

# REGULATION X

## ALCOHOL, DRUGS AND TOBACCO POLICIES

### I. Alcohol policies

#### A. Policies

1. Alcoholic beverages may only be consumed on University premises that have been permitted by the California Department of Alcoholic Beverage Control, or on other University premises at approved sponsored events, or in the Residential rooms approved by the Residential and Housing Community Living Guide. The Event Planner/ Host must obtain prior written approval for the service of alcoholic beverage. This approval normally will be limited to events in such areas as the University Student Union, the Carpenter Performing Arts Center, The Pointe and Ukleja Room in the Walter Pyramid, the Earl Burns Miller Japanese Garden, the Anatol Center, the Carolyn Campagna Kleefeld Contemporary Art Museum, the Nugget, or the Outpost. Other locations may be permitted as determined by the event approval process.
  - a. In all cases, events with alcohol service requires approval through EMS and completion of an Alcoholic Beverage Clearance Request Form which shall be submitted to the dean of students (student events only), USU-219; University Police, UP Building; and Director of Residential Dining & Catering Services or their designee at the bookstore 2nd floor reception desk.
  - b. As identified on the Alcoholic Beverage Clearance Request Form, the Event Planner shall be the person designated as the Host and the responsible party for all matters pertaining to the service of alcoholic beverages at the approved event.
  - c. The Event Planner and requesting organization/department are responsible for compliance with applicable state and municipal laws and regulations and the California State University's system policies. Neither persons under the age of 21, nor persons obviously intoxicated, shall be furnished, served, or given an alcoholic beverage (California Business and Professional Code, Section 25658).
2. All the following conditions shall prevail with respect to approved student, faculty, staff and/or community sponsored events:
  - The sale and service of alcoholic beverages must be in accordance with all local and state laws, including the California Alcoholic Beverage Control Act and any regulations under the auspices of the California Department of Alcoholic Beverage Control
  - There shall be no sale or serving of alcoholic beverages except pursuant to a valid permit issued by the Department of Alcoholic Beverage Control to the Forty-Niner Shops, Inc. and those caterers approved by the CUSLB procurement services. For more information, visit <https://www.csulb.edu/financial-management/procurement-services/how-to-purchase-and-pay>.

- Non-alcoholic beverages shall be available at all times when alcoholic beverages are served. When alcohol is served, the availability of food and/or snacks is highly encouraged
  - Should the availability of non-alcoholic beverages end before the designated service time expires, the service of alcoholic beverages will also terminate
  - Attendees are not permitted to bring alcoholic beverages into the facility and are not permitted to leave the facility with alcohol
  - Attendance shall be limited to members of the sponsoring group and their invited personal guests
  - Keg beer is not available to student organizations
  - A corkage fee will be charged for any wine or bottled beer brought to an approved event
3. Alcoholic Beverage Donated product may ONLY come from a licensed manufacturer and/or distributor and may ONLY be received by the Forty-Niner Shops. Service of donated product must come from university approved caterers. Exceptions to the service requirement must only be granted by the general manager of the Forty-Niner Shops or their designee.
  4. Off-campus groups and organizations contracting with the University for use of facilities are subject to the same regulations that apply to officially recognized campus organizations.
  5. Academic Use – Academic use of various alcoholic beverages, products and related activities are permitted as part of identified academic programs within the educational mission of the University and in accordance with state law. Academic use includes but is not limited to instructional programs and courses; manufacturing and processing related activities; and research and study as it relates the business, production and sensory aspects of the alcoholic beverage industry. A qualified student may taste an alcoholic beverage as part of an academic program if the following criteria are met (§25668 of Business and Professions Code). Qualified students are exempt from prosecution for tasting alcoholic beverages as specified:
    - a. The qualified student tastes the alcoholic beverage while enrolled in a qualified academic institution.
    - b. The qualified academic institution has established a bachelor’s degree program in enology or brewing that is designed to train industry professionals in the production of wine or beer.
    - c. The qualified student tastes the alcoholic beverage for educational purposes as part of the instruction in a course required for a bachelor’s degree.
    - d. The alcoholic beverage remains in the control of an authorized instructor of the qualified academic institution who is at least 21 years of age.
    - e. A license or permit is not required to be held by a qualified academic institution engaging in the activities authorized by this section, provided

an extra fee or charge is not imposed for the alcoholic beverages tasted.

## 6. Advertising

- Locations with a permanent ABC license, such as the Nugget and Outpost, may advertise menu items and events which may include the names of beverages and/or manufacturers that are being featured. Advertisement may not include special discounted pricing and/or beverage sizing or any other inducement to increase consumption
- In promoting student events, alcoholic beverages and the sale and use of cannabis and cannabis derivatives may not be referred to in publicity, including signs, fliers, mailing and media announcements (including websites and internet advertisements). Use of such words as “beer,” “brew,” “kegs,” “wine,” “cocktails,” “open bar,” “booze,” “mixed drinks,” “spirits,” etc. is prohibited. Illustrations must not make reference to alcoholic beverages (i.e., no pictures of kegs, cocktail glasses, beer mugs, etc.)
- The advertising of alcoholic beverages on CSU campuses, including at athletic events in university owned or operated facilities, is permissible, but any such advertising must comply with the following minimum policy guidelines:
  - a. Advertising of alcoholic beverages is limited to beer and wine only.
  - b. Advertisements for distilled spirits is not permitted.
  - c. Any advertising, promotional displays or messages shall incorporate clear language to encourage only responsible and legal use of alcoholic beverages. Such messages shall be at least as prominent (in content quantity and font size) as any other message content such as product slogans or listed attributes of a particular product.
  - d. Alcohol advertising cannot encourage any form of alcohol abuse nor place emphasis on quantity and frequency of use.
  - e. Advertising from retailers or distributors that promote "drink specials" (e.g., 2 for 1 drinks, half-price happy hour drinks, etc.) are not allowed.
  - f. The advertisement of alcohol on campus or in institutional media shall not portray drinking as a solution to personal or academic problems, or as conducive to personal, social, athletic, or academic success.
  - g. Alcohol beverage marketers/distributors must help promote campus alcohol awareness programs that encourage and inform students about the responsible use or non-use of beer, wine, or distilled spirits.
  - h. Alcohol beverage promotions permitted by the university may not incorporate quotes from or photos or other likenesses of students, student-athletes, employees (including coaches, faculty, etc.) or campus mascots as active participants in a promotional message.
  - i. In all promotions, alcohol beverage trademarks or logos must be

- clearly subordinate to the sponsored event itself.
- j. Promotional activities are not to be associated with campus events or programs without the prior knowledge and written consent of the vice president for Student Affairs.
  - k. The name of an alcoholic beverage product may not be connected to the name, logo or mascot of a campus or of a university event or a facility (e.g., XYZ wine golf tournament, etc.).
  - l. The University's name, a department name, or any related nickname, logo or mascot may not be utilized in a way that implies a product endorsement by the university (e.g., XYZ Beer - beverage of choice for CSU, fans).
  - m. University departments and organizations may not distribute clothing, posters, or other promotional items that utilize the University or Athletic Department symbol, name, image, logo or mascot in combination with an alcoholic beverage trademark or logo.
  - n. Any alcohol promotional material connected with any University Athletic event (e.g., media guide game programs, off-campus billboards, etc.) must receive prior written approval by the athletic director and the president, or their designee.
  - o. Promotional materials associated with any other university program (other than athletics) must be approved in writing by the vice president for Student Affairs, or designee.
  - p. This policy does not restrict the amount or content of alcohol advertising, purchased independently through commercial radio, TV and media companies, during broadcasts of athletic events. However, broadcasters under contract with a CSU institution should strongly be urged to follow the above provisions when accepting commercials that promote alcoholic beverages.
  - q. Student media should also be encouraged to consider following the above provisions for any advertising messages for alcoholic beverage companies/distributors/products.
7. Sponsorships – CSULB prohibits sponsorship of any university activity or event by alcoholic beverage manufacturers and/or the marketing or advertising of alcoholic beverages on the campus except under the following circumstances:
- a. The advertising and promotion by co-sponsoring merchandisers of alcohol should focus on the event or activity being held, not on the products. The University president or their designee may make exceptions to this section of the policy.
  - b. Sponsorship agreements shall be discussed and approved in advance by the appropriate campus approving authority. No sponsorship activities will be permitted without this approval. All corporate contributors shall conform to and comply with university policies and procedures.

- c. When a donation is made to the University in support of a program, the name of the alcohol beverage manufacturer or distributor shall not be connected to the name of the event itself but may be listed as a contributor to the event.
  - d. Sponsors shall not provide alcoholic beverages as free incentive awards to individual students, campus organizations or departments. The consumption of beer or wine should not be the primary purpose of any activity. Exceptions may be granted by the president or their designee.
  - e. University departments, registered student organizations, campus organizations or officially recognized University support groups who accept support from alcohol beverage manufacturers or distributors shall not distribute promotional clothing, specialty items, or other consumer items which utilize the University name, seal, or logo in combination with an alcoholic beverage trademark, logo, or company name, or which imply University endorsement of their product or company in any way, regardless of whether such promotional items are free or for sale.
  - f. In very limited circumstances, approved by the President or designee, where the University realizes some other substantial benefit, and is in compliance with CSU specified guidelines.
8. Fraternities and sororities must also adhere to policy on alcoholic beverages included in the Greek Code of Conduct, which is distributed to all Greek letter organizations and is available in the Office of Student Life and Development, USU-215.
9. University Housing Alcohol Policy
- a. Residents under the age of 21 may not possess, consume, serve, sell, or transport alcoholic beverages. Residents under the age of 21 may not be knowingly in the presence of alcohol.
  - b. Residents 21 years of age or older may only consume alcohol in the privacy of their own room with their door closed. Residents with a roommate who is under 21 years of age (present or not present) may not possess, consume, serve, sell, or store alcoholic beverages/paraphernalia in their room, or in the presence of a resident/guest who is under 21 years of age.

Additional information may be found in the **Community Living Guidebook**.

10. Intercollegiate Athletic Events – The sale and service of alcoholic beverages at intercollegiate athletic events is permitted in compliance with Executive Order 1109, CSULB’s Procedure for the Sale or Service of Alcoholic Beverages on Campus and the Alcohol Service Policy.

## **B. Procedures**

1. Colleges, departments, student organizations, organizations of faculty or staff, and off-campus groups or individuals reserving campus facilities

may request permission to hold an approved group-sponsored event at which alcoholic beverages are served by submitting an Alcoholic Beverage Clearance Request Form at least 14 school days prior to the proposed event.

- a. The form for events sponsored by non-students is available from Forty-Niner Shops' Beach Catering Services, approved caterers and University Police Department. The completed form is submitted for approval to the University Police and then to the director of Residential Dining & Catering Services.
  - b. The form for student organization sponsored events is available from their Student Life and Development advisor, USU-215 or the dean of students, USU-219. The completed form is submitted for approval to the dean/assistant dean of students, then to the University Police and then to the director of Residential Dining & Catering Services. The SLD advisor will assist with the approval process.
2. Established procedures for reserving university facilities must be followed in addition to this special procedure regarding the serving of alcoholic beverages. Information is available in the Campus Events Office, USU-221 or through the Event Services Office, BH-320.
  3. Forty-Niner Shops Dining Services, under the supervision of the director of Residential Dining & Catering Services, shall have delegated authority for monitoring and serving alcoholic beverages at any event or any special event for which the approval has been granted.
  4. Serving of alcoholic beverages is limited to four hours, and a non-alcoholic beverage must also be provided throughout the duration of the event. Should the availability of non-alcoholic beverages end before the designated service time expires, the service of alcoholic beverages will also terminate. When alcohol is served food and/or snacks is highly encouraged.
  5. Student organization requests for exceptions to the alcohol service procedures or regulations may be requested on the Alcoholic Beverage Clearance Request Form and submitted to the Office of the Dean of Students, USU-219.

### C. Additional Regulations

1. **Damage** – Any damage to individuals or California state property inside or outside the building during or following the event is the responsibility of the Host, who may be billed for the damages. Any property damage is cause for immediate closing of the event.
2. **Furniture and Furnishings** – State-owned and auxiliary-owned furniture and furnishings must remain in the building. Any furniture that is to be moved must be moved by the appropriate state or auxiliary personnel, or with their permission and be returned to the original location at the conclusion of the event.

3. **Closing Procedures** – Closing down means: (1) no further serving of refreshments; (2) reducing amplification; and (3) admitting no additional guests. The Host requests invited guests to begin leaving prior to closure time as to avoid an abrupt and crowded exiting. Other events closings are by mutual agreement between the University Police and the event service staff.
4. **Host’s Responsibility** –The Host is essentially responsible for the enforcement of all rules and regulations pertaining to the event while the event is in progress. Should an event become threatening to persons or property, the following actions should be pursued, as listed in the order of preference:
  - **Host Closing** – When the event Host or University staff decides the event should end, the Host has primary responsibility for closing the event
  - **University Staff Closing** – When University staff determines that the event must be closed, but the Host is unwilling or unable, the staff member will close the event by advising the guests they must leave
  - **University Police Closing** – When University staff determines that the staff cannot, or it would not be prudent to attempt to, close the event alone, the staff member should call University Police for assistance. Once University Police arrives, officers are in charge of closing the event, and the staff member’s role is to explain the circumstances and be supportive to University Police.
5. **Additional Security** – If the University determines that security is needed for the event, the sponsoring persons or group must make arrangements with University Police for additional security prior to alcohol being served. The sponsoring persons or groups are responsible for costs associated with providing additional security.
6. **Citations** – Where indicated by law, University Police shall seek identification and issue an immediate campus disciplinary citation, and/or other appropriate citation, to anyone drinking an alcoholic beverage in open areas on campus who are not in an authorized area for an approved, sponsored event.
7. **Misuse of Alcohol** – Misuse of alcohol may result in drunkenness and disturbance and/or the commission of a crime, which often results in injury to oneself or others or damage to property. CSULB will not tolerate such behavior and will hold students, sponsors, and organizations responsible when conduct standards are violated.

## II. Drug Policies

### A. Drug-Free Schools and Communities Act (Federal)

1. The Drug-Free Schools and Communities Act Amendments of 1989 (PL101-226) require the University to notify each student and employee of campus conduct standards regarding the use of alcohol and illicit drugs, legal sanctions which apply, possible health risks, and available counseling and assistance programs. See the CSULB Catalog for more details.

## **B. Drugs on University Property**

1. On property owned or operated by the university, the solicitation, sale, use, or knowing possession of dangerous drugs, restricted dangerous drugs, or narcotics (as these terms are used in California statutes) are prohibited. Excepted are drugs lawfully prescribed or lawfully permitted. However, use of cannabis, whether prescribed or otherwise, is prohibited on campus grounds and facilities.
2. CSULB enforces all drug laws in the University community. Violations of any of the above will result in legal sanctions, University sanctions, or both (California Health and Safety Code, Division 10, all, and including, Section 11357 through 11401).

## **C. Cannabis and all related products**

1. The use, possession or sale of cannabis and any THC derivatives are prohibited at CSULB. Under federal law which supersedes State law, cannabis is still illegal. The campus is held to two federal laws, the Drug-Free Schools and Community Act, and the Drug-Free Workplace Act. These laws say that in order to receive any federal funding (work-study, financial aid, and federal research grants), the university must prohibit all illegal drugs.

As for medical cannabis, the Drug-Free Schools and Community Act, and the Drug-Free Workplace Act do not distinguish medical and non- medical use. CSULB, like all public colleges and universities, prohibits any cannabis use, regardless of medical status.

# **III. Non-Compliance**

## **A. Alcohol or Drug Laws Violations**

In the event a student is cited for a violation or combination of violations of campus-related alcohol or drug laws, rules or regulations, the student may be:

1. Required to attend alcohol, tobacco, or other drug education conducted by Student Health Services.
2. Required to see an alcohol assessment counselor in Health Services after a second violation of policies.
3. Referred immediately to the Office of Student Conduct and Ethical Development after a third violation of policies.
4. Subjected to other sanctions depending on the circumstances of an alcohol or drug violation.



## **B. Drug or Alcohol-Related Student Violation Disclosure**

The primary purpose of this policy is to allow for notification of parents and legal guardians of students who are under the age of 21 and who in the determination of the University (after due process) have violated campus drug or alcohol-related policies. In cases of emergencies as determined by the dean of students, parents and legal guardians will be notified before due process as outlined above.

Reasons for such notification include:

- Seeking parental assistance in remediating the student's immediate alcohol or drug problem
- Alerting parents to potential difficulty the student may be experiencing
- Using the notification as an educational or preventative measure for the student
- The need to notify parents formally that future violations of campus policies by the student may lead to additional University disciplinary actions

For further clarification of this policy, contact the dean of students, USU-219.

## **C. Due Process**

Drug or alcohol violations are determined by established due process procedures, which include notice of the charges and the right to be heard. University-level student disciplinary procedures follow CSU Executive Order 1098 Student Conduct Procedures for the California State University. The document is available online and in the Office of Student Conduct and Ethical Development, USU - 219.

On-campus housing student conduct procedures and housing community standards are available in the Housing & Residential Life Community Living Guide.

## **IV. Tobacco and Smoking Policy**

- A.** Since September 1, 2016, CSULB has been an entirely tobacco and smoke-free campus. This policy applies to students, staff, faculty, visitors, and vendors. The tobacco and smoke-free policy applies to all CSULB facilities, property, vehicles, and Blair field. No tobacco related advertising or sponsorship shall be permitted on CSULB property, at CSULB sponsored events, or in publications produced by CSULB, with the exception of advertising in a newspaper or magazine that is not produced by CSULB and which is lawfully sold, bought or distributed on CSULB property.
- B.** Cigarettes, including electronic cigarette, cigars and pipes, including hookah pipes, shall not be sold or distributed as samples on CSULB grounds, either

in vending machines, the University Student Union or any area on campus. The free distribution of tobacco products and tobacco paraphernalia shall not be allowed on CSULB owned property, Blair Field, or at any University sponsored events. For more information on our tobacco and smoking policy refer to [csulb.edu/breathe/university-policy](https://csulb.edu/breathe/university-policy).

**Definitions.** As used in this Regulation, the following definitions:

**“Qualified academic institution”** means a public college or university accredited by a commission recognized by the United States Department of Education.

**“Qualified student”** means a public college or university accredited by a commission recognized by the United States Department of Education.

**“Qualified student”** means a student enrolled in a qualified academic institution who is at least 18 years of age.

**“Sale”** means to exchange any consideration for alcoholic beverage. “Sale” also includes an “admission charge” to an event where alcoholic beverages are served exclusively to those who pay the charge. “Consideration” includes money, tickets, tokens or chits that have been issued in exchange for money or anything else of value (California Business and Professional Code, Section 23025).

**“Taste”** means to draw an alcoholic beverage into the mouth but does not include swallowing or otherwise consuming the alcoholic beverage.

**“Tobacco related”** applies to the use of tobacco brand or corporate name, trademark, logo, symbol, or motto, selling message, recognizable pattern or colors, or any other signification of any product identical to, similar to, or identifiable with those used for any brand of tobacco products or company that manufactures tobacco products.