such church or school shall be established within three hundred (300) feet of any licensed premises after such premises had been licensed, this shall not be a bar to renewal of such license by Alcoholic Beverage Laws Enforcement Commission so long as it has been in continuous force and effect. The distance shall be measured from the nearest property line of such church or school to the nearest public
entrance door of the premises of such package store or mixed beverage establishment along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. Further, a retail package store or mixed beverage establishment shall not be located on any city block where a church or school is located. Provided further that this shall not apply to any retail package store location that had previously been approved by the State of Oklahoma or to a private club previously licensed by the city so long as such licensed private club has been in continuous force and effect.

(Ord. No. 604, § 11, 8-17-59; Ord. No. 86-01, § 3, 1-7-86)


Sec. 3-21. - Retail stores—Separation from adjoining premises.

No person shall maintain, operate or assist in any manner in the maintenance or operation of a retail alcoholic beverage store or package store in premises which are not separated from adjoining premises on which any other goods, wares or merchandise are sold or services are rendered by nontransparent walls, broken only, if at all, by a passageway to which the public is not admitted.

(Ord. No. 604, § 5, 8-17-59)


Sec. 3-22. - Same—Signs.

No person owning, operating or maintaining a retail alcoholic beverage store shall cause or permit it to be designated by more than one sign, which shall contain only the words "Retail Alcoholic Liquor Store," or any combination of such words or any of them, and which shall contain no letter or figure more than four (4) inches in height or more than three (3) inches in width and in which the lines of words, if more than one, shall not be more than one inch apart.

(Ord. No. 604, § 3, 8-17-59)


Sec. 3-23. - Same—Days and hours when sales prohibited.

No person shall sell, deliver to, open, or keep a package store premises in the city open for the purpose of selling any alcoholic beverages at any hour other than between the hours of 10:00 a.m. and 9:00 p.m. Monday through Saturday; provided, that no such sales shall be made, or retail package store premises be allowed to remain open for the purpose of making such sales, on the day of any general, primary, runoff primary or special election while the polls are open whether on a national, state, county or city election or on any Sunday, or on New Year’s Day, Memorial Day, the Fourth of July, Labor Day, Veterans’ Day, Thanksgiving Day or Christmas Day.

(Ord. No. 604, § 19, 8-17-59; Ord. No. 86-01, § 4, 1-7-86)

Sec. 3-24. - Same—Manner of sale generally.

No person shall sell or deliver alcoholic beverages at a retail alcoholic beverage store other than:

(1) In retail containers; and
(2) At ordinary room temperatures; and
(3) In the original package; and
(4) For consumption off the premises.

(Ord. No. 604, § 7, 8-17-59)


Sec. 3-25. - Same—Sole place of retail sale and delivery.

No person shall sell at retail, and no person shall deliver, in consequence or in completion of such a sale, any alcoholic beverages at any place in the city, except at a retail alcoholic beverage store in strict conformity with this article and the laws of the state.

(Ord. No. 604, § 9, 8-17-59)


Sec. 3-26. - Same—taking beverage to adjoining premises.

No person shall take any alcoholic beverage through any passageway described in section 3-21 for the purpose of selling or reselling such beverage or for the purpose of delivery thereof in connection with a sale of such beverage.

(Ord. No. 604, § 6, 8-17-59)

Sec. 3-27. - Same—opening container or consuming beverage on premises.

(a) No person owning, employed in or in any manner assisting in the maintenance and operation of a retail alcoholic beverage store shall suffer or permit any alcoholic beverage to be consumed, or any retail container of such beverage to be opened, on the premises of such a store.

(b) No person shall drink or consume, in any manner, alcoholic beverages on the premises of a retail alcoholic beverage store, nor shall any person open or break the seal of any original package or retail container containing alcoholic beverages on the premises of any such retail alcoholic beverage store.

(Ord. No. 604, §§ 7, 8, 8-17-59)

Sec. 3-28. - Same—inducements to buy.

No owner or proprietor of a retail alcoholic beverage store and no person employed therein shall offer or furnish any prize, premium, gift or similar inducement to a consumer in connection with the sale of alcoholic beverage.

(Ord. No. 604, § 21, 8-17-59)

State Law reference— Similar provisions, 37 O.S. 1971, § 537(c)(6).

Sec. 3-29. - Same—credit sales.

No person at any retail alcoholic beverage store in this city shall sell any alcoholic beverage on credit.

(Ord. No. 604, § 20, 8-17-59)

State Law reference— Similar provisions, 37 O.S. 1971, § 537(c)(5).

Sec. 3-30. - Same—persons under twenty-one entering, etc.

No person under the age of twenty-one (21) years shall enter into, remain within or loiter about the premises of any retail alcoholic beverage store within this city.

(Ord. No. 604, § 23, 8-17-50)

State Law reference— Possession of intoxicating beverage by person under age 21, 21 O.S. 1971, §§ 1215, 1216.

Sec. 3-31. - Same—allowing persons under age twenty-one to be on premises.

No owner or proprietor of a retail alcoholic beverage store in this city and no person employed therein shall permit any person under twenty-one (21) years of age to enter into, to remain within or to loiter about the premises of such retail alcoholic beverage store.

(Ord. No. 604, § 22, 8-17-59)

State Law reference— Similar provisions, 37 O.S. 1971, § 537(c)(7); selling to person under age 21, Okla. Const., Art. XXVII, § 5.

Sec. 3-32. - Allowing drunkard on premises.

No person operating a cafe, restaurant, club or any place of recreation within this city and no employee engaged in connection with the operation of such a cafe, restaurant, club or place of recreation shall permit any person to be drunk or intoxicated in said place of business.

(Ord. No. 604, § 25, 8-17-59)
**State Law reference**— Similar provisions, O.S. 1971, § 537(e).

Sec. 3-33. - Sales to certain persons.

No person at any place within the city shall sell, deliver or knowingly furnish alcoholic beverage to an intoxicated person or to any person who has been adjudged insane or mentally deficient.

(Ord. No. 604, § 14, 8-17-59)


Sec. 3-34. - Days and hours when wholesale deliveries or sales prohibited.

No wholesale dealer in alcoholic beverages and no officer, agent or employee of such a dealer shall sell or deliver to any retail alcoholic beverage store in this city any amount of spirits or wines on Saturday of any week, on Sunday of any week, on New Year's Day, on Memorial Day, on the Fourth of July, on Labor Day, on Veterans' Day, on Thanksgiving Day, on Christmas Day or while the polls are open on the day of any general, primary, runoff primary or special election, whether national, state, county or city.

(Ord. No. 604, § 24, 8-17-50)

**State Law reference**— Similar provisions, 37 O.S. 1971, § 537(d)(1)(2).

Sec. 3-35. - Furnishing to person under age twenty-one.

It shall be unlawful and an offense for any person to knowingly sell, furnish or give any alcoholic beverage to a person under twenty-one (21) years of age.

(Ord. No. 604, § 12, 8-17-59; Ord. No. 748, § 1, 10-17-66)


Sec. 3-36. - Misrepresentation of age.

No person under twenty-one (21) years of age shall misrepresent his age in writing or present false documentation of age or otherwise for the purpose of inducing any person to sell him alcoholic beverages.

(Ord. No. 604, § 13, 8-17-59)

**State Law reference**— Similar provisions, Okla. Const., Art. XXVII, § 5.

Sec. 3-37. - Transporting in vehicle.
It shall be unlawful for any operator to knowingly transport or for any passenger to possess in any moving vehicle upon a public highway, street or alley any intoxicating beverage as defined by 37 O.S. § 163.1 unless such intoxicating beverage is:

(1) In an unopened original container with seal unbroken and the original cap or cork not removed from the container, or

(2) In the rear trunk or rear compartment, which shall include the spare tire compartment in a vehicle commonly known as a station wagon and panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.

(Ord. No. 604, § 15, 8-17-59; Ord. No. 2007-07, § 1, 1-16-07)

Cross reference— Motor vehicles and traffic. Ch. 17; § 3-128.


Sec. 3-38. - Drinking or intoxication in public place.

No person within this city shall drink intoxicating liquor in any public place, nor shall any person be intoxicated in a public place within the city.

(Code 1958, § 712; Ord. No. 604, § 16, 8-17-59)

Cross reference— Streets and sidewalks, Ch. 26.


Secs. 3-39—3-50. - Reserved.

ARTICLE III. - OCCUPATION TAX[2]

Footnotes:

--- (2) ---


Sec. 3-51. - Reserved.


Sec. 3-52. - Failure to pay tax.
If the occupation tax due from any person under the provisions of this article remains due and unpaid for a period of ten (10) days, there shall be imposed upon him an additional penalty of not more than one hundred dollars ($100.00).

(Ord. No. 605, §§ 5, 6, 8-17-59)

Sec. 3-53. - Imposed at each location.

Any state licensee carrying on his occupation in more than one location in the corporate limits of this city shall be subject to the tax levied under this article for each such location.

(Ord. No. 605, § 3, 8-17-59)

Sec. 3-54. - Reserved.


Sec. 3-55. - Time of payment.

Any state licensee originally entering upon any occupation herein listed shall pay the tax thereupon at the revenue collection division of the city’s finance department before engaging in such occupation. The initial occupation tax or the annual renewal payment thereof shall be paid before a licensee sells or offers for sale any alcoholic beverages.

(Ord. No. 605, § 3, 8-17-59; Ord. No. 86-01, § 7, 1-7-86)

Sec. 3-56. - Receipt; records.

Upon payment of the occupation tax, the revenue collection division shall issue a receipt signed by the city clerk to the state licensee paying such occupation tax. The city clerk-treasurer also revenue collection division shall record the name of such licensee and the address where the licensee engages in his occupation. Such record shall be duly filed and kept in the permanent files of the city revenue collection division for at least five (5) years. Thereafter, upon resolution by the city council, it may be destroyed.

(Ord. No. 605, § 3, 8-17-59; Ord. No. 86-01, § 8, 1-7-86)

Sec. 3-57. - Posting of receipt.

Any state licensee shall post his tax receipt issued under this article in a conspicuous place in the premises wherein he carries on his occupation.

(Ord. No. 605, § 4, 8-17-59)

Sec. 3-58. - Action for delinquent tax.

All sums due from any person by reason of occupation taxes imposed by this article and all penalties accruing from such person by reason of failure to pay such tax shall be recoverable at
the suit of the city brought against such person in any court of competent jurisdiction. In any such suit, in addition to the tax and penalties, the plaintiff shall recover the statutory interest per annum, upon all sums due by way of tax and penalty from the date of accrual thereof, and all costs of collection, judicial or otherwise, including reasonable attorney's fee, which shall be paid to the attorney representing the plaintiff in said suit, all to be determined by the court. Prosecution for an offense against the city arising out of the failure to pay a tax levied by this article, regardless of the outcome thereof or its continued pendency, shall not constitute a defense or bar in any manner to the collection of the tax and penalties, if any are due, as provided in this article.

(Ord. No. 605, § 7, 8-17-59; Ord. No. 86-01, § 9, 1-7-86)

Sec. 3-59. - Reduction in state license fees.

The occupation taxes prescribed in this article shall be reduced to the extent necessary to conform to any applicable state law reducing the state license fee to such person but only to such extent as may be required to conform to applicable state law, it being the intention that this article shall levy the maximum tax allowable for the occupation on which there is hereby levied an occupation tax.

(Ord. No. 605, § 3, 8-17-59; Ord. No. 86-01, § 10, 1-7-86)

Sec. 3-60. - Amount of tax.

(a) There is hereby levied and assessed an annual occupation tax on every business or occupation relating to alcoholic beverages as specifically enumerated herein and in the amount herein stated, pursuant to the provisions of Title 37 Oklahoma Statutes Supplement 1985, section 554.1:

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Tax Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brewer</td>
<td>$1,250.00</td>
</tr>
<tr>
<td>Distiller</td>
<td>3,125.00</td>
</tr>
<tr>
<td>Winemaker</td>
<td>625.00</td>
</tr>
<tr>
<td>Oklahoma winemaker</td>
<td>75.00</td>
</tr>
<tr>
<td>Rectifier</td>
<td>3,125.00</td>
</tr>
<tr>
<td>Wholesaler</td>
<td>3,500.00</td>
</tr>
<tr>
<td>Class &quot;B&quot; wholesaler</td>
<td>625.00</td>
</tr>
<tr>
<td>Package store retailer</td>
<td>900.00</td>
</tr>
<tr>
<td>Mixed beverage license:</td>
<td></td>
</tr>
<tr>
<td>Initial tax</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Renewal tax</td>
<td>900.00</td>
</tr>
<tr>
<td>Caterer licensee:</td>
<td></td>
</tr>
<tr>
<td>Initial tax</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Renewal tax</td>
<td>900.00</td>
</tr>
<tr>
<td>Special event licensee, tax per day</td>
<td>50.00</td>
</tr>
</tbody>
</table>
(b) The occupation tax for those service organization licensees which are exempt under section 501(c)(19) of the Internal Revenue Code for mixed beverage licenses shall be five hundred dollars ($500.00) per year.

(c) The occupation tax for a brewer and a Class "B" wholesaler shall be reduced by seventy-five (75) percent if the brewer or Class "B" wholesaler is also the holder of a license from the state to manufacture or wholesale any low-point beer as provided in Title 37 Oklahoma Statutes Supplement 1985, section 518.

(d) The occupation tax shall be levied only if the licensee's principal place of business is located in the city.

(Ord. No. 86-01, § 11, 1-7-86; Ord. No. 98-02, § 1, 1-20-98)

Sec. 3-61. - Hours of operation for a mixed beverage license.

No alcoholic beverages may be sold, dispensed, served or consumed on the premises of a mixed drink beverage licensee between the hours of 2:00 a.m. and 10:00 a.m.

(Ord. No. 86-01, § 12, 1-7-86)

Sec. 3-62. - Manufacture and sale; state license required.

No person shall produce, manufacture or sell any beer, spirits, wine or other alcoholic beverages, or rectify any spirits or wine, without having in his possession a valid license issued by the ABLE Commission.

(Ord. No. 86-01, § 13, 1-7-86)

Sec. 3-63. - Places selling low-point beer for on-premises consumption prohibited in certain locations.

It shall be unlawful for any place licensed to sell low-point beer as defined in paragraph (a) of section 163.2 of Title 37 of the Oklahoma Statutes, for on-premises consumption to be located within three hundred (300) feet from any public school or church property primarily and regularly used for worship services and religious activities. Provided, if any public school or church shall be established within three hundred (300) feet of any place which sells low-point beer for on-premises consumption after such place has been licensed, this shall not be a deterrent to the renewal of such license so long as there has not been a lapse of more than sixty (60) days.

The distance indicated in this section shall be measured from the nearest property line of such public school or church to the nearest public entrance door of the premises of any place licensed to sell such low-point beer for on-premises consumption along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from such public school or church shall be considered as if it were located on the same side of the street with the school or church. Provided further, the above restrictions shall not affect premises already licensed to sell low-point beer for on-premises consumption or premises which may presently or in the future be licensed to sell low-point beer for on-premises consumption even though a school or church is subsequently established within three hundred (300) feet of such licensed premises.
Sec. 3-64. - General prohibition.

(a) **No person shall:**

(1) Knowingly sell, deliver, or furnish alcoholic beverages to any person under twenty-one (21) years of age;

(2) Purchase any alcoholic beverage at retail or wholesale from any person other than a dealer licensed by the ABLE Commission;

(3) Drink any alcoholic beverage in public except on the premises of a licensee who is authorized to sell or serve alcoholic beverages by the individual drink or be intoxicated in a public place.

(b) **No licensee shall:**

(1) Give any alcoholic beverage as a prize, premium or consideration for any lottery, game of chance or skill or any type of competition;

(2) Advertise or offer "happy hours" or any other means or inducements to stimulate the consumption of alcoholic beverages including:
   a. Deliver more than two (2) drinks to one (1) person at one (1) time;
   b. Sell or offer to sell to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public;
   c. Sell or offer to sell to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;
   d. Sell or offer to sell drinks to any person or group of persons on any one (1) day at prices less than those charged the general public on that day, except at private functions not open to the public;
   e. Increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week;
   f. Encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes; or
   g. Employ any person under the age of twenty-one (21) years in the selling or handling of alcoholic beverages. Provided, that a mixed beverage, caterer or special event licensee may employ servers who are eighteen (18) years of age or older, except in designated bar or lounge areas.

Sec. 3-65. - Persons under twenty-one years of age not to be admitted to certain lounge or bar areas.

If the premises of a licensee of the Alcoholic Beverage Laws Enforcement Commission contains a separate or enclosed lounge or bar area, which has as its main purpose the sale or distribution, for consideration of alcoholic beverages for on-premises consumption,
notwithstanding that as an incidental service, meals or short-order foods are made available therein, no person under twenty-one (21) years of age shall be admitted to such area. The provisions of this section shall not prohibit persons under twenty-one (21) years of age from being admitted to an area that has as its main purpose some objective other than the sale or mixing or serving of beverages which is incidental to the main purpose, as long as the persons under twenty-one (21) years of age are not sold or served alcoholic beverages; however, the incidental service of food in the bar area shall not exempt a licensee from the provisions of this section. The ABLE Commission shall have the authority to designate the portions of the premises of a licensee where persons under twenty-one (21) years of age shall not be admitted pursuant to this section.

(Ord. No. 86-01, § 16, 1-7-86)

Sec. 3-66. - Inspection; certificate of compliance, issuance.

Upon the receipt of a written application for the initial or renewal certificate of compliance from any persons desiring to apply to the Alcoholic Beverage Laws Enforcement Commission for an original or renewal license, the city shall cause inspections to be made of the existing or proposed establishment for compliance with the city's fire, safety and health codes and the city's zoning regulations.

(a) The city administrator shall designate the department which will have charge and responsibility of causing the inspections to be made and receiving the results of the inspections.

(b) The city planner shall sign the certificate stating therein whether or not the existing or proposed establishment is in compliance with the city codes and regulations.

(c) All inspections and the issuance of the certificate shall be completed within twenty (20) days of receipt of the written application for such certificate.

(d) Existing on-going business of prospective licensees when making written application before April 30, 1986, for a certificate of compliance or when the licensee seeking renewal of his license makes written application for a certificate of compliance, the applicant shall be required to comply with city fire, safety, health and zoning regulations excluding: (1) Instances where the applicant has submitted written application for the needed zoning change for his respective establishment; (2) off-street parking requirements; (3) lot size restrictions, and (4) lot frontage size restrictions. Provided that after April 30, 1986, all applicants making written application for an initial certificate of compliance must comply with city fire, safety, health and zoning regulations.

(Ord. No. 86-01, § 17, 1-7-86)

Secs. 3-67—3-75. - Reserved.

ARTICLE IV. - PRIVATE CLUBS

Footnotes:

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Cross reference— Licenses and business regulations generally, Ch. 15; taxation generally, Ch. 27.
Secs. 3-76—3-96. - Reserved.


Sec. 3-97. - Compliance with liquor and gambling laws.

No mixed beverage establishment nor any officer, director, stockholder, owner or manager thereof licensed pursuant to the provisions of this article shall violate any of the provisions of the state alcoholic beverages law nor any of the gambling laws of the state, nor knowingly permit the violation thereof on any premises subject to the control of said mixed beverage establishment.

(Ord. No. 661, § 11, 7-17-61; Ord. No. 86-01, § 20, 1-7-86)

Cross reference—Gambling, § 20-8 et seq.


Secs. 3-98—3-104. - Reserved.


Secs. 3-105—3-115. - Reserved.

ARTICLE V. - LOW-POINT BEER

Footnotes:
--- (4) ---

Cross reference—Low-point beer in pool or billiard hall, § 4-19.

Annotation—In a statute relating to the consumption of 3.2% beer upon the premises, authority granted to cities to prohibit the sale of such beverages on Sunday did not apply to sales for consumption off the premises, Ex parte Higgs, 97 Okr 339, 263 P.2d 752 (1953).

Sec. 3-116. - Definitions.

For the purpose of this article:

Food service place shall mean a place in which cooking facilities were installed as an integral part of the business when established and in which all food service personnel shall have a current food handler's permit. Said cooking facilities shall be enclosed, not of a portable type, and shall include a cooking surface with a minimum of four (4) burners, a cold storage area for food, to wit, an adequate sized refrigerator, and approved dishwashing equipment. All food service personnel
shall have a current food handler's permit granted them by the city with the approval of the health officer or his designated representative.

*Low-point beer* shall be defined as in section 163.2 of title 37 of the Oklahoma Statutes, as hereinafter amended, to include any beverages containing more than one-half of one percent (½ of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight.

(Ord. No. 941, § 4, 9-2-76; Ord. No. 1163, § 1, 8-16-83; Ord. No. 94-06, § 1, 1-18-94; Ord. No. 98-02, § 2, 1-20-98)


Sec. 3-117. - Penalty for violation.

(a) **First violation.** Any person who shall violate any provision of this article for the first time shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment in the city jail for a term of not more than sixty (60) days or by both such fine and imprisonment.

(b) **Second violation.** Any person who shall violate any provision of this article except section 3-130 a second time shall be punished by the revocation of the license at the respective licensed establishment to sell low-point beer or beer for consumption on the premises for a period of six (6) months. A second violation of section 3-130 shall result in revocation of the license for a period of one (1) year.

(c) **Third violation.** Any person who shall violate section 3-130 of this article a third time at the same licensed establishment shall result in that establishment being declared to be a public nuisance pursuant to section 19-2(6) of this Code and may be abated by the council according to the provisions of Chapter 19, Nuisances, of this Code.

(d) For the purposes of this section the word "person" shall include the owner, operator, partner, manager, or person having supervisory control of any establishment licensed by this chapter to sell low-point beer and any patron or employee of such establishment.

(e) For the purposes of this section the word "patron" shall be defined as "any customer or visitor who is not employed by a licensee of the ABLE commission or by any establishment licensed by this chapter having as its principal business that of selling intoxicating beverages for consumption on the premises."

(f) For the purposes of this section the words "licensed establishment" shall mean "any place of business which is either licensed by the city and/or the state as a bottle club to sell alcoholic and low-point beer or as a tavern to sell low-point beer."

(g) For the purposes of this section the words "low-point beer" shall mean and include "beverages containing more than one-half (½) of one (1) percent alcohol by volume and not more than three and two-tenths (3.2) percent alcohol by weight."

(Ord. No. 941, § 6, 9-2-76; Ord. No. 1169, § 1, 11-1-83; Ord. No. 94-17, § 2, 4-5-94; Ord. No. 98-02, § 1, 1-20-98; Ord. No. 2000-09, § 4, 5-16-00)

Sec. 3-118. - Exemption.
Food-service places, as defined by section 3-116, which are licensed to sell low-point beer for consumption on the premises can be open twenty-four (24) hours but shall not sell, dispense, or serve low-point beer during the times prohibited in section 3-119. The sale, dispensing, or serving of low-point beer for consumption on the premises from noon on Sundays until 2:00 a.m. the following Monday is expressly allowed.

(Ord. No. 941, § 3, 9-2-76; Ord. No. 98-02, § 1, 1-20-98; Ord. No. 2006-05, § 1, 2-21-06)

Cross reference— Food and food establishments, Ch. 13.


Sec. 3-119. - Opening and closing hours for sale of low-point beer for consumption on the premises.

Places licensed to sell low-point beer for consumption on the premises with exception of food-service places as defined by section 3-116 may not open prior to 7:00 a.m. Monday through Saturday, or prior to noon on Sundays, and shall close at 2:00 a.m. every day of the week. The sale, dispensing, and serving of low-point beer for consumption on the premises from noon on Sundays until 2:00 a.m. the following Monday is expressly allowed.

(Code 1958, § 77; Ord. No. 941, § 1, 9-2-76; Ord. No. 86-01, § 22, 1-7-86; Ord. No. 88-13, § 1, 5-3-88; Ord. No. 98-02, § 1, 1-20-98; Ord. No. 2006-05, § 1, 2-11-06)


Sec. 3-120. - Selling hours.

The permissible selling hours for places licensed to sell low-point beer with the exception of food service places as defined in section 3-116 shall be the same as their opening and closing hours as set forth in section 3-119.

(Ord. No. 941, § 2, 9-2-76; Ord. No. 98-02, § 1, 1-20-98; Ord. No. 2006-05, § 1, 2-21-06)


Sec. 3-121. - Gambling; sale of liquor; disorderly conduct.

It is unlawful for the owner, manager or operator of a place described in section 3-123 to permit therein gambling; betting, operation of a lottery; sale, furnishing or drinking of intoxicating liquor; disorderly conduct; loud or disturbing language, noise or music; profane language; or any other violation of the laws of the state or the ordinances of the city.

(Code 1958, § 77) Sec. 3-122. - Intoxicated persons.

It is unlawful for the owner, manager or operator of a place described in section 3-123 to sell or otherwise furnish a low-point beer to an intoxicated person or to permit an intoxicated person to remain or loiter therein.
(Code 1958, § 77; Ord. No. 98-02, § 1, 1-20-98)

Sec. 3-123. - Employment of minors.

(a) It is unlawful for any owner, manager or operator of a place where low-point beer as defined in this article, are sold for consumption on the premises, except an eating place where the serving of such beverage is incidental to the main business of serving food, to employ a person under eighteen (18) years of age.

(b) It is unlawful for a person under eighteen (18) years of age to work in such place, except where allowed in subsection (a).

(Code 1958, § 77; 37 O.S. 1971, § 243; Ord. No. 94-07, § 1, 1-18-94; Ord. No. 98-02, § 1, 1-20-98)

Sec. 3-124. - Minors on premises generally.

(a) It is unlawful for the owner, manager, operator or person in charge of a place described in section 3-123 to permit a minor to resort to or loiter in such a place or to drink a low-point beer therein.

(b) It is also unlawful for a minor to resort to or loiter in such a place, to buy or otherwise secure such beverage therein or to drink such beverage therein.

(Code 1958, § 77; Ord. No. 98-02, § 1, 1-20-98)

Sec. 3-125. - Furnishing low-point beer to minors.

(a) It shall be unlawful for any person to sell, barter, or give to any person under twenty-one (21) years of age any low-point beer as defined in section 3-116 of this article.

(b) It shall be unlawful for any person who holds a license to sell and dispense low-point beer for consumption on the premises, or any agent, servant, or employee of said license holder to permit any person under twenty-one (21) years of age to be admitted to or remain in a separate or enclosed bar area of the licensed premises unless said person's parent or legal guardian is present, which has as its main purpose the selling or serving of low-point beer for consumption on the premises. The provisions of this section shall not prohibit persons under twenty-one (21) years of age from being admitted to an area which has as its main purpose some objective other than the sales or serving of low-point beer, in which sale or serving of said beverages are incidental to the main purpose, as long as persons under twenty-one (21) years of age are not sold or served said beverages; however, the incidental service of food in the bar area shall not exempt a licensee, agent, servant, or employee from the provisions of this section.

(c) It shall be unlawful for any person who holds a license to sell and dispense low-point beer for consumption on the premises; or any agent, servant or employee of said license holder to permit any person under twenty-one (21) years of age to consume any low-point beer on the licensed premises.

(d) Any person violating the provisions of subsection (a), (b) or (c) of this section shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars ($500.00) or by appropriate community service not to exceed twenty (20) hours.
(Code 1958, § 77; Ord. No. 750, § 1, 10-17-66; Ord. No. 86-04, § 1, 2-4-86; Ord. No. 92-08, § 1, 4-7-92; Ord. No. 98-02, § 1, 1-20-98; Ord. No. 2000-09, § 5, 5-16-00; Ord. No. 2005-06, § 1, 5-17-05)


It shall be unlawful and an offense for any person selling for consumption off the premises to sell or otherwise furnish any low-point beer to any minor.

(Ord. No. 750, § 2, 10-17-66; Ord. No. 98-02, § 1, 1-20-98)

Sec. 3-127. - Boxing, wrestling, etc., on premises.

It is unlawful for the owner, manager or operator of a place described in section 3-123 to permit therein fighting, boxing, wrestling or other contests of physical strength.

(Code 1958, § 77) Sec. 3-128. - Transporting of low-point beer in vehicle.

It shall be unlawful for any operator to knowingly transport or for any passenger to possess in any moving vehicle upon any public highway, street or alley any low-point beer as defined by 37 O.S. §§ 163.1 and 163.2 unless such low-point beer is:

(1) In the original container which shall not have been opened and from which the original cap or seal shall not have been removed, or

(2) Unless the opened container be in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or to any other person in the vehicle while it is in motion.

(Ord. No. 91-01, 1-3-91; Ord. No. 98-02, § 1, 1-20-98; Ord. No. 2007-07, § 2, 1-16-07)

Cross reference— Motor vehicles and traffic, Ch. 17 and § 3-37.


(a) No person under twenty-one (21) years of age shall (1) consume or (2) possess with the intent to consume low-point beer, as defined in section 3-116 of this article.

(b) It shall be unlawful for any person under twenty-one (21) years of age to purchase or attempt to purchase low-point beer, as defined in section 3-116 of this article, except under supervision of law enforcement officers. Any person violating any of the provisions of this article shall be guilty, upon conviction, of a misdemeanor and punished by a fine not to exceed one hundred dollars ($100.00) plus costs, or by appropriate community service not to exceed twenty (20) hours. Provided, the provisions of this section shall not apply when such persons are under the direct supervision of their parent or guardian, but in no instance shall this exception be interpreted to allow such persons to consume such beverages in any place licensed to dispense low-point beer as provided in 37 O.S. § 163.11.
(c) If the premises of a holder of a license to sell low-point beer contains a separate or enclosed bar area which has as its main purpose the sale or serving of low-point beer for consumption on the premises, no person under twenty-one (21) years of age shall enter, attempt to enter, or remain in the area. The provisions of this subsection shall not prohibit persons under twenty-one (21) years of age from entering or remaining in an area which has as its main purpose some objective other than the sale or serving of low-point beer, in which sales or serving of said beverages are incidental to the main purpose, if the persons under twenty-one (21) years of age are not sold or served or do not consume low-point beer anywhere on the premises; however, the incidental service of food in the bar area shall not exempt persons under twenty-one (21) years of age from the provisions of this subsection. Any person convicted of violating the provisions of this subsection shall be guilty of a misdemeanor and punished by a fine not to exceed one hundred dollars ($100.00) plus costs.

(d) Except as otherwise provided, an admission charge shall not be considered in any calculation designed to determine the main purpose of an area pursuant to subsection (c) of this section. For purposes of this section an “admission charge” shall mean any form of consideration received by an establishment from a person in order for that person to gain entry into the establishment or an area thereof. The provisions of this subsection shall not apply to the exceptions listed in 37 O.S.A. 2005 § 246 (D).

(e) A violation of the provisions of this section shall not be a basis for instituting juvenile proceedings to determine if a person under eighteen (18) years of age is a delinquent child; however, if a person under eighteen (18) years of age habitually violates the provisions of this section, juvenile proceedings may be brought in the district court to determine if the person is a delinquent child. A person under eighteen (18) years of age who has been convicted of violating the provisions of this section shall be subject to the penalty provisions provided in this section.

(Ord. No. 94-05, § 1, 1-18-94; Ord. No. 98-02, § 3, 1-20-98; Ord. No. 2000-09, § 5, 5-16-00; Ord. No. 2005-06, § 1, 5-17-05)


Sec. 3-130. - Performance or display of certain acts prohibited in licensed establishments selling low-point beer.

It shall be unlawful and an offense for the owner, operator, partner, manager or person having supervisory control of any establishment licensed by this chapter or by section 15-38(6) of this Code to sell low-point beer to permit to be done, on or about any commercial premises where low-point beer are dispensed or consumed, any of the following:

(1) The performance by any person of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are otherwise prohibited by law.

(2) The actual touching, caressing or fondling by any person of the breasts, anus or genitals.

(3) Allow any person on the licensed premises while such person is unclothed or in such attire, costume or clothing so as to appear topless or bottomless and expose to view any portion of the areola of the female breast or any portion of the pubic hair, buttocks or genitals. The word "topless" for the purpose of this section shall mean wearing only pasties or an opaque covering over the areola of the human breast and not wearing any item of clothing on the top portion of the body. The word "bottomless" for the purposes
of this section shall mean the wearing of a g-string, thong bottom or any costume or clothing which exposes the cleft of the buttocks.

(4) Permit any person to perform acts of, or acts which simulate, sexual acts which are prohibited by law, or permit any person to use artificial devices or inanimate objects to depict any prohibited activities or permit the showing of films, still pictures, electronic reproductions or other visual reproductions depicting any of the prohibited activities described in this paragraph.

Violations of this section shall be punished in accordance with section 3-117 of this article.

(Ord. No. 94-17, § 1, 4-5-94; Ord. No. 94-22, § 1, 6-7-94; Ord. No. 98-02, § 1, 1-20-98)

Secs. 3-131—3-139. - Reserved.

ARTICLE VI. - SOCIAL HOST

Footnotes:

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Editor’s note—Ord. No. 2008-07, § 1, adopted May 6, 2008, added § 3-130 to the Code. Inasmuch as said section already existed and to accommodate future growth in art. V, the new provisions have been re-designated as § 3-140 at the editor's discretion.

Sec. 3-140. - Permitting or allowing gatherings where minors are consuming alcoholic beverages.

(a) Definitions. For purposes of this section, the following definitions shall apply:

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half (½) of one (1) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. This term includes intoxicating beverages and low point beer as defined herein.

Control shall mean any form of dominion including ownership, tenancy or other possessory right however temporary.

Gathering is a party, gathering, or event, where a group of three (3) or more persons have assembled or are assembling for a social occasion or social activity.

Intoxicating beverage includes beverages containing more than three and two-tenths (3.2) percent alcohol by weight.

Legal guardian means:

(1) a person who, by court order, is the guardian of the person of a minor; or
(2) a public or private agency with whom a minor has been placed by the court.
**Low point beer** means and includes beverages containing more than one-half (½) of one (1) percent alcohol by volume, and not more than three and two-tenths (3.2) percent alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

**Minor** means any person under twenty-one (21) years of age.

**Parent** means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

**Residence** or **premises** means any hotel or motel room, home, yard, apartment, condominium, or other dwelling unit, or a hall or meeting room, park or public place whether occupied on a temporary or permanent basis, whether occupied as a dwelling or for a party or other social function, and whether owned, leased, rented, or used with or without compensation, including any commercial or business premises, any residence or private property.

**Response costs** are the costs associated with responses by law enforcement, fire, and other emergency response providers to a gathering, including but not limited to:

1. Salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such response(s);

2. The cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering;

3. The cost of repairing any city equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and

4. Any other allowable costs related to the enforcement of this section.

(b) **Consumption of alcohol by minor in public place, place open to public, or place not open to public.** Except as permitted by state law, it is unlawful for any minor to:

1. Consume at any public place or any place open to the public alcoholic beverage; or

2. Consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian.

(c) **Hosting, permitting, or allowing a party, gathering, or event where minors consuming alcoholic beverages prohibited.**

1. a. *Reasonable steps.* It is the duty of any person having control of any premises, who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering; and supervising the activities of minors at the gathering.

   b. It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one (1)
minor consumes an alcoholic beverage, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection (1)a. above.

(2) **[Adult presence.]** Whenever an adult having control of a residence or premises is present at the residence or premise at the time that a person under the age of twenty-one (21) years possesses or consumes any alcoholic beverage thereon, it shall be prima facie evidence that such adult had knowledge or should have had the knowledge specified in subsection (1)a. above.

(3) **[Exceptions.]** This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.

(4) **[Gatherings in family homes.]** Nothing in this section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public then said providers of alcohol will be held responsible in the same manner as a nonfamily gathering.

(5) **[Religious practice.]** Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering intoxicated and is found to be in public then said providers of alcohol will be held responsible in the same manner as a nonreligious gathering.

(6) **[State-licensed premises.]** This section shall not apply to any premises licensed by the state to dispense alcoholic beverages.

(7) **Penalty.** Any person who shall violate the provisions of this section shall be deemed guilty of an offense against the city and upon conviction thereof shall be punished for violation, with fine of five hundred dollars ($500.00), or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment, plus all court costs and statutory penalties, as lawfully imposed by the city’s municipal court.

(8) **Reservation of legal options.** Violations of this section may be prosecuted by the city criminally, civilly, and/or administratively as provided by the Altus Code. The city may seek administrative fees and response costs associated with enforcement of this section through all remedies or procedures provided by statute, ordinance, or law. This section shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this section, nor shall they limit the city’s ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this section.

(9) **Local authority.** This section shall not apply where prohibited or pre-empted by state or federal law.

(Ord. No. 2008-07, § 1, 5-6-08)

Sec. 20-53. - Possession of marijuana.

It shall be unlawful for any person to knowingly possess the substance known as "marijuana." For the purposes of this section marijuana means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin,
but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

(Ord. No. 1121, § 1, 4-6-82; Ord. No. 91-15, § 1, 4-2-91; Ord. No. 2006-39, § 1, 12-19-06) Sec. 20-54. - Possession of drug paraphernalia.

(a) It shall be unlawful for any person to deliver, sell, possess or manufacture drug paraphernalia, as defined in 63 O.S. § 2-101, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act.

(b) It shall be unlawful for any person to use drug paraphernalia, as defined in 63 O.S.A. § 2-101, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act, except those persons holding an unrevoked license in the professions of podiatry, dentistry, medicine, nursing, optometry, osteopathy, veterinary medicine or pharmacy.

(c) It shall be unlawful for any person to use tincture of opium, tincture of opium camphorated, or any derivative thereof, by the hypodermic method, either with or without a medical prescription therefore.

(d) In determining whether an object is "drug paraphernalia" a court or jury shall consider, in addition to all other logically relevant factors, the factors listed in 63 2007 Supp. O.S. § 2-101.1.

(Ord. No. 2006-40, § 1, 12-19-06)

State Law reference— Authority for above section, 63 O.S.A. §2-405.

TEXAS
Texas state law prohibits the use, possession, sale or distribution of controlled substances. Violators of state law may be subject to large fines and/or imprisonment. Abuse of misuse of prescription drugs is also prohibited under Texas law. The Texas Controlled Substances Act defines and categorizes controlled substances. It also outlines penalties for the use, possession, sale or distribution of these substances. The text of the Texas Controlled Substances Act can be found here: https://statutes.capitol.texas.gov/Docs/HS/htm/HS.481.htm

Texas law also prohibits purchasing or possession of alcohol by minors. Purchasing alcohol for or providing alcohol to minors is also prohibited under Texas law. More information about Texas law regarding alcohol and minors can be found here: https://www.tabc.state.tx.us/laws/alcoholic_beverage_Code_referencing_minors.asp
Driving under the influence of drugs or alcohol is prohibited in Texas. More information regarding DUI, as well as the fines and penalties related to DUI can be found here: https://www.txdot.gov/inside-txdot/division/traffic/safety/sober-safe/intoxication.html

The State of Texas prohibits the following acts and prescribes the corresponding penalties:

1. Being intoxicated in public such that one is a danger to oneself or others is punishable by a fine of up to $200.
2. It is illegal to possess or distribute alcoholic beverages in dry areas. Violation of this law carries a penalty of up to $1000 and/or up to one year in prison.
3. The purchase, possession or consumption of alcoholic beverages by a person under twenty-one years of age subjects that person to a fine of up to $200 for the first offense and up to $500 for the second offense.
4. Furnishing alcoholic beverages to a minor is punishable by a fine of up to $500.
5. The possession of an intoxicating beverage on the grounds of any public school carries a penalty of up to $200.
6. Driving under the influence of alcohol is punishable by a fine of $100 to $2000 and/or three days to two years in prison for the first offense; and $500 to $2000 fine and 60 days to five years in prison for subsequent offenses. A person under age twenty-one who misrepresents his/her age for the purpose of purchasing alcoholic beverages may be punished by a fine of up to $500.
7. The illegal distribution, possession or use of controlled substances may be punished by five years to life in prison and up to a $20,000 fine for the first offense. Repeat offenders are subject to a sentence of ten to life in prison and a fine of up to $1,000,000.
8. The delivery or possession of controlled substances with the intent to manufacture controlled substances is punishable by a jail term of ten years to life and up to a $100,000 fine.
9. The possession of marijuana may be punished by two to twenty years in prison and/or up to a $10,000 fine depending on the amount of marijuana involved.
10. The distribution of marijuana to a minor is punishable by 5 to 99 years in prison and/or up to a $50,000 fine.

Local Laws

Amarillo

The Municipal Code of the City of Amarillo prohibits consuming alcoholic beverages in or immediately adjacent to a motor vehicle in a public place or in any public right-of-way. Amarillo, Tex. Mun. Code § 10-3-43. Additionally, the Municipal Code prohibits possessing an open alcoholic beverage container in a public place within the Central Business District (between 5th and 8th Streets from Western to Forest and between 5th and 7th Streets between Forest and Washington/Adams, as well as between the railroad tracks on north and south 15th Streets between Washington/Adams Street and the railroad tracks on the east side of downtown). Some exemptions are provided for public festivals, provided approval is secured from the city’s traffic engineer. Amarillo, Tex. Mun. Code § 10-3-44(a), (b).

Harlingen

Chapter 4 - ALCOHOLIC BEVERAGES
Footnotes:

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State Law reference— Local regulation of alcoholic beverages, Texas Alcoholic Beverage Code §§ 1.06, 109.31 et seq.

Cross reference— Sec. 36-108. Possession and consumption of alcoholic beverages.

Sec. 4-1. - Definitions.

The definition of the following enumerated terms shall be the definitions thereof as set forth in Texas Alcoholic Beverage Code § 1.04: "alcoholic beverage," "distilled spirits," "liquor," "wine and vinous liquor," "ale," "malt liquor," and "beer."

(Code 1973, § 3-1; Code 1997, § 110.01; Ord. No. 71-5, 2-17-1971)

Sec. 4-2. - License or permit fees.

There is hereby levied a license and permit fee in the amount of one-half of the state license and permit fees for each state permit or license issued for a premises located within the city, except for permits or licenses that are exempt from the municipal permit or license fee. The city license and permit fees shall be paid to the city at the same time the state license and permit fees are paid to the state.


State Law reference— License and permit fees authorized, Texas Alcoholic Beverage Code §§ 11.38, 61.36.

Sec. 4-3. - Sales near churches, schools, and hospitals restricted.

No person or other entity shall sell any alcoholic beverage or operate any business for the sale of any alcoholic beverage within 300 feet of any church, private school, public school, or public hospital. This provision is not intended to, shall not, and shall not be construed as violating, altering, amending, or being in conflict with any of the provisions of chapter 111 or other ordinances or any other provision of this Code or other ordinances of the city, this provision being cumulative of such regulations.

(Code 1973, § 3-2; Code 1997, § 110.02; Ord. No. 71-5, 2-17-1971)

State Law reference— Sales near school, church or hospital, Texas Alcoholic Beverage Code § 109.33.

Sec. 4-4. - Excessive or offensive noise prohibited where intoxicants sold.

It shall be unlawful for any licensee or permittee under the Texas Liquor Control Act, his agent, servant or employee, on premises under his control, to maintain or permit a radio, television machine, amplifier, loudspeaker, public address system, piano, phonograph, music machine, orchestra, band, singer, speaker, entertainer, or any other device or person which produces,
amplifies or projects music, noise, or other sound which is loud, vociferous, vulgar, indecent, lewd or otherwise offensive to reasonable people on or near the license premises.
(Code 1973, § 18-1.1; Code 1997, § 110.05; Ord. No. 74-8, 3-20-1974)

Harlingen does not have laws that differ from state law regarding illegal drugs.

**El Paso**
El Paso does not have laws that differ from state law regarding illegal drugs or alcohol.

**Lubbock**
In Lubbock County, selling, dispensing or giving away any of the following items to a minor is prohibited:
- One or more cigarette rolling papers
- A pipe of any kind, including but not limited to, those that filter smoke through water or ice
- A hypodermic needle or syringe

Additionally, displaying at any business establishment at which persons of sixteen years of age or younger are permitted to enter any of the items listed above in such a manner that these products are accessible to the public without the assistance of sales personnel of such establishment is prohibited.

**McAllen**
McAllen does not have laws that differ from state law regarding illegal drugs or alcohol.

**New Braunfels**
Sec. 82-12. - Volume drinking devices prohibited.

(a) **Definitions.** For the purpose of this section, the following definitions shall apply:

*Volume drinking devices* means an object used, intended for use or designed for use in artificially increasing the speed with which, and/or amount of, alcohol is ingested into the human body by carrying the liquid from a higher location into the mouth by force of gravity or mechanical means, including but not limited to funnels, tubes and hoses. The term includes a beer bong.

(b) **Offense.** A person commits an offense if the person knowingly or intentionally uses or possesses with intent to use a volume drinking device in a public place.

(c) **Penalty.** Any person violating the provisions of this ordinance shall, upon conviction, be fined not less than $100.00 and no more than $500.00.

(d) **Evidentiary rules relating to volume drinking devices.** In considering whether an item is volume drinking device under this chapter, a court or other authority shall consider, in addition to all other logically relevant factors, and subject to rules of evidence:

(1) Statements by an owner or person in control of the object concerning its use;

(2) Direct or circumstantial evidence of the intent of an owner or other person in control of the object as to the use the device;
(3) Oral or written instructions provided with the device concerning its use;
(4) Descriptive material accompanying the device that explains or depicts its use;
(5) The physical design characteristics of the item.

(Ord. No. 2006-54, § I, 6-26-06)

New Braunfels does not have laws that differ from state law regarding illegal drugs.

Plainview

Plainview does not have laws in addition to, or differing from state law concerning drugs or alcohol.

San Antonio

Chapter 4 - ALCOHOLIC BEVERAGES

Footnotes:

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Cross reference—Drugs, alcohol, and intoxication at airports, § 3-35; discrimination in places of public accommodation, § 9-16 et seq.


ARTICLE I. - IN GENERAL

Sec. 4-1. - Definitions in this chapter.

In this chapter:

Alcoholic beverage means alcohol and any beverage containing more than one-half of one (1) percent of alcohol by volume which is capable of use for beverage purposes, either alone or when diluted.

Central business district means, as related to a homeless shelter or substance abuse center, a compact and contiguous geographical area in the city used for commercial purposes that has historically been the primary location in the city where business has been transacted.

Haven for Hope campus means the homeless shelter property, the boundaries of which are set out on the map attached to Ordinance No. 2010-04-15-0328 as attachment I.

Homeless shelter means 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.

Hospital means an institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.
School means any public or private institution of learning (kindergarten, elementary school, middle school, junior high school, high school, college or university), not operated for profit, with an accreditation recognized by the commissioner of education.

Substance abuse treatment center means a public or private hospital or facility, licensed or operated by the state for the treatment of chemical dependency or a controlled substance or alcohol.

(Sec. 4-2. - Alcoholic beverage code adopted.)

There is hereby adopted the V.T.C.A. Alcoholic Beverage Code, which code is made a part of this article by reference for all purposes as though fully set out herein.

(Sec. 4-3. - No vested right conferred; conflict with law not authorized.)

The sale of alcoholic beverages is a privilege and this chapter is not intended to give any person a vested right to engage in such business nor is such chapter intended to be in conflict in any manner with the provisions of the Texas Alcoholic Beverage Code.

(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.

(e) The city manager is authorized to erect and post signs in and around the central business district area forewarning persons that possession of an open container or the public consumption of alcoholic beverages in the central business district is prohibited.

(f) An offense under this section may be subject to prosecution for a class C misdemeanor and a fine not to exceed five hundred dollars ($500.00).

(Ord. No. 2010-04-15-0327, §§ 1, 2, 4-15-10)

Editor's note—Ord. No. 2010-04-15-0327, §§ 1, 2, adopted April 15, 2010, repealed and reenacted section 4-4 in its entirety to read as herein set out. Formerly, section 4-4 pertained to consumption on public streets or public property prohibited, and derived from Ord. No. 59119, §§ 1—6, adopted August 2, 1984, and Ord. No. 68849, § 1, adopted February 16, 1989.

Secs. 4-4.1, 4-4.2. - Reserved.

Editor's note—Ord. No. 2010-04-15-0327, § 1, adopted April 15, 2010, repealed the former sections 4-4.1 and 4-4.2 in their entirety, which pertained to the possession, consumption or distribution upon Plaza Guadalupe restricted, and consumption in the Cattleman Square area, respectively, and derived from Ord. No. 61103, §§ 1, 2, adopted July 25, 1985; Ord. No. 68849, § 1, adopted February 16, 1989, and Ord. No. 83942, §§ 1—8, adopted April 11, 1996.

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.

(e) An offense under this section is a Class C misdemeanor.

(Ord. No. 99381, § 1, 6-25-04)

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.

(b) Each offense under this section may be subject to prosecution for a class C misdemeanor
and a fine not to exceed five hundred dollars ($500.00).

(Ord. No. 2010-04-15-0328, § 2, 4-15-10)

Sec. 4-5. - Waiver of consumption prohibitions on public property.

(a) Except for such city properties where deed restrictions prohibit alcohol, the provisions of
any ordinance making it illegal to have alcoholic beverages on public property may be waived
by the city manager or his designated representative, upon petition from any group, and the
city manager or his designated representative may issue a special waiver to allow alcoholic
beverages if, after review, he determines that the following conditions and circumstances
exist:

(1) The alcohol use will be in connection with a planned and scheduled event anticipated
to involve fifty (50) or more people;

(2) Appropriate security is provided by the permittee to ensure that laws governing legal
age for drinking and public intoxication will not be violated and that public property at the
site of the event is safeguarded;

(3) A deposit in an amount established by rules and regulations for the applicable public
property is posted.
(b) Any such waiver which has been issued must be available at the site of the event and must be produced for inspection upon request by any law enforcement official.

(c) The city manager or his designated representative shall develop rules and regulations for conducting of such event within the framework of the policy stated in this section and shall ensure that waiver applicants are fully cognizant of same at the time a permit is issued.

(d) Applicants who have been denied a waiver by the city manager or his designated representative may appeal to city council providing such appeal is made no later than ten (10) days preceding the date of the scheduled event.

(Ord. No. 59172, §§ 1—4, 8-9-84; Ord. No. 68849, § 1, 2-16-89)

Sec. 4-6. - Distances from church, school or hospital.

(a) **Exceptions to minimum distance requirement.** No alcoholic beverages shall be sold for consumption on or off the premises where sold, when such premises are located within three hundred (300) feet of any church, school or hospital, the measurements to be made in the manner prescribed by V.T.C.A., Alcoholic Beverage Code, 109.33(b), provided this section shall not apply:

1. Where the premises for which application is made was being used for the sale of alcoholic beverages for off premises consumption at the time the school, church or hospital was established and such use has been continuous to the date of application; or

2. Where the premises for which application is made was being used for the sale of beer or wine for on-premises consumption at the time the school, church or hospital was established and such use has been continuous to the date of application; and

3. Where the premises is a church or hospital and the applicant for a beer or wine license is the church or hospital on said premises, or where the applicant has the approval of the church or hospital in writing.

(b) **Method of measurement.** As to any dealer who held a license or permit before September 1, 1983, in a location where a regulation under this section was in effect on that date, for purposes of subsection (a), the measurement of the distance between the place of business or the dealer and the school shall be along the property lines or the street fronts and from front door to front door, and in a direct line across intersections. This subsection applies only as long as the place of business is continuously in operation from that date, whether or not under the same license or permit.

(c) **Variance.** City council may authorize the sale of alcoholic beverages at a location within three hundred (300) feet of a public school, as that distance is determined by the manner of measurement prescribed by V.T.C.A. Alcoholic Beverage Code § 109.33(b), and in effect at the time that such authorization is sought provided that city council makes findings as follows:

1. The sale of alcoholic beverages had been permitted within the last two (2) years at the location in question;

2. The discontinuance of the sale of alcoholic beverages was not a result of a violation of law;

3. A variance is necessary because the manner of measurement, as currently prescribed in V.T.C.A. § 109.33(b), has changed and as a result thereof, the premises in question has been determined to be within three hundred feet (300) feet of a public school; and
(4) The proposed sale of alcoholic beverages would be for on premise consumption and constitute no more than thirty (30) percent of the establishment's annual gross revenues.

(d) **Variance procedure.**

(1) The applicant shall submit to the city clerk a completed variance request form, certified documentation from the Texas Alcoholic Beverage Commission (establishing that an alcoholic beverage license had been issued for the location where the variance is sought and that the date of expiration of the license was less than two years before the date of the variance request), and the variance application fee of one hundred dollars ($100.00);

(2) The city clerk shall set the variance for hearing on the first available city council agenda after the passage of thirty (30) days from the date the request is received;

(3) The city clerk shall forward copies of the variance application and supporting documentation to the director of building inspections who shall make a recommendation to city council regarding the variance request;

(4) Not later than ten (10) days prior to the date of the hearing, the director of building inspections may send written notice of the variance request to the affected public school;

(5) If at the conclusion of the public hearing the city council makes affirmative findings, as provided in subsection (c), a variance may be granted; provided that city council may, with the consent of the applicant, place additional conditions on the variance, where such conditions are in the public interest; and

(6) If the council approves the variance request, the applicant shall on an annual basis submit to the department of building inspections the necessary documentation to verify that no more than thirty (30) percent of the establishment's annual gross revenues are generated by the sale of alcoholic beverages.

(e) **Variance violation.**

(1) It shall be a violation of the variance granted by city council to sell alcoholic beverages for off premise consumption; for on premise consumption of alcoholic beverages that exceed more than thirty (30) percent of the annual gross revenues of the establishment, or to violate any other condition imposed by city council.

(2) The director of building inspections may request the city attorney to seek any and all remedies available at law and or equity to assure the conditions imposed on the granting of the variance are enforced, including the discontinuance of the sale of alcoholic beverages.

(Code 1950, §§ 30-7, 30-19; Ord. No. 23434, § 1 8-16-56; Ord. No. 24181, § 1, 1-3-57; Ord. No. 25667, § 1, 10-17-57; Ord. No. 26485, § 1, 6-12-58; Code 1959, §§ 5-11, 5-23; Ord. No. 33167, § 1, 3-25-65; Ord. No. 44246, § 1, 8-22-74; Ord. No. 68849, § 1, 2-16-89; Ord. No. 88724, § 1, 10-22-98)

**State Law reference**— Authority for above restrictions, V.T.C.A., Alcoholic Beverage Code, § 109.33.

Sec. 4-7. - Certificate authorizing continued sales.

The director of building inspections is hereby directed to issue proper certificates to authorize the continued sale of alcoholic beverages on those premises which were lawfully devoted to such use prior to the zoning ordinance affecting such location or the annexation of the affected location.
Sec. 4-8. - Collection of fees, receipts.

It shall be the duty of the City of San Antonio Tax Assessor and Collector to process payments of the alcoholic beverage fees specified in accordance with this article and to issue receipts therefor, which shall be valid concurrently with the permit or license issued by the state.

Sec. 4-9. - Enforcement duty.

Violation of any provision of this chapter of the City Code shall be prosecuted in municipal court by appropriate city official designated by the city manager.

Secs. 4-10—4-20. - Reserved.

ARTICLE II. - OFF-PREMISES CONSUMPTION GENERALLY

DIVISION 1. – GENERALLY

Secs. 4-21—4-30. - Reserved.

DIVISION 2. - FEE RECEIPTS

Sec. 4-31. - Definitions.

The definitions contained in V.T.C.A., Alcoholic Beverage Code, Sections 1.04, 1.49 and 101.44 are hereby adopted as the definitions of terms used in this article. The term "beer establishment" as used in this article shall mean any place where beer is sold for on-premises consumption or sold for off-premises consumption.

Sec. 4-32. - City fees levy.

(a) The city does hereby levy a city alcoholic beverage fee equal to one-half (½) of the state fee, as provided by V.T.C.A. Alcoholic Beverage Code, Section 61.36 against every permittee who is domiciled within the corporate limits of the city and who holds a permit from the state alcoholic beverage commission for the purchase, transportation, importation, sale or manufacture of alcoholic beverages or other permits in regard thereto; except as to agent's industrial carrier's, private carrier's, local cartage and storage permits, and as to such wine and beer retailer's permits as shall be issued to operators of dining cars, buffet or club cars and class "B" winery permits and temporary licenses.
(b) Any permittee or licensee who engages in the sale of any alcoholic beverage without having first paid the fee levied by the city shall be guilty of a class "C" misdemeanor, and punishable by a fine of not more than five hundred dollars ($500.00).

(Code 1950, § 30-2; Code 1959, § 5-6; Ord. No. 57530, § 1, 9-1-83; Ord. No. 68849, § 1, 2-16-89)

Sec. 4-33. - Beverage fee due date; fees for portion of year; separate fee for each outlet.

All fees levied by this article, except wine and beer retailer's permits issued to railway dining cars, buffet or club cars, shall be due and payable in advance for one (1) year from the date of the issuance of the permit or license issued by the state alcoholic beverage commission, unless such fee is collected for only a portion of the year. In such event, the fee required shall cover the period of time from the date of such permit to midnight of the last day of August succeeding and only the proportionate part of the fee levied for such permit shall be collected. The fractional part of any month remaining shall be counted as one (1) month in calculating the fee which shall be due. A separate fee shall be paid for each sales location in this city.

(Code 1950, § 30-5; Code 1959, § 5-7; Ord. No. 68849, § 1, 2-16-89)

Sec. 4-34. - Refund of fees.

No refund of the fee shall be made for any reason, except when the permittee is prevented from continuing in business by reason of the result of a local option election, or a rejection of an application for a permit by the state alcoholic beverage commission or its administrator.

(Code 1950, § 30-6; Code 1959, § 5-8; Ord. No. 68849, § 1, 2-16-89)

Sec. 4-35. - Display of city alcoholic beverage fee receipt.

The City of San Antonio alcoholic beverage fee receipt shall be displayed in a conspicuous place at all times on the licensed premises. Failure to so display said receipt shall constitute of Class "C" misdemeanor punishable by a fine of not more than five hundred dollars ($500.00).

(Code 1950, § 30-4; Code 1959, § 5-10; Ord. No. 68849, § 1, 2-16-89)

Secs. 4-36—4-45. - Reserved.

ARTICLE III. - MIXED BEVERAGES

Sec. 4-46. - Permit fees.

(a) Annual fees in the amount of one-half (½) of the state annual fees are hereby levied on the holders of mixed beverage permits, mixed beverage late hours permits, caterer's permits, mixed beverage cartage permits, mini-bar permits and limousine alcoholic beverage permit under the Texas Alcoholic Beverage Code. The fees will be collected for the following periods.

(1) A mixed beverage permit fee shall be collected for each year such permit is in effect after the third year of the existence of the original state permit.
(2) A mixed beverage late hours permit and caterer’s permit fee shall be collected for each year such a permit is in effect after the third year of the existence of the original mixed beverage state permit.

(3) A fee for mini-bar permits, mixed beverage cartage permits, and limousine alcoholic beverage permits are due beginning with the first year the permit is in effect.

(b) Any permittee or licensee who engages in the sale of any alcoholic beverage without having first paid the fees levied by the city shall be guilty of a class "C" misdemeanor, and punishable by a fine of not more than five hundred dollars ($500.00).

(Code 1959, § 5-4.1; Ord. No. 43558, §§ 1, 2, 3-21-74; Ord. No. 57530, § 1, 9-1-83; Ord. No. 68849, § 1, 2-16-89; Ord. No. 76467, § 1, 9-10-92)

Sec. 4-47. - Display of fee receipts; penalty for failure to display.

The City of San Antonio fee receipt shall be displayed in a conspicuous place at all times on the licensed premises. Failure of the state permittee to so display said city receipt shall constitute a class "C" misdemeanor, punishable by a fine of not more than five hundred dollars ($500.00).

(Ord. No. 68849, § 1, 2-16-89)

Secs. 4-48—4-60. - Reserved.

ARTICLE IV. - BEER AND WINE ON-PREMISES

DIVISION 1. - GENERALLY

Sec. 4-61. - Authority.

This article is passed pursuant to and is referable to V.T.C.A. Alcoholic Beverage Code, Sections 1.01 through 73.11, and is an exercise of the power granted to incorporated cities by V.T.C.A., Alcoholic Beverage Code, Section 109.32 to distinguish between retailers selling beer for consumption on the premises where sold and those retailers, manufacturers or distributors selling beer not for consumption on the premises where sold, and to provide for separate and distinct regulations.

(Code 1950, § 30-10; Ord. No. 23434, § 1, 8-16-56; Code 1959, § 5-12; Ord. No. 68849, § 1, 2-16-89)

Sec. 4-62. - Building requirements.

No person shall sell beer or wine at or on any premises within the city for consumption on the premises where sold unless the building housing such business conforms to the following:

(1) Complies with the building code of the city adopted by section 6-36;

(2) Complies with the fire prevention code adopted by section 11-31;

(3) Complies with the electrical code of the city adopted by section 10-91;

(4) Complies with the plumbing code of the city as contained in Chapter 24;

(5) Complies with the mechanical code of the city adopted by section 6-66;
(6) Is connected to the city sanitary sewer systems, if there is a public sanitary sewer line within two hundred (200) feet;

(7) Has adequate flush-toilet facilities and lavatory facilities with hot and cold running water from a mixing type faucet, with separate facilities for men and women, in the building where beer is consumed. Outside toilet or lavatory facilities will not constitute compliance with this section; and

(8) Has sufficient lighting to provide illumination equal to at least 0.25 footcandle in all areas of the premises where beer is consumed. Food service sanitation regulations concerning minimum lighting equipment must be obeyed, also.

(Code 1950, § 30-20; Ord. No. 23434, § 1, 8-16-56; Ord. No. 24164, § 1, 12-27-56; Code 1959, § 5-24; Ord. No. 68849, § 1, 2-16-89)

Sec. 4-63. - Special regulations for persons serving beer.

The following regulations shall govern the operation of a beer establishment:

(1) No person, other than the permittee or licensee, shall serve food, beer or other drink to any customer or patron unless the person so serving is legally employed by the permittee or licensee of the beer establishment.

(2) No employee serving beer to any patron or customer shall receive as compensation, any part of the price paid by the patron or customer for such beer, nor shall the employee compensation be dependent on the amount of beer sold or served.

(3) No person serving beer shall collect from any customer or patron, as the price of beer, more than the price paid to the bartender or cashier.

(Code 1950, § 30-21; Ord. No. 23434, § 1, 8-16-56; Ord. No. 24191, § 1, 1-3-57; Code 1959, § 5-25; Ord. No. 68849, § 1, 2-16-89)

Sec. 4-64. - Violations by persons serving beer.

Any licensee or permittee who violates any provisions of this article, or who allows on premises covered by his license or permit, any person to do the things prohibited by section 4-63 shall be guilty of a misdemeanor. Any person who does any of the things prohibited by section 4-63 shall be guilty of a misdemeanor. Any person who does any of the things prohibited by section 4-63 shall be guilty of a class "C" misdemeanor and punishable by a fine of not more than five hundred dollars ($500.00).

(Code 1950, Ch. 30, Art. 2; Ord. No. 23434, § 1, 8-16-56; Code 1959, § 5-26; Ord. No. 68849, § 1, 2-16-89)

Secs. 4-65—4-75. - Reserved.

DIVISION 2. - CITY ALCOHOLIC BEVERAGE FEE RECEIPTS[2]

Footnotes:
Editor's note—Ord. No. 68849, § 1, adopted Feb. 16, 1989, amended Ch. 4 in its entirety to read as herein set out. In order to reflect the legislative history of provisions currently contained in Div. 2, §§ 4-76—4-84, the history notation associated with the provisions of former Div. 2, §§ 4-76—4-88, relative to licenses and permits for beer and wine manufacture, sale and distribution, has been retained and attached to similar provisions enacted by said Ord. No. 68849. The provisions of former §§ 4-83, 4-85, 4-87 and 4-88 were not addressed by new Div. 2 provisions and these derived from Code 1950, §§ 30-14, 30-16, 30-18; Ord. No. 23434, § 1, 8-16-56; Ord. No. 26686, §§ 1, 2, 9-4-58; Code 1959, §§ 5-18, 5-20, 5-22, 5-22.1; Ord. No. 27998, §§ 1, 2, 10-8-59; Ord. No. 57567, § 3, 9-15-83; Ord. No. 65684, § 6, 9-10-87)

Sec. 4-76. - Required.

It shall be unlawful for any person to manufacture or to brew any beer or wine for the purpose of sale, or to sell or distribute beer or wine within the city, without having first paid the fee as required by this article.

(Code 1950, § 30-12; Ord. No. 23434, § 1, 8-16-56; Code 1959, § 5-14; Ord. No. 68849, § 1, 2-16-89)

Sec. 4-77. - Fee.

By virtue of the authority granted by the Texas Liquor Control Act, the city does hereby levy a fee equal to one-half (½) of the state fee imposed by V.T.C.A. Alcoholic Beverage Code, Title 3, upon all persons carrying on the activities described in such title within the city.

(Code 1950, § 30-13; Ord. No. 23434, § 1, 8-16-56; Code 1959, § 5-15; Ord. No. 57530, § 1, 9-1-83; Ord. No. 68849, § 12-16-89)

Sec. 4-78. - Collection and verification of fees, receipts.

(a) Fee receipts issued under the terms of this article by the city tax assessor and collector shall run gently with the license or permit issued by the state alcoholic beverage commission, and it shall be the duty of the tax assessor and collector to accept and process payment of the fees specified in this article.

(b) The special tax investigators of the city tax office are authorized to and shall have the responsibility to inspect any location holding or required to hold an alcoholic beverage permit or license under the Texas Alcoholic Beverage Code. The investigators are responsible for verifying the payment of city fees and the proper and conspicuous display of such fee receipts at the premises of the holder of such permit or license. Investigators shall issue warning violation notices in those cases where the proper fees have not been paid to the city and/or in those cases where the fee receipt is not properly displayed or cannot be located. Where compliance is not voluntary, the police department shall be notified to issue a class "C" misdemeanor citation. Continued or uncorrected violations shall be processed by the chief of police as stated in section 4-84, "Periodic police investigators," in this article.

(Code 1950, § 30-16.1; Ord. No. 23954, § 1, 11-15-56; Ord. No. 27998, §§ 1, 2, 10-8-59; Code 1959, § 5-16; Ord. No. 68849, § 1, 2-16-89; Ord. No. 76467, § 1, 9-10-92)

Sec. 4-79. - Display of fee receipt; penalty for failure to display.
The City of San Antonio tax fee receipt issued under this division shall be displayed at all times in a conspicuous place on the licensed premises. Failure to so display the city fee receipt shall constitute a class "C" misdemeanor, punishable by a fine of not more than five hundred dollars ($500.00).

(Code 1950, § 30-16.1; Ord. No. 23954, § 1, 11-15-56; Ord. No. 27998, §§ 1, 2, 10-8-59; Code 1959, § 5-16; Ord. No. 68849, § 1, 2-16-89)

Sec. 4-80. - Separate fee receipts for each business; nontransferable.

A separate city alcoholic beverage fee receipt shall be required for each place of business. Fee receipts issued under this article shall not be transferred.

(Code 1950, § 30-16.1; Ord. No. 23954, § 1, 11-15-56; Ord. No. 27998, §§ 1, 2, 10-8-59; Code 1959, § 5-16; Ord. No. 68849, § 1, 2-16-89)

Sec. 4-81. - City protest of permit/license.

The chief of police or his designated representative may protest the issuance or renewal of a state permit or license in compliance with Texas Alcoholic Beverage Commission Code Sections 11.41 and 61.32(c). Evidence supporting the protest will be presented by the chief of police, with the assistance of the city attorney if necessary.

(Code 1950, § 30-16.2; Ord. No. 26131, § 1, 2-27-58; Code 1959, § 5-17; Ord. No. 68849, § 1, 2-16-89)

Sec. 4-82. - Investigations, examinations of application.

(a) **Notification.** The director of building inspections shall immediately notify the chief of police, the fire marshal and the director of public health of receipt of the application for a certificate of occupancy for a location at which the applicant intends to sell beer on premises.

(b) **Determining zoning district inspection of premises.** The director of building inspections shall determine the zoning district in which the proposed business is to be located and the location of the nearest church, school, or hospital, and shall inspect the building in which the proposed business will be housed to determine if the structure meets all the requirements of the building code electrical code and plumbing code and mechanical code of the city.

(c) **Examination for fire hazards, unsafe places.** The fire marshal shall examine the premises concerned at the address for which the permit or license is sought, and determine whether the applicant has available an adequate building which does not constitute a fire hazard or unsafe place.

(d) **Investigating sanitary condition.** The director of public health shall investigate the sanitary condition of the premises and building in which the proposed business is to be located and determine whether it complies with the regulations governing sanitary conditions in food establishments, and with the provisions of this article concerning toilet facilities.

(e) **Written reports, forwarding application.** The fire chief and health director, upon completing his investigation, shall forward a copy of a written report of his findings to the director of building inspections.
Sec. 4-83. - Periodic inspection of premises, inspections revealing causes for certificate of occupancy or cancellation.

(a) **Inspections.** It shall be the duty of the director of building inspections, the fire marshal and the director of public health to cause an inspection to be made periodically of all premises of permittees and licensees selling beer and wine for consumption on the premises where sold.

(b) **Certificate of occupancy cancellation.** In the event that a City Code violation is discovered during a periodic re-inspection by the director of building inspections, the director of public health and the fire marshal, the permittee/licensee shall have a period of one hundred twenty (120) days from the date the director of inspections mails to him a notice of the work, alterations and repairs required, within which to do the things necessary to have the building conform to the requirements of the building code adopted by section 6-36 and the mechanical code adopted by City Code section 6-66 and of Chapters 4, 10, 11 and 13 of the Code. The certificate of occupancy shall be subject to cancellation if the required work, alterations and repairs are not accomplished within such one hundred twenty-day period. Such cancellation shall be effected by written notice mailed by the director of building inspections to the licensee at the premises described in the license. The director of building inspections shall notify the state alcoholic beverage commission of such cancellation.

Sec. 4-84. - Periodic police investigations.

It shall be the duty of the chief of police to investigate each location, which is licensed for consumption on premises periodically. If such investigation reveals that probable cause for the state’s suspension or cancellation of a permit or license exists, the investigating official shall inform the Texas Alcoholic Beverage Commission immediately of such fact and furnish supporting evidence. If from such evidence it appears that cause for a suspension or cancellation exists under the provisions of the Texas Alcoholic Beverage Code, the chief of police, with any assistance needed from the city attorney, shall petition the state alcoholic beverage commission to cancel or suspend such permit or license and shall pursue such petition diligently.

**ARTICLE XI. - SOCIAL HOST UNDERAGE DRINKING ACCOUNTABILITY**

Sec. 21-300. - Title.

This article shall be known as "social host underage drinking accountability."

Sec. 21-301. - Legislative purpose.
The purposes of this article are to:

1. Protect the public health, safety and general welfare;

2. Promote the reduction of underage drinking by imposing a civil fine on persons or entities responsible for gatherings where alcohol is consumed by, served to or in the possession of underage persons;

3. Facilitate the enforcement of laws prohibiting the service to, consumption of or possession of alcoholic beverages by underage persons; and

4. To offset the city's costs associated with providing fire, police, and other emergency services to gatherings involving underage drinking, by imposing a civil fee upon the persons or entity responsible for the gathering involving underage drinking to occur on their premises, at their residences, or at rented facilities.

(Ord. No. 2016-12-15-0999, § 1, 12-15-16)

Sec. 21-302. - Legislative findings.

The recitals set forth above are incorporated herein as legislative findings by the city council.

(Ord. No. 2016-12-15-0999, § 1, 12-15-16)

Sec. 21-303. - Definitions.

For the purpose of this article, the following definitions shall apply:

Alcoholic beverage means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted, including but not limited to beer, wine, ale, liquor, distilled spirits and wine coolers.

Gathering involving underage drinking means a party or gathering of two (2) or more persons at which one or more underage person possesses or consumes an alcoholic beverage.

Other private property refers to hotel or motel room; an assembly hall or meeting room; a common room of a dwelling unit used for a party (e.g., recreation room of an apartment building); a site in a privately owned campground; privately owned vacant lot; privately owned agricultural land; or privately owned rural land whether occupied as a dwelling, part or other social function, and whether owned, leased, rented or used without compensation.

Public safety services and/or response costs means the costs associated with responses by law enforcement, fire and other emergency response providers to gatherings involving underage drinking, including but not limited to:

1. The portion of the cost of salaries and benefits of law enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with the gathering(s) involving underage drinking, and the administrative costs attributable to such response(s);

2. The cost of any medical treatment to or for any law enforcement, fire or other emergency response personnel injured responding to, remaining at or leaving the scene of a gathering involving underage drinking; and
(3) The cost of the use of any equipment or property, and the cost of repairing any equipment or property damaged, in responding to, remaining at or leaving the scene of a gathering involving underage drinking.

_Residence_ includes a dwelling unit such as a home, condominium or apartment; structures on the residence other than the dwelling such as a garage, studio, tent, boat dock, swimming pool, barn or boat house; land on the residence whether improved or unimproved such as a yard, patio, open fields, piers or lake shores; water bodies on the residence such as a pond, lake, river or stream; a motor vehicle, camper or trailer located on the residence or a boat, watercraft, or other marine vessel located on the residence whether occupied on a temporary or permanent basis, whether occupied as a dwelling or for a party or gathering, and whether owned, leased, rented, or used with or without compensation.

_Underage person_ means any person less than twenty-one (21) years of age.

(Ord. No. 2016-12-15-0999 , § 1, 12-15-16)

Sec. 21-304. - Prohibition of gatherings involving underage drinking.

No person shall suffer, permit or host a gathering involving underage drinking at a location under his or her control, including but not limited to the person’s residence, other private property, place, premises, or public place.

(Ord. No. 2016-12-15-0999 , § 1, 12-15-16)

Sec. 21-305. - Protected activities.

This article shall not apply to activities duly permitted by the state or the city, or to activities protected by the First or Fourteenth Amendments to the United States Constitution.

(Ord. No. 2016-12-15-0999 , § 1, 12-15-16)

Sec. 21-306. - Violation(s); civil penalties.

It shall be a civil violation for a person to violate section 21-304 of this article. Law enforcement personnel, at the officer’s discretion, may immediately issue a notice of violation for this civil violation upon evidence of the violation. There is no requirement of a first warning in order for law enforcement to issue this civil citation.

(1) Civil penalty. A first violation of this section shall result in a notice of violation with a civil penalty not to exceed three hundred dollars ($300.00). A second or subsequent violation shall result in a notice of violation with a civil penalty not to exceed five hundred dollars ($500.00).

(2) Peace officers employed by the city, and the San Antonio police department, are hereby authorized to issue notices of violations for violations of the article, by issuing a written notice of violation to any and all responsible persons identified by law enforcement within thirty (30) days of the violation. The notice of violation may be delivered in person, or by certified mail.

(3) The notice of violation shall include:
   a. The name(s) of the person(s) being held liable for the payment of such costs;
b. The location where the gathering involving underage drinking occurred;

c. A description of the violation;

d. The date and time of the violation;

e. The amount of the civil penalty for which the person is liable;

f. Notice and warning that a second or subsequent violation of this article on the same date or within six (6) months of the date of the notice shall result in the person's liability for the cost of providing public safety services (i.e., fire, ambulance, law enforcement, and other emergency providers), and that the cost recovery for public safety responses shall be separate and distinct from a civil penalty for a violation;

g. Notice of the right and method to request an administrative hearing to challenge the validity of the notice of violation, and the deadline for requesting that hearing; and

h. Notice that failure to contest or pay the civil penalty in a timely manner is an admission of liability and a waiver of the right to appeal the imposition of the civil penalty.

(4) The civil penalty prescribed in this section is in addition to any civil cost recovery fee for public safety responses that may be assessed pursuant to section 21-307.

(Ord. No. 2016-12-15-0999 , § 1, 12-15-16)

Sec. 21-307. - Imposition of civil cost recovery fee for public safety responses.

The requirement of a first warning in subsection 21-306(3)d. does not limit the ability of public safety personnel to issue a civil citation for the imposition of civil penalties for cost recovery on the same day that the warning is given if the warning does not end the gathering involving underage drinking. The cost recovery for public safety responses shall be separate and distinct from a civil penalty for a civil violation described in section 21-306.

(1) The amount of cost recovery under this subsection shall be the response costs.

(2) The city police department shall develop a schedule of costs for use in determining response costs subject to this article.

(3) If there is more than one responsible person for the gathering then each responsible person shall be jointly and severally liable for the civil penalty and/or for the costs incurred for public safety services pursuant to this article.

(4) Civil cost recovery fee(s) shall not be imposed for the medical response costs in those situations where those present at the gathering call for emergency services for an actual emergency at the premises.

(Ord. No. 2016-12-15-0999 , § 1, 12-15-16)

Sec. 21-308. - Hearings on the imposition of civil fine and/or imposition of civil cost recovery fee for public safety response; appeals.

(a) The city manager, or the city manager's designee, shall appoint an independent hearings officer ("hearings officer"), to preside over appeals under this article.
(b) Any person subject to a civil penalty pursuant to section 21-306 or subject to a civil cost recovery fee for public safety responses pursuant to section 21-307 shall have the right to request an administrative hearing within forty-five (45) days of the issuance of a notice of violation. To request such a hearing, the person requesting the hearing shall notify the city clerk's office, in writing, within forty-five (45) days of the issuance of the citation.

(c) The hearings officer is delegated the power and duty to hear any appeal hearing under section 21-308. The hearings officer shall conduct a hearing on the matter within ninety (90) days of the request for the hearing unless one of the parties requests a continuance for good cause. The hearings officer shall render a decision within thirty (30) days of the conclusion of the hearing. The hearings officer shall have the sole authority for sustaining or overturning a notice of violation or imposition of response costs issued under this article. The decision of the hearings officer shall be final.

(d) An appeal of a notice of violation under section 21-307, or imposition of costs under section 31-308, must include the following procedures:

1. Every person who appeals shall have the right to appear in person or through an attorney;
2. All persons who testify at the hearing shall testify under oath, and the person who appealed shall have the right to produce evidence, and subpoena and call witnesses; and
3. The burden of proof is on the city to prove by a preponderance of the evidence that the civil violation occurred.

(Ord. No. 2016-12-15-0999, § 1, 12-15-16)

Sec. 21-309. - Billing and civil penalty and civil cost recovery fee for public safety responses; debt to city; enforcement.

(a) The amount of a civil penalty and/or civil cost recovery fee for public safety responses shall be deemed a debt owed to the city by the person responsible for the gathering. Any person owing such penalty and/or fees shall be liable in an action brought in the county for recovery of such penalty and/or fees.

(b) The police chief shall mail notice via certified mail within twenty (20) days of the public safety response for which the person is liable giving rise to such costs. The police chief shall calculate and compile an itemized list of applicable response costs. The notice shall contain the following information:

1. The name(s) of the person(s) being held liable for the payment of such costs;
2. The address of the residence or other private property where the gathering involving underage drinking occurred;
3. The date and time of the response;
4. The law enforcement, fire and/or emergency service responder who responded;
5. The date and time of any previous warning given pursuant to Article 91-307;
6. An itemized list of the response costs for which the person(s) is liable;
7. Information regarding the date payment is due;
(8) The right and method to request an administrative hearing to challenge the imposition of response costs and/or civil penalties; and

(9) Notice that failure to contest or pay the civil penalty or costs in a timely manner is an admission of liability and a waiver of the right to appeal the imposition of the civil penalty and costs.

(c) The responsible person must remit payment of the noticed costs and/or civil penalties to the city within forty-five (45) days of the notice thereof. The payment of any such costs shall be stayed upon a timely request for an administrative hearing made pursuant to section 21-308.

(d) The city manager, and the city manager's designee, shall have the authority to file any action or proceeding to recover such civil penalties, public safety response costs, expenses and/or civil penalties, and take any other actions at law which he may deem necessary to recover same.

(Ord. No. 2016-12-15-0999 , § 1, 12-15-16)

Sec. 21-310. - Remedies cumulative; actions; relationship to other laws.

The remedies provided under this article are cumulative, and shall not restrict the city to any other remedy to which it is entitled under law or equity. Nothing in this article shall be deemed to preclude the imposition of any criminal penalty under state law. Nor shall anything in this article be deemed to conflict with any penalty or provision under state law, or prohibit any conduct authorized by the state of federal constitution.

(Ord. No. 2016-12-15-0999 , § 1, 12-15-16)

ARTICLE II. - DANGEROUS SUBSTANCES

Sec. 21-31. - Legislative findings; prohibited substances.

Because the following chemical compounds are either toxic by inhalation, ingestion or both; have a potential for abuse by persons in that inhalation can cause a condition of intoxication, inebriation, excitement, stupefaction, or exhilaration; cause a dulling of the brain or nervous system; cause damage, mental or physical; or have any combination of these properties or effects; and because certain persons in the community, particularly young people, are prone to abuse such substances; and because "glue sniffing" and "paint sniffing" have been documented as having caused irreversible mental and physical damage, and even death among minors in the city and are a particular problem among certain minorities, the following twenty-one (21) chemical compounds are hereby defined as and declared to be "dangerous substances":

(1) Acetone
(2) Amyl acetate
(3) Benzene
(4) Butyl acetate
(5) Butyl alcohol
(6) Carbon tetrachloride
(7) Chloroform
Sec. 21-32. - Sale of substances to minors prohibited.

It shall be unlawful for any person to sell, offer to sell, transfer, or offer to transfer to any other person under the age of eighteen (18) years any can or other container of paint spray, glue, airplane plastic cement, household cement, cement, shellac, paint thinner, lacquer, adhesive substance, or aerosol mixture of pigment and liquid that forms a thin coating which contains a dangerous substance as defined in this article. It shall be unlawful for the owner or person in control of a retail establishment to allow any agent or employee of the retail establishment to make such a sale or transfer or attempt to make such a sale or transfer.

Sec. 21-33. - Signs to be posted where offered for sale.

All vendors of the products enumerated in Section 21-32 shall post in a prominent place, during opening hours, a sign to be furnished by the city, stating that it is illegal to sell the products to persons under eighteen (18) years of age. It shall be an affirmative defense to an action alleging violation of this section if the city has failed to furnish such a sign to the retail establishment.

Sec. 21-34. - Exemption for model airplane, etc., kits.

Notwithstanding any of the provisions of this article, the provisions hereof shall not apply to, control, or in any way affect the sale, display, storage or transfer of glue or cement which is a part of a kit used for the construction of model airplanes, model boats, model automobiles, model...
trains, or similar models, and which is sold simultaneously with the rest of the kit and packaged, stored, and displayed as a unit.

(Code 1959, § 26-14.1; Ord. No. 56606, §§ a—k, 2-24-83)

Sec. 21-35. - Inhaling prohibited.

   It shall be unlawful for any person to inhale any paint spray, glue, airplane glue, plastic cement, household cement, cement, shellac, paint thinner, lacquer, adhesive substance, or aerosol mixture of pigment and liquid that forms a thin coating which contains a dangerous substance above, or the fumes or vapors thereof, with the intent of obtaining intoxicating or narcotic effect, a state of inebriation, excitement, stupefaction, exhilaration, or a dulling of the brain or nervous system.

(Code 1959, § 26-14.1; Ord. No. 56606, §§ a—k, 2-24-83)

Sec. 21-36. - Prima facie evidence of existence in containers.

   If a can or other container contains a list of ingredients or contents, and one (1) or more of the dangerous substances enumerated in section 21-31 is listed as an ingredient or content, that shall constitute prima facie evidence that the can or container does in fact contain such a dangerous substance or dangerous substances.

(Code 1959, § 26-14.1; Ord. No. 56606, §§ a—k, 2-24-83)

Sec. 21-37. - Certain substances to be kept in closed storage.

(a) When offered for sale in a retail establishment, adhesive substances and aerosol mixtures of pigment and liquid that form a thin coating which contain either methyl isobutyl ketone (MIBK), toluene or toluol, trichloroethylene, or xylene or xylol shall not be openly stored or displayed or otherwise offered for sale from a counter or other location that is accessible to the public. When in storage such products shall be stored in a closed building that is not accessible to the public, but if the same are stored in an outside area, the containers shall be locked or otherwise secured and the area must be enclosed by a fence at least eight (8) feet in height.

(b) Should the owner, manager, or person in control of any retail establishment or other premises, store or display any adhesive substance or aerosol mixture of pigment and liquid that forms a thin coating in any manner other than that prescribed in subsection (a), such shall constitute a violation hereof, and upon conviction, such violation shall be punished in accordance with section 1-5.

(Code 1959, § 26-14.1; Ord. No. 56606, §§ a—k, 2-24-83)

Secs. 21-38—21-50. - Reserved.
Footnotes:

--- (1) ---

**State Law reference**— *Alcoholic beverages, Texas Alcoholic Beverage Code § 1.01 et seq.*

Sec. 6-1. - Definitions.

The definitions applicable to Texas Alcoholic Beverage Code § 1.01 et seq., shall also be applicable to this chapter.

(Code 2001, § 6-1)

**State Law reference**— Applicable definitions, Texas Alcoholic Beverage Code § 1.04. Sec. 6-2.
- License and permit fees.

(a) Except as otherwise provided by Texas Alcoholic Beverage Code § 1.01 et seq., each holder of a state permit issued pursuant to the provisions of the Alcoholic Beverage Code shall pay to the city a fee equal to one-half the fee paid to the state for such permit.

(b) Except as otherwise provided by Texas Alcoholic Beverage Code § 1.01 et seq., each holder of a state license issued pursuant to the provisions of the Alcoholic Beverage Code shall pay to the city a fee equal to one-half the fee paid the state for such license.

(c) All fees levied by this section shall be due and payable at the time at which the state license fee or permit fee is due.

(Code 2001, § 6-2)

**State Law reference**— Local permit fee authorized, Texas Alcoholic Beverage Code § 11.38; local license fee authorized, Texas Alcoholic Beverage Code § 61.36. Sec. 6-3. - Approval of certificate for permit or license.

Before the city clerk shall sign any certificate for an applicant for a permit or license under Texas Alcoholic Beverage Code § 1.01 et seq., such certificate shall be submitted to the Community Development Department to ensure that the application complies with this chapter. A fee established by separate ordinance shall be charged by the city clerk for signing any such certificate to defray the costs to the city.

(Code 1966, § 4-21) Sec. 6-4. - Consumption or possession in Memorial Auditorium.

(a) No alcoholic beverages shall be consumed in the Memorial Auditorium building or on the grounds thereof.

(b) No person shall carry any beverage or drink of any kind into the auditorium portion of the Memorial Auditorium building.

(Code 1966, § 4-7; Code 2001, § 6-4)

Sec. 6-5. - Possession in public library or on library grounds.
The possession of alcoholic beverages in the public library or on the grounds of the public library is prohibited. Any police officer is authorized to seize and confiscate alcoholic beverages found on such property.

(Code 1966, § 4-9(a); Code 2001, § 6-6)

Sec. 6-6. - Hours of sale.

(a) It shall be unlawful for anyone to sell or offer for sale within the city any beer or other malt beverage between the hours of 12:00 midnight and 7:00 a.m. of each and every day except Sunday. On Sunday, it shall be unlawful for anyone to sell or offer for sale within the city any beer or other malt beverage between the hours of 1:00 a.m. and 12:00 noon.

(b) The extended hours prescribed in Texas Alcoholic Beverage Code § 105.03(c) are adopted in the city, and such extended hours are effective for the sale and the offer to sell mixed alcoholic beverages by a holder of a mixed beverages late hours permit.

(c) The extended hours prescribed in Texas Alcoholic Beverage Code § 105.05(c) are adopted in the city, and such extended hours are effective for the sale, offer to sell and delivery of beer by a holder of a retail dealer’s on-premises late hours license.

(d) As prescribed by Texas Alcoholic Beverage Code § 105.03(e) and by Texas Alcoholic Beverage Code § 105.05(e), a violation of subsections (b) and (c) of this section is a violation of the Texas Alcoholic Beverage Code.

(Code 1966, § 4-10; Code 2001, § 6-7)

State Law reference—Sale to intoxicated persons, Texas Alcoholic Beverage Code § 101.63; hours of sale and hours of consumption, Texas Alcoholic Beverage Code § 105.01 et seq.; authority to regulate hours for the sale of beer, Texas Alcoholic Beverage Code § 109.32.

Chapter 78 - OFFENSES

ARTICLE II. - CONTROLLED SUBSTANCES

Sec. 78-25. - Solicitation to acquire controlled, prohibited substance.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- **Controlled substance** has the meaning ascribed to it by Texas Health and Safety Code § 481.002(4).

- **Controlled substance analogue** has the meaning ascribed to it by Texas Health and Safety Code § 481.002(6).

- **Dangerous drug** has the meaning ascribed to it by Texas Health and Safety Code § 483.001(3).

- **Prohibited substance** means a controlled substance, controlled substance analogue, dangerous drug, volatile chemical or any combination thereof.
Solicitation to purchase or acquire a controlled substance, controlled substance analogue, dangerous drug or volatile chemical means to request, command or attempt to induce another to sell, donate or otherwise transfer or deliver a prohibited substance.

Volatile chemical means any of the chemicals or any isomers of any of the chemicals listed in Texas Health and Safety Code § 484.002.

(b) A person commits an offense if, with intent to acquire a prohibited substance, he requests, commands or attempts to induce another to sell, donate or otherwise transfer or deliver a prohibited substance to the person.

(c) A person may not be convicted under this section on the uncorroborated testimony of the person allegedly solicited and unless the solicitation is made under circumstances strongly corroborative of both the solicitation itself and the actor’s intent that the other person act on the solicitation.

(d) It is no defense to prosecution under this section that:
   (1) No monetary or other consideration was tendered to the person solicited; or
   (2) The person solicited was unable or unwilling to transfer or deliver a prohibited substance.

(e) It is an affirmative defense to any prosecution under this section that the solicitation is made:
   (1) In furtherance of a transaction which would not constitute a violation of any applicable law; or
   (2) By a peace officer or federal law enforcement officer in the lawful discharge of his duties or by a law enforcement agent acting in the lawful discharge of an official duty.

(f) Violation of this section shall constitute a misdemeanor punishable, upon conviction, by a fine as provided in section 1-14. However, any conduct proscribed under this section which also constitutes an offense under state law shall not be prosecuted under this section, but shall be prosecuted pursuant to and punishable as provided by the applicable state law. An offense under this section is not a lesser-included offense under Texas Health and Safety Code ch. 481, 483 or 484.

(Code 1966, § 20-26)

State Law reference—Similar provisions, Texas Health and Safety Code § 481.151 et seq.
Sec. 78-26. - Manifesting purpose of selling illegal drugs and chemicals.

(a) For the purpose of this section, the term "known drug dealer" means a person who, within three years previous to the date of arrest for violation of this section, has, within the knowledge of the arresting officer, been convicted for the manufacture, sale, or delivery of any illegal controlled substance, dangerous drug, simulated controlled substance, or volatile chemical.

(b) A person commits an offense if he loiters in a public place in a manner and under circumstances manifesting the purpose of selling any illegal controlled substance, dangerous drug, simulated controlled substance, or volatile chemical. Among the circumstances that may be considered in determining whether such a purpose is manifested are that such person:
   (1) Is a known drug dealer; or
(2) Is at a location frequented by persons who use, possess, or sell drugs; and

(3) Repeatedly engages in conversations with passersby, whether on foot or in a vehicle, for the purpose of inducing, enticing, soliciting, or procuring another to illegally possess, transfer or buy any controlled substance; or

(4) Repeatedly passes to, or receives from, passersby, whether on foot or in a vehicle, money, objects, or written material for the purpose of inducing, enticing, soliciting, or procuring another to illegally possess, transfer or buy any controlled substance.

(c) No arrest shall be made for violation of subsection (b) of this section unless the arresting officer affords the person an opportunity to explain his conduct, and it shall be an affirmative defense to a violation of subsection (b) of this section if it appears at trial that the explanation given was true and disclosed for lawful purpose.

(Code 1966, § 20-27)


IV. HEALTH RISKS

A. Drugs

Narcotics such as opium, morphine, and heroin can cause euphoria, drowsiness, respiratory depression, constricted pupils, and nausea. The symptoms of an overdose of narcotics are slow and shallow breathing, clammy skin, convulsions, coma, and possible death. Persons experiencing withdrawal from addiction to narcotics can experience watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating. Depressants such as barbiturates and Quaaludes can cause slurred speech, disorientation, and drunken behavior. An overdose of a depressant can result in shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, and possible death. Withdrawal symptoms include anxiety, insomnia, tremors, delirium, convulsions, and possible death.

Stimulants such as cocaine and crack can cause increased alertness or euphoria, an increased pulse rate and blood pressure, insomnia, and loss of appetite. An overdose of stimulants results in agitation, an increase in body temperature, hallucinations, convulsions, and possible death. Withdrawal symptoms include apathy, long periods of sleep, irritability, depression, and disorientation.

Hallucinogens such as LSD and amphetamines cause illusions and hallucinations, and poor perception of time and distance. The effects of an overdose include psychosis and possible death.

Marijuana and hashish can cause euphoria, increased appetite, relaxed inhibitions, and disoriented behavior. The effects of an overdose include fatigue, paranoia, and possible psychosis. Withdrawal symptoms include insomnia, hyperactivity, and decreased appetite.

The Federal Controlled Substances Act (CSA) places all substances which were in some manner regulated under existing federal law into one of five schedules. This placement is based
upon the substance’s medical use, potential for abuse, and safety or dependence liability. A description of each schedule is included below:

**Schedule I**
- The drug or other substance has a high potential for abuse.
- The drug or other substance has no currently accepted medical use in treatment in the United States.
- There is a lack of accepted safety for use of the drug or other substance under medical supervision.
- Examples of Schedule I substances include heroin, gamma hydroxybutyric acid (GHB), lysergic acid diethylamide (LSD), marijuana, and methaqualone.

**Schedule II**
- The drug or other substance has a high potential for abuse.
- The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.
- Abuse of the drug or other substance may lead to severe psychological or physical dependence.
- Examples of Schedule II substances include morphine, phencyclidine (PCP), cocaine, methadone, hydrocodone, fentanyl, and methamphetamine.

**Schedule III**
- The drug or other substance has less potential for abuse than the drugs or other substances in Schedules I and II.
- The drug or other substance has a currently accepted medical use in treatment in the United States.
- Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.
- Anabolic steroids, codeine and hydrocodone products with aspirin or Tylenol®, and some barbiturates are examples of Schedule III substances.

**Schedule IV**
- The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule III.
- The drug or other substance has a currently accepted medical use in treatment in the United States.
- Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.
- Examples of drugs included in Schedule IV are alprazolam, clonazepam, and diazepam.

**Schedule V**
- The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule IV.
- The drug or other substance has a currently accepted medical use in treatment in the United States.
- Abuse of the drug or other substances may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule IV.
- Cough medicines with codeine are examples of Schedule V drugs.
The Controlled Substances Act (CSA) regulates five classes of drugs:

- Narcotics,
- Depressants,
- Stimulants,
- Hallucinogens and
- Anabolic steroids.

Each class has distinguishing properties, and drugs within each class often produce similar effects. However, all controlled substances, regardless of class, share a number of common features. All controlled substances have abuse potential or are immediate precursors to substances with abuse potential. With the exception of anabolic steroids, controlled substances are abused to alter mood, thought, and feeling through their actions on the central nervous system (brain and spinal cord). Some of these drugs alleviate pain, anxiety, or depression. Some induce sleep and others energize. Though some controlled substances are therapeutically useful, the “feel good” effects of these drugs contribute to their abuse. The extent to which a substance is reliably capable of producing intensely pleasurable feelings (euphoria) increases the likelihood of that substance being abused.

<table>
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<tr>
<th>The following chart summarizes each class’s legal status, effects on the mind, effects on the body and effects of overdose. The information in this chart is taken from Drugs of Abuse: A DEA Resource Guide (2017 Edition). The full-text is available online at: <a href="https://www.dea.gov/sites/default/files/2018-06/drug_of_abuse.pdf">https://www.dea.gov/sites/default/files/2018-06/drug_of_abuse.pdf</a> Class of Substance</th>
<th>Legal Status in the United States</th>
<th>Effects on the Mind</th>
<th>Effects on the Body</th>
<th>The Effects of Overdose</th>
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<td>Narcotics Also known as “opioids,” the term “narcotic” comes from the Greek word for “stupor” and originally referred to a variety of substances that dulled the senses and relieved pain. Though some people still refer to all drugs as “narcotics,” today “narcotic” refers to opium, opium derivatives, and their semi-synthetic substitutes. A more current term for these drugs, with less uncertainty regarding its meaning, is “opioid.” Examples include the illicit drug heroin and pharmaceutical drugs like OxyContin®, Vicodin®, codeine, morphine, methadone, and fentanyl.</td>
<td>Narcotics/opioids are controlled substances that vary from Schedule I to Schedule V, depending on their medical usefulness, abuse potential, safety, and drug dependence profile. Schedule I narcotics, like heroin, have no</td>
<td>Besides their medical use, narcotics/opioids produce a general sense of well-being by reducing tension, anxiety, and aggression. These effects are helpful in a therapeutic setting but contribute to the drugs’ abuse. Narcotic/opioid use comes with a variety of unwanted</td>
<td>Narcotics/opioids are prescribed by doctors to treat pain, suppress cough, cure diarrhea, and put people to sleep. Effects depend heavily on the dose, how it’s taken, and previous exposure to the drug. Negative</td>
<td>Overdoses of narcotics are not uncommon and can be fatal. Physical signs of narcotics/opioid overdose include: Constricted (pinpoint) pupils, cold clammy skin, confusion, convulsion</td>
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<td>medical use in the U.S. and are illegal to distribute, purchase, or use outside of medical research.</td>
<td>effects, including drowsiness, inability to concentrate, and apathy. Use can create psychological dependence. Long after the physical need for the drug has passed, the addict may continue to think and talk about using drugs and feel overwhelmed coping with daily activities. Relapse is common if there are not changes to the physical environment or the behavioral motivators that prompted the abuse in the first place.</td>
<td>effects include: Slowed physical activity, constriction of the pupils, flushing of the face and neck, constipation, nausea, vomiting, and slowed breathing. As the dose is increased, both the pain relief and the harmful effects become more pronounced. Some of these preparations are so potent that a single dose can be lethal to an inexperienced user. However, except in cases of extreme intoxication, there is no loss of motor coordination or slurred speech. Physical dependence is a consequence</td>
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<td>s, extreme drowsiness, and slowed breathing</td>
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When chronic opioid use, and withdrawal takes place when drug use is discontinued. The intensity and character of the physical symptoms experienced during withdrawal are directly related to the particular drug used, the total daily dose, the interval between doses, the duration of use and the health and personality of the user.

| Stimulants | A number of stimulants have no medical use in the United States but have a high potential for abuse. These stimulants are controlled in Schedule I. Some prescription stimulants are not controlled, and some stimulants like tobacco. | When used as drugs of abuse and not under a doctor’s supervision, stimulants are frequently taken to: Produce a sense of exhilaration, enhance self-esteem, improve mental and physical performance, increase activity, reduce appetite, Stimulants are sometimes referred to as uppers and reverse the effects of fatigue on both mental and physical tasks. Therapeutic levels of stimulants can produce exhilaration, extended wakefulness, and loss of | In overdose, unless there is medical intervention, high fever, convulsions, and cardiovascular collapse may precede death. Because accidental death is partially due to the effects of |
and caffeine don’t require a prescription — though society’s recognition of their adverse effects has resulted in a proliferation of caffeine-free products and efforts to discourage cigarette smoking.

Stimulant chemicals in over-the-counter products, such as ephedrine and pseudoephedrine can be found in allergy and cold medicine. As required by The Combat Methamphetamine Epidemic Act of 2005, a retail outlet must store these products out of reach of customers, either behind the counter or in a locked cabinet. Regulated sellers are required to maintain a written or electronic

<table>
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<tr>
<th>and caffeine don’t require a prescription — though society’s recognition of their adverse effects has resulted in a proliferation of caffeine-free products and efforts to discourage cigarette smoking.</th>
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<th>extend wakefulness for prolonged period, and &quot;get high&quot;.</th>
<th>Chronic, high-dose use is frequently associated with agitation, hostility, panic, aggression, and suicidal or homicidal tendencies. Paranoia, sometimes accompanied by both auditory and visual hallucinations, may also occur.</th>
</tr>
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<tbody>
<tr>
<td>Tolerance, in which more and more drug is needed to produce the usual effects, can develop rapidly, and psychological dependence occurs. In fact, the strongest psychological dependence observed occurs with the more potent stimulants, such as amphetamine, methylphenid</td>
<td>appetite. These effects are greatly intensified when large doses of stimulants are taken.</td>
<td>Taking too large a dose at one time or taking large doses over an extended period of time may cause such physical side effects as: Dizziness, tremors, headache, flushed skin, chest pain with palpitations, excessive sweating, vomiting, and abdominal cramps.</td>
<td>stimulants on the body’s cardiovascular and temperature-regulating systems, physical exertion increases the hazards of stimulant use.</td>
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A form of a logbook to record sales of these products. In order to purchase these products, customers must now show a photo identification issued by a state or federal government. They are also required to write or enter into the logbook: their name, signature, address, date, and time of sale. In addition to the above, there are daily and monthly sales limits set for customers.

**Depressants**

Depressants will put you to sleep, relieve anxiety and muscle spasms, and prevent seizures. Barbiturates are older drugs and include butalbital (Fiorina®), phenobarbital, Pentothal®, Seconal® and Nembutal®. You can rapidly develop dependence on and tolerance to barbiturates, meaning you need more and more of them to feel and function normally. This makes them unsafe, increasing the likelihood of coma or death. Benzodiazepines were

| Depressants | Most depressants are controlled substances that range from Schedule I to Schedule IV under the Controlled Substances Act, depending on their risk for abuse and whether they are used therapeutically or for other purposes. They also: Cause amnesia, leaving no memory of recent events. Unwanted physical effects include: Slurred speech, loss of motor coordination, weakness, headache, dizziness, drowsiness, lightheadedness. High doses of depressants or use of them with alcohol or other drugs can slow heart rate and breathing enough to cause death. | Depressants will put you to sleep, relieve anxiety and muscle spasms, and prevent seizures. Barbiturates are older drugs and include butalbital (Fiorina®), phenobarbital, Pentothal®, Seconal® and Nembutal®. You can rapidly develop dependence on and tolerance to barbiturates, meaning you need more and more of them to feel and function normally. This makes them unsafe, increasing the likelihood of coma or death. Benzodiazepines were | Abrupt cessation is commonly followed by depression, anxiety, drug craving, and extreme fatigue, known as a "crash." |
developed to replace barbiturates, though they still share many of the undesirable side effects. Some examples are Valium®, Xanax®, Halcion®, Ativan®, Klonopin® and Restoril®. Rohypnol® is a benzodiazepine that is not manufactured or legally marketed in the United States, but it is used illegally. Ambien® and Sonata® are sedative-hypnotic medications approved for the short-term treatment of insomnia that share many of the properties of benzodiazepines. Other CNS depressants include meprobamate, methaqualone (Quaalude®), and the illicit drug GHB.

<table>
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<tr>
<th>Hallucinogens</th>
<th>Many hallucinogens are found in plants and fungi or are synthetically produced and are among the oldest known group of drugs used for their ability to</th>
<th>Sensory effects include perceptual distortions that vary with dose, setting,</th>
<th>Physiologic effects include elevated heart rate, increased blood</th>
<th>Deaths exclusively from acute overdose of LSD, magic mushroom</th>
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<td>memory of events that occur while under the influence, reduce your reaction time, impair mental functioning and judgment, and cause confusion. Long-term use of depressants produces psychological dependence and tolerance.</td>
<td>Prolonged use of depressant s can lead to physical dependenc e even at doses recommend ed for medical treatment. Unlike barbiturates, large doses of benzodiazepines are rarely fatal unless combined with other drugs or alcohol. But unlike the withdrawal syndrome seen with most other drugs of abuse, withdrawal from depressant s can be life threatening.</td>
<td>current y have an accepted medical use. Many of the depressants have FDA-approved medical uses. Rohypnol® is not manufacture d or legally marketed in the United States.</td>
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<tr>
<td>Hallucinogens include:</td>
<td>Act, meaning that they have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision.</td>
<td>and mood. Psychic effects include distortions of thought associated with time and space. Time may appear to stand still, and forms and colors seem to change and take on new significance. Weeks or even months after some hallucinogens have been taken, the user may experience flashbacks — fragmentary recurrences of certain aspects of the drug experience in the absence of actually taking the drug. The occurrence of a flashback is unpredictable, but is more likely to occur during times of stress and seems to occur more frequently in younger individuals. With time, these episodes diminish and become less intense.</td>
<td>pressure, and dilated pupils. s, and mescaline are extremely rare. Deaths generally occur due to suicide, accidents, and dangerous behavior, or due to the person inadvertently eating poisonous plant material. A severe overdose of PCP and ketamine can result in: respiratory depression, coma, convulsions, seizures, and death due to respiratory arrest.</td>
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<tr>
<td>Ecstasy/MDMA</td>
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<td>K2 /Spice</td>
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<td>Ketamine</td>
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<td>LSD</td>
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<td>Peyote &amp; Mescaline</td>
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<td>Psilocybin</td>
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<td>Marijuana/Cannabis (addressed as its own class in this table)</td>
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<tr>
<td>Marijuana/Cannabis</td>
<td>When marijuana is smoked, the THC passes from the lungs and into the bloodstream, which carries the chemical to the organs throughout the body, including the brain. In the brain, the THC connects to specific sites called cannabinoid receptors on nerve cells and influences the activity of those cell. Many of these receptors are found in the parts of the brain that influence: Pleasure, memory, thought, concentration, sensory and time perception, and coordinated movement. The short-term effects of marijuana include: Problems with memory and learning, distorted perception, difficulty in thinking and problem- solving. Short-term physical effects from marijuana use may include: Sedation, blood shot eyes, increased heart rate, coughing from lung irritation, increased appetite, and decreased blood pressure. Like tobacco smokers, marijuana smokers experience serious health problems such as bronchitis, emphysema, and bronchial asthma. Extended use may cause suppression of the immune system. Because marijuana contains toxins and carcinogens, marijuana smokers increase their risk of cancer of the head, neck, lungs, and respiratory tract. No death from overdose of marijuana has been reported.</td>
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<td>Substances Act.</td>
<td>solving, and loss of coordination. The effect of marijuana on perception and coordination are responsible for serious impairments in learning, associative processes, and psychomotor behavior (driving abilities). Long term, regular use can lead to physical dependence and withdrawal following discontinuation, as well as psychic addiction or dependence. Clinical studies show that the physiological, psychological, and behavioral effects of marijuana vary among individuals and present a list of common responses to cannabinoids, as described in the scientific literature:</td>
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<td>• Dizziness, nausea, tract. Withdrawal from chronic use of high doses of marijuana causes physical signs including headache, shakiness, sweating, and stomach pains and nausea. Withdrawal symptoms also include behavioral signs such as: Restlessness, irritability, sleep difficulties, and decreased appetite</td>
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</table>
tachycardia, facial flushing, dry mouth and tremor initially
- Merriment, happiness, and even exhilaration at high doses
- Disinhibition, relaxation, increased sociability, and talkativeness
- Enhanced sensory perception, giving rise to increased appreciation of music, art, and touch
- Heightened imagination leading to a subjective sense of increased creativity
- Time distortions
- Illusions, delusions, and hallucinations are rare except at high doses
- Impaired judgment, reduced coordination, and ataxia, which can impede driving ability or lead to an increase in
| Risk-Taking Behavior | Emotional Lability, incongruity of affect, dysphoria, disorganized thinking, inability to converse logically, agitation, paranoia, confusion, restlessness, anxiety, drowsiness, and panic attacks may occur, especially in inexperienced users or in those who have taken a large dose. | Increased appetite and short-term memory impairment are common. Researchers have also found an association between marijuana use and an increased risk of depression, an increased risk and earlier onset of schizophrenia, and other psychotic disorders, especially for teens that |
Steroids

Anabolic steroids are synthetically produced variants of the naturally occurring male hormone testosterone that are abused in an attempt to promote muscle growth, enhance athletic or other physical performance, and improve physical appearance. Testosterone, nandrolone, stanozolol, methandienone, and boldenone are some of the most frequently abused anabolic steroids.

| Steroids | Anabolic steroids are Schedule III substances under the Controlled Substances Act. Only a small number of anabolic steroids are approved for either human or veterinary use. Steroids may be prescribed by a licensed physician for the treatment of testosterone deficiency, delayed puberty, low red blood cell count, breast cancer, and tissue wasting resulting from AIDS. | Case studies and scientific research indicate that high doses of anabolic steroids may cause mood and behavioral effects. In some individuals, steroid use can cause dramatic mood swings, increased feelings of hostility, impaired judgment, and increased levels of aggression (often referred to as "roid rage"). When users stop taking steroids, they may experience depression that may be severe enough to lead one to commit suicide. Anabolic steroid use may also cause psychological dependence and addiction. | A wide range of adverse effects is associated with the use or abuse of anabolic steroids. These effects depend on several factors including: Age, sex, the anabolic steroid used, amount used, and duration of use. In adolescents, anabolic steroid use can stunt the ultimate height that an individual achieves. In boys, steroid use can cause early sexual development, acne, and stunted growth. In adolescent girls and women, anabolic steroids are not associated with overdoses. The adverse effects a user would experience develop from the use of steroids over time. |
steroid use can induce permanent physical changes, such as deepening of the voice, increased facial and body hair growth, menstrual irregularities, male pattern baldness, and lengthening of the clitoris.

In men, anabolic steroid use can cause shrinkage of the testicles, reduced sperm count, enlargement of the male breast tissue, sterility, and an increased risk of prostate cancer.

In both men and women, anabolic steroid use can cause high cholesterol levels, which may increase
the risk of coronary artery disease, strokes, and heart attacks. Anabolic steroid use can also cause acne and fluid retention. Oral preparations of anabolic steroids, in particular, can damage the liver.

Abusers who inject steroids run the risk of contracting various infections due to non-sterile injection techniques, sharing of contaminated needles, and the use of steroid preparations manufactured in non-sterile environments. All these factors put users at risk for contracting viral infections such as HIV/AIDS or hepatitis.
B. Alcohol
Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person’s ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers 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 individuals of becoming alcoholics.

V. DRUG AND ALCOHOL COUNSELING OPTIONS

A. University Options
Employees and students at Wayland’s Plainview campus have access to free counseling through the university’s counseling office. Students and employees who may be struggling with issues related to alcohol or drug use or dependency are encouraged to contact the counseling office to set up an appointment. University counselors maintain the highest standards of
professional confidentiality. Employees and students can make an appointment with a university counselor by calling 806-291-3764. Students or employees at extension campuses are welcome to call the number previously listed for a free consultation as well.

Following is a list of alcohol and/or drug counseling services. This list is organized by Wayland campus and/or teaching site with facilities that are within a close proximity listed under each teaching site. The university in no way endorses or affirms the competency or effectiveness of the services offered by these agencies. This list is provided simply as a service to our Wayland family.

Students and employees are encouraged to access the Substance Abuse and Mental Health Services Administration (SAMHSA) Treatment Locator, a confidential and anonymous source of information for persons seeking treatment facilities in the United States or U.S. Territories for substance abuse/addiction and/or mental health problems. To access this resource, visit https://findtreatment.samhsa.gov/locator/home.

Students and employees seeking information regarding Self-Help, Peer Support, and Consumer Groups related to addiction (such as Alcoholics Anonymous, Narcotics Anonymous, Marijuana Anonymous, and others) are encouraged to visit https://findtreatment.samhsa.gov/locator/link-focSelfGP.

ALASKA
ANCHORAGE
Akeela Inc
Alcoholism Treatment Program
360 W Benson Blvd #300, Anchorage, AK 99503
(907) 565-1200

Narcotic Drug Treatment Center
Rehabilitation Center
520 E 4th Ave, Anchorage, AK 99501
(907) 276-6430

Jett Morgan Treatment Services, LLC
Rehabilitation Center
400 W Tudor Rd A-400, Anchorage, AK 99503
(907) 677-7709

Anchorage Treatment Solutions
Addiction Treatment Center
121 W Fireweed Ln #105, Anchorage, AK 99503
(907) 885-6537

Tután Recovery Services, LLC
Rehabilitation Center
3001 Porcupine Dr, Anchorage, AK 99501
(907) 563-0555

Cook Inlet Tribal Council
Alcoholism Treatment Program
3600 San Jeronimo Ct, Anchorage, AK 99508
(907) 793-3600

Genesis Recovery Services Inc
Mental Health Service
2825 W 42nd Ave, Anchorage, AK 99517
(907) 243-5130

FAIRBANKS/ NORTH POLE

Fresh Start
Drug Addiction Treatment Center
3504 Industrial Ave #220, Fairbanks, AK 99701
(907) 388-3221

Inroads To Healing
Drug Addiction Treatment Center
3100 S Cushman St, Fairbanks, AK 99701
(907) 452-6251

Ralph Perdue Center
Drug Addiction Treatment Center
3100 S Cushman St, Fairbanks, AK 99701
(907) 452-6251

Turning Point Counseling Services
Counselor
315 5th Ave, Fairbanks, AK 99701
(907) 374-7776

Ideal Option - Fairbanks
Drug Addiction Treatment Center
1221 Noble St, Fairbanks, AK 99701
(877) 522-1275

Women & Children’s Center
Alcoholism Treatment Program
1027 Evergreen St, Fairbanks, AK 99709
(907) 451-8164

Alcoholics Anonymous
Alcoholism Treatment Program
455 3rd Ave #216, Fairbanks, AK 99701
(844) 751-4393
WASILLA
Community Medical Services-Wasilla
Drug Addiction Treatment Center
2521 E. Mountain Village Drive, Suite F, Wasilla, AK 99654
(907) 290-3760

Set Free Alaska
Addiction Treatment Center
7335 E Palmer-Wasilla Hwy, Palmer, AK 99645
(907) 373-4732

Transformational Recovery
Alcoholism Treatment Program
4900 E Palmer-Wasilla Hwy, Wasilla, AK 99654
(907) 357-5900

ARIZONA

PHOENIX

Stonewall Institute Treatment Center
Addiction Treatment Center
4020 N 20th St #302, Phoenix, AZ 85016
(602) 535-6468

SpringBoard Recovery: Alcohol & Drug Rehab
Drug Addiction Treatment Center
9449 N 90th St Suite 207, Scottsdale, AZ 85258
(888) 672-2120

Scottsdale Recovery Center (Detox & Treatment)
Addiction Treatment Center
10446 N 74th St #115, Scottsdale, AZ 85258
(888) 663-7847

SIERRA VISTA

Arizona Counseling and Treatment Services LLC - Sierra Vista
Medical Clinic
2039 E Wilcox Dr Suite A, Sierra Vista, AZ 85635
(520) 226-9002

TUSCON

Cottonwood Tucson
Addiction Treatment Center
4110 W Sweetwater Dr, Tucson, AZ 85745 (888) 480-0530

America's Rehab Campuses
Drug Addiction Treatment Center
6944 E Tanque Verde Rd, Tucson, AZ 85715 (833) 272-7342

Better Recovery Rehabilitation Center
Drug Addiction Treatment Center
1830 E Broadway Blvd Suite #124-151, Tucson, AZ 85719
(520) 288-8484

The Haven
Alcoholism Treatment Program
1107 E Adelaide Dr, Tucson, AZ 85719 (520) 623-4590

Drug Alcohol Treatment Resources LLC
Alcoholism Treatment Program
11 E Orange Grove Rd #2721, Tucson, AZ 85704 (520) 329-9491

Amity Foundation Circle Tree Ranch
Rehabilitation Center
10500 E Tanque Verde Rd, Tucson, AZ 85749 (800) 381-3318

HAWAII/AMERICAN SAMOA

Waipahu Outpatient Services
Alcoholism Treatment Program
94-216 Farrington Hwy, #B2-306, Waipahu, HI 96797
(808) 671-6900

New Horizons Counseling
Addiction Treatment Center
66-526 Kamehameha Hwy STE C, Haleiwa, HI 96712
(808) 484-1000

Big Island Substance Abuse
Alcoholism Treatment Program
84-1170 Farrington Hwy, Waianae, HI 96792
(808) 695-9314

Queen's Counseling Services
Addiction Treatment Center
1374 Nuuanu Ave, Honolulu, HI 96817
(808) 691-4401

Kū Aloha Ola Mau
Addiction Treatment Center
1130 N Nimitz Hwy c302, Honolulu, HI 96817
(808) 538-0704

Po’aiilani Inc
Drug Addiction Treatment Center
970 N Kalaheo Ave # A102, Kailua, HI 96734
(808) 263-3500

NEW MEXICO
ALBURQUERQUE

Turning Point Recovery Center
Drug Addiction Treatment Center
9201 Montgomery Blvd NE #5, Albuquerque, NM 87111
(505) 217-1717

White Sands Drug & Alcohol
Drug Addiction Treatment Center
4625 Edith Blvd NE, Albuquerque, NM 87107
(505) 345-9668

Central New Mexico Treatment Center
Drug Addiction Treatment Center
630 Haines Ave NW, Albuquerque, NM 87102
(505) 268-5611

Recovery Services of New Mexico
Drug Addiction Treatment Center
1711 Isleta Blvd SW, Albuquerque, NM 87105
(505) 717-2397

ESH Recovery Home
Alcoholism Treatment Program
126 General Chennault St NE, Albuquerque, NM 87123
(505) 332-8935

Shadow Mountain Recovery
Addiction Treatment Center
5400 Gibson Blvd SE a, Albuquerque, NM 87108
(505) 345-9512

A Balanced Path Counseling
Mental Health Clinic
4300 Silver Ave SE, Albuquerque, NM 87108  
(505) 255-1804

**CLOVIS**

Matt 25 Hope Center  
1200 Thornton Street, Clovis, New Mexico 88101  
(575) 763-4400

Mental Health Resources  
1100 West 21st Street, Clovis, New Mexico 88101  
(575) 769-2345

**OKLAHOMA**

**ALTUS**

Southwestern Youth Services Inc  
Social Services Organization  
123 W Commerce St, Altus, OK 73521  
(580) 482-2809

**TEXAS**

**AMARILLO**

Moss Lane Club  
3512 Moss Lane, Amarillo, Texas 79109  
(806) 352-9721

Northwest Texas Healthcare System  
1501 South Coulter Road, Amarillo, Texas 79106  
(806) 354-1848

Amarillo Council On Alcoholism & Drug Abuse  
803 South Rusk Street, Amarillo, Texas 79106  
(806) 374-6688

West Texas Counseling and Rehabilitation Program of Amarillo  
2300 Line Avenue, Amarillo, Texas 79106  
(806) 373-0922

Dailey Recovery Services  
2430 SW 8th Avenue, Amarillo, Texas 79120  
(806) 803-9640
BOERNE

Substance Abuse Professionals of Texas
Counselor
806 N Main St, Boerne, TX 78006
(210) 846-1819

EL PASO

Trinity Homeward Bound
Addiction Treatment Center
8716 Independence Dr, El Paso, TX 79907
(915) 772-9111

Sovereign Health Detox & Addiction Treatment Center
Addiction Treatment Center
1831 Murchison Dr, El Paso, TX 79902
(866) 283-6305

MedMark Treatment Centers El Paso
Addiction Treatment Center
5004 Alameda Ave, El Paso, TX 79905
(915) 772-2045

Northeast Fellowship
Alcoholism Treatment Program
4922 Hondo Pass Dr, El Paso, TX 79924
(915) 757-3327

HARLINGEN/ MCALLEN

Narconon Fresh Start Texas
Addiction Treatment Center
Texas Lonestar Victory Ranch, 17697 ABD Road, Harlingen, TX 78552
(956) 277-1625

Alcoholics Anonymous
Alcoholism Treatment Program
205 W Adams Ave, Harlingen, TX 78550
(888) 880-9718

The Sendero Group, PLLC
Addiction Treatment Center
801 W Nolana Ave #101, McAllen, TX 78504
(956) 994-1428

Pura Vida Counseling Services, PLLC
Addiction Treatment Center
918 W Nolana Loop, Pharr, TX 78577
(956) 502-5526

Reach to Recovery
Alcoholism Treatment Program
Edinburg, TX 78542
(956) 307-6500

LUBBOCK

Ranch at Dove Tree
1406 County Road 5800, Lubbock, Texas 79403
(800) 218-6727

Managed Care Center
1705 North Farm Market Road 179, Lubbock, Texas 79416
Outpatient Services: (806) 780-8300
Residential Treatment Center: (806) 797-8003

Stages of Recovery
5839 7th, Lubbock, Texas 79416
(806) 412-4721

Lubbock Lighthouse
1308 Ave. Q, Suite A, Lubbock, TX
806-744-3419

Lubbock Regional MH/MR/Sunrise Canyon
1950 Aspen Avenue, Lubbock, Texas 79404
Crisis Line: (806) 740-1414

Lubbock Faith Center
2809 Clovis Road, Lubbock, Texas 79415

NEW BRAUNFELS

Alcoholics Anonymous
Alcoholism Treatment Program
1142 Eikel St, New Braunfels, TX 78130 (830) 625-0057

Rivercity Rehab
Rehabilitation Center
1149 S Academy Ave, New Braunfels, TX 78130
(830) 620-0282

The Right Step - San Marcos
Addiction Treatment Center
300 N C M Allen Pkwy #200, San Marcos, TX 78666
(512) 808-4066

PLAINVIEW

Plainview Serenity Center Inc
450 Interstate 27, Plainview, Texas 79072
(806) 687-3746

Central Plains Center
2700 Yonkers Plainview, TX 79072
(806) 293-2636

Driskill Halfway House
1202 Highway 87 N, Tulia, Texas 79088
(806) 995-2167

SAN ANTONIO

San Antonio Recovery Center
Addiction Treatment Center
5806 Culebra Rd, San Antonio, TX 78228
(866) 557-6237

The Right Step - San Antonio
Addiction Treatment Center
12042 Blanco Rd Ste 101, San Antonio, TX 78216
(210) 541-8400

La Hacienda Treatment Center - Community Outreach Center
Drug Addiction Treatment Center
7400 Blanco Rd #129, San Antonio, TX 78216
(210) 692-0001

Alpha Home, Inc.
Addiction Treatment Center
419 E Magnolia Ave, San Antonio, TX 78212
(210) 735-3822

Pecan Valley Addiction Center
Addiction Treatment Center
4243 E Southcross, San Antonio, TX 78222
(269) 545-1137

San Antonio Intensive Outpatient Program
Medical Clinic
1015 Central Pkwy N #125, San Antonio, TX 78232
(210) 781-4627

All Saints Rehab
Addiction Treatment Center
424 Amaya, San Antonio, TX 78237
(210) 880-6446

A Turning Point Counseling and Rehab Center
Addiction Treatment Center
3201 Cherry Ridge, #B206-1, San Antonio, TX 78230
(210) 764-3700

WICHITA FALLS

The Recovery Center
Drug Addiction Treatment Center
2501 Taylor St, Wichita Falls, TX 76309 (940) 761-3034

Wichita Falls Treatment Services
Drug Addiction Treatment Center
207 Broad St, Wichita Falls, TX 76301 (940) 500-4903

Serenity House Inc
Alcoholism Treatment Program
2910 Kemp Blvd #213, Wichita Falls, TX 76308
(940) 767-0423

Red River Hospital
Addiction Treatment Center
1505 8th St, Wichita Falls, TX 76301
(940) 341-2464
IV. ANNUAL NOTIFICATION OF THE DAAPP

Mandatory Annual Notification Procedure
To comply with Part 86 of the Drug-Free Schools and Campuses Regulations, Wayland Baptist University will produce an annual notice to be communicated to all students, faculty, and staff on or before October 1. This notice will be sent electronically via email. A similar notice shall also be communicated to any new students or employees who matriculate after the date of annual distribution.

All members of the campus community whether new students or staff, as well as prospective students and prospective employees will have access to the information regarding the DAAPP through the Wayland website on the disclosure page, https://www.wbu.edu/about/disclosures/index.htm

All prospective students and employees will be given an information sheet along with their applications, which contains a web URL to information regarding Wayland’s DAAPP, to provide awareness of the program.

Publications of the information regarding the DAAPP may also be obtained upon request by all students enrolled or prospective, and all current or prospective employees from any of Wayland Baptist University’s officials, or from the office of Student Services.

Biennial Review of the DAAPP
Every other year, a biennial review of Wayland’s DAAPP will be conducted in order to determine the program’s effectiveness and implement changes to the program if changes are needed. The review will also ensure that disciplinary sanctions are being consistently enforced for student and employee violations of the DAAPP.

During the spring semester of odd-numbered calendar years, the DAAPP committee consisting of representatives from Athletics, Health Services, Counseling Services, and Human Resources will conduct a biennial review of the DAAPP. Wayland’s officials will determine the strength of the effectiveness of the DAAPP and consistency of sanction enforcement by evaluating information from some or all of the following sources

- Campus surveys including students and employees.
- Interviews with students and employees.
- Drug and alcohol policies outlined in the student handbook.
- Drug and alcohol policies utilized by athletic teams.
- Drug and alcohol policies utilized by the Office of Student Housing.
- Drug and alcohol policies outlined in the policies and procedures manual.
- Alcohol and drug policies at similar institutions.
• Discipline records from the office of the Dean of Students regarding incidents involving alcohol or drugs including the sanctions administered.
• Police records and reports regarding crime statistics prepared by the Chief of Police.
• Records from Human Resources regarding incidents of drug and/or alcohol abuse by employees.
• Drug testing results from the Athletic department.
• Information distributed to students and employees regarding alcohol and drug abuse.
• Any other information that, in the judgement of responsible officials, is deemed relevant to the effectiveness of the DAAPP.

Each Biennial Review Report will include:
• a listing of the individuals and offices involved in conducting the review;
• a description of the alcohol and other drug (AOD) program elements, including any education programs and other prevention-oriented initiatives geared towards students and/or employees;
• a summary of AOD program strengths and weaknesses;
• a statement regarding the overall effectiveness of the DAAPP;
• the statistics required by law:
  o the number of drug and alcohol-related violations and fatalities that occur on the institution’s campus (as defined by the Clery Act) or as part of any of the institution’s activities that are reported to campus officials; and
  o the number and type of sanctions that are imposed by the institution as a result of drug and alcohol-related violations and fatalities on the institution's campus or as part of any of the institution's activities.
• a statement regarding consistency of sanction enforcement, including how the University determined sanctions are being consistently enforced for alcohol and other drug-related violations;
• any recommendations for revising the AOD program;
• a description of the research methods and data analysis tools used by the University to determine the DAAPP’s effectiveness;
• a plan of action that details how the findings and recommendations identified during the review will be integrated into the DAAPP to improve its effectiveness.
• a copy of the DAAPP disclosures provided to students and employees during the review period; and
• a description of the process used to distribute the DAAPP to all students and employees each year; and
• credible evidence that provides reasonable assurance the University is distributing the DAAPP to all students and employees each year, as required.

The Biennial Review Report will be signed by the University’s President and maintained by the Office of Student Services. A copy of the report will be provided, upon request.