



Alcohol, Tobacco and Other Drugs  
Safety Council

## **California State University, Fresno Drug and Alcohol Abuse Prevention Program (DAAPP)**

California State University, Fresno is committed to providing a safe, healthy and supportive learning environment for students and employees. The university takes seriously and understands its obligation to inform the campus community of available resources and support, as well as the educational, disciplinary, health, and legal consequences of abuse of alcohol and illegal drug use for the benefit of the California State University, Fresno community, and in compliance with relevant federal and state law. California State University, Fresno's Drug and Alcohol Abuse Prevention Programs (DAAPP) are intended to support student and employee health, safety and security by increasing awareness, preventing abuse, and decreasing potential drug and alcohol related crime.

The University strives to maintain communities and workplaces free from the illegal use, possession or distribution of alcohol and controlled substances. The use, possession, manufacture, or distribution of illegal drugs or drug-related paraphernalia, (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs is prohibited. Similarly, the use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by law and University regulations), or public intoxication while on campus or at a University related activity is prohibited.

### **Statement on Disciplinary Sanctions**

Students found to be in violation of these laws or policies may be subject to disciplinary action, up to and including expulsion, in addition to any criminal or civil penalties resulting from violating local, state and/or federal law. ([See Title V - Student Code of Conduct](#))

Employees found to be in violation of these laws and policies may be subject to disciplinary action, up to and including dismissal, under applicable University policies and labor collective bargaining agreement, and may be required to participate in an appropriate treatment program, in addition to any potential criminal or civil penalties resulting from violating a local, state or federal law.

## **Annual Notice**

Under the Drug-Free Schools and Communities Act Amendment of 1989, California State University, Fresno is required to annually distribute its drug abuse and alcohol prevention program to faculty, staff and students. These requirements exist as a condition of receiving funds or any other form of financial assistance under any Federal program. The annual notification includes:

1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.
2. A list of applicable legal sanctions under federal, state and local laws for the unlawful possession or distribution of illicit drugs and alcohol .
3. A description of the health risks associated with the abuse of alcohol or use of illicit drugs.
4. A list of drug and alcohol programs that are available to employees and students.
5. A clear statement that the institution of higher education will impose disciplinary sanctions, up to and including expulsion or termination of employment and referral for prosecution.

## **Health Risks**

Improper use of drugs or alcohol can seriously injure the health of employees and students, impair the performance of their responsibilities and endanger the safety and well-being of fellow employees, students and members of the general public.

### **Health Risks of Alcohol Abuse**

Information is from the Centers for Disease Control Fact Sheet, [\*Alcohol Use and Your Health\*](#).

#### ***Short-Term Health Risks***

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. These are most often the result of binge drinking and include the following:

- Injuries, such as motor vehicle crashes, falls, drownings, and burns.
- Violence, including homicide, suicide, sexual assault, and intimate partner violence.
- Alcohol poisoning, a medical emergency that results from high blood alcohol levels.
- Risky sexual behaviors, including unprotected sex or sex with multiple partners. These behaviors can result in unintended pregnancy or sexually transmitted diseases, including HIV.

- Miscarriage and stillbirth or fetal alcohol spectrum disorders (FASDs) among pregnant women.

### ***Long-Term Health Risks***

Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including:

- High blood pressure, heart disease, stroke, liver disease, and digestive problems.
- Cancer of the breast, mouth, throat, esophagus, liver, and colon.
- Learning and memory problems, including dementia and poor school performance.
- Mental health problems, including depression and anxiety.
- Social problems, including lost productivity, family problems, and unemployment.
- Alcohol dependence, or alcoholism.

### **Health Risks of Illicit Drug Use**

Information from the National Institute on Drug Abuse Webpage, [\*Health Consequences of Drug Misuse\*](#).

Short-term effects can range from changes in appetite, wakefulness, heart rate, blood pressure, and/or mood to heart attack, stroke, psychosis, overdose, and even death. These health effects may occur after just one use.

Longer-term effects can include heart and lung disease, cancer, mental illness, HIV/AIDS, hepatitis, and others. Long-term drug use can also lead to addiction. Drug addiction is a brain disorder. Not everyone who uses drugs will become addicted, but for some, drug use can change how certain brain circuits work. These brain changes interfere with how people experience normal pleasures in life such as food and sex, their ability to control their stress level, their decision-making, their ability to learn and remember, etc. These changes make it much more difficult for someone to stop taking the drug even when it's having negative effects on their life and they want to quit.

### **Programs and Resources for Students**

Students are eligible to make use of the Counseling Services at the Student Health and Counseling Center. All on-campus services are outlined on the website at [\*fresnostate.edu/health\*](http://fresnostate.edu/health). Off-campus services, including addiction resources, can be found on the same website in the downloadable publication entitled [\*Student Guide to Mental Health and Well-Being Services\*](#). A downloadable handout entitled [\*Community Resources for Students in Recovery\*](#) is also available at the Student Health and Counseling Center website.

## **Programs and Resources for Employees**

The campus has engaged the services of an external provider, Empathia, to serve as the Employee Assistance Program (EAP). A complete description of the campus' EAP can be found online at [fresnostate.edu/humanresources](https://fresnostate.edu/humanresources). On-campus services are available by a Licensed Clinical Social Worker, with contact information available on the website. Off-campus resources can be found by calling Empathia at their 24 hour, 7 days a week call center - 800-367-7474. All calls and referrals made by Empathia are strictly confidential.

## **University Policies**

41301. Standards of Student Conduct

[https://govt.westlaw.com/calregs/Document/I327905D0D48311DEBC02831C6D6C108E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I327905D0D48311DEBC02831C6D6C108E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

Alcohol Sales and Advertising Policy - Executive Order No. 966

<https://fresnostate.edu/studentaffairs/alcohol/documents/EO966Alcoholoncampuspolicy.pdf>

Housing - Alcohol and Drug

[https://fresnostatehousing.org/wp-content/uploads/2019/07/19-20Handbook\\_working\\_v15-min.pdf](https://fresnostatehousing.org/wp-content/uploads/2019/07/19-20Handbook_working_v15-min.pdf)

Greek life

<http://www.fresnostate.edu/studentaffairs/studentinvolvement/fraternity-sorority-life/policies.html>

Smoke Free Campus

<http://fresnostate.edu/adminserv/smokefree/policy.html>

Smoke and tobacco free workplace

<https://calstate.policystat.com/policy/6591951/latest/>

## California Law

The following summarizes some of the California state laws regarding drugs and alcohol that may be relevant to students and employees:

### Controlled Substances

- California penalties for offenses involving controlled substances include those set forth in the California Health & Safety Code § 11350: Imprisonment in the county jail or state prison, a fine not to exceed \$70, or probation with fine for felony convictions of at least \$1,000 for the first offense and at least \$2,000 for second or subsequent offenses or community service for unlawful possession of controlled substances. (HS § 11350)
- Under California law, possession of certain controlled substances (Schedule I, II, and III) for sale or purchasing for the purpose of sale are punishable by imprisonment of two, three, or four years. (HS §§ 11054, 11055, 11056 & 11351)
- Penalties are more severe for offenses involving heroin, cocaine, cocaine base, or any analog of these substances and occurring upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility. (HS § 11353.1)
- It is unlawful to possess any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking certain controlled substances. (HS § 11364)
- Personal property may be subject to forfeiture if it contains drugs or was used in a drug manufacture, distribution, dispensation or acquired in violation of this division. (HS § 11470)
- The California Legislature declares that the dispensing and furnishing of prescription drugs, controlled substances and dangerous drugs or dangerous devices without a license poses a significant threat to the health, safety and welfare of all persons residing in the state and shall be guilty of a crime. (HS § 11352.1)

### Alcohol

- It is illegal for persons under the age of 21 to possess an alcoholic beverage in any public place or any place open to the public. Sanctions range from a fine of \$250-\$500 and community service, depending on whether the offense is a first or subsequent violation. (BP § 25662)
- Any person who furnishes, gives or sells any alcoholic beverage to someone under the age of 21 is guilty of a misdemeanor. Potential sanctions include fines of \$250 or higher, community service, and imprisonment, depending on the facts of the case. (BP § 25658)

- Any person under the influence of alcohol in a public place and unable to exercise care for one's own safety or that of others is guilty of a misdemeanor. (PC § 647 (f))
- It is illegal for persons to operate a motor vehicle while under the influence of alcohol or other intoxicants or with a blood alcohol level of .08% or higher. (CVC § 23152)
- It is a misdemeanor to ride a bicycle upon a highway under the influence of alcohol, drugs or both. (CVC § 21200.5)
- It is an infraction to possess an open container of an alcoholic beverage while in a motor vehicle. (CVC § 23223)
- It is an infraction for an owner or driver of a motor vehicle to allow an open container of alcohol in the passenger area. (CVC § 23225)

### **Driving Under the Influence**

- First conviction: Imprisonment in the county jail for not less than 96 hours, at least 48 hours which are continuous, nor more than six months and by a fine of not less than \$390 nor more than \$1,000 and except as otherwise provided suspension of privilege to operate motor vehicle. (CVC § 23536)
- Conviction of driving under the influence with or without bodily injury within ten years of certain other felony convictions including vehicular manslaughter and driving under the influence: Imprisonment in state prison or in the county jail for not more than one year and a fine of not less than \$390 nor more than \$1,000 and revocation of privilege to operate a motor vehicle. (CVC § 23550.5)
- Driving under the influence causing bodily injury: Imprisonment in state prison or county jail for not less than 90 days nor more than one year and a fine of not less than \$390 nor more than \$1,000 and suspension of privilege to operate a motor vehicle. (CVC § 23554)
- Driving under the influence causing bodily injury or death to more than one victim: Enhancement of one year in state prison for each additional injured victim up to a maximum of three one-year enhancements. (CVC § 23558)
- Second conviction of driving under the influence causing bodily injury within ten years or conviction within ten years of separate conviction of other specified offenses involving alcohol or drugs: Imprisonment in the county jail for not less than 120 days nor more than one year and a fine of not less than \$390 nor more than \$5,000 and revocation of privilege to operate a motor vehicle. (CVC § 23560)

### **Federal Law**

Federal law prohibits the illegal possession of a controlled substance. (21 U.S.C. § 844(a))

- First offense: prison sentences up to one year and a minimum fine of \$1,000.
- Second offense: prison sentences up to two years and a minimum fine of \$2,500.
- Third offense: prison sentences up to three years and a minimum fine of \$5,000.

- Special sentencing provisions apply for possession of flunitrazepam, including imprisonment of three years as well as the fine schedule referenced above