



TEXAS TECH UNIVERSITY
HEALTH SCIENCES CENTER™
EL PASO

Drug and Alcohol Abuse Prevention Plan-
Consolidated Report (2023)

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Memo from the President

Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) is committed to the health and safety of its students and employees. As part of this commitment, the institution works to create an environment that discourages the inappropriate or illegal use of alcohol and other drugs among members of its campus community.

Substance misuse and mental illness affects the lives of millions of Americans. Misuse of alcohol, marijuana and prescription drugs are the most common drug problems in the United States. The highlights for the 2021 National Survey on Drug Use and Health¹ conducted by Substance Abuse and Mental Health Services Administration (SAMHSA) indicates that among Americans aged 12 and older, 57.8% (161.8 million people) used tobacco, alcohol or an illicit drug in the past month. This included 47.5% (or 133.1 million people) who drank alcohol, 19.5% (or 54.7 million people) who used a tobacco product and 14.3% (or 40.0 million people) who used an illicit drug. Among the 133.1 million current alcohol users, 60.0 million reported binge drinking in the past month. In 2021, marijuana was the most commonly used illicit drug with 52.5 million people reporting its use. An estimated 9.2 million people reported misuse of opioids with 8.7 million of these reporting misuse of prescription pain relievers and 1.1 million the use of heroin. The report further expresses a correlation between illicit drug use and mental illness by stating, “Among adults 18 or older in 2021, those with serious mental illness or any mental illness in the past year were more likely than those with no mental illness in the past year to be users of illicit drugs overall”.² Due to the impact of drug and alcohol use on the overall health and safety of our campus community, the institution has developed a drug and alcohol abuse prevention program.

Substance abuse not only disrupts the workplace but also endangers the lives of those on our campuses. The Drug-Free Schools and Communities Act Amendment of 1989 requires that students, faculty and staff be informed of the TTUHSC El Paso program designed to prevent the unlawful possession, use or distribution of alcohol and illegal drugs. The attached document outlines:

- Standards of conduct prohibiting the unlawful possession, use or distribution of illicit drugs and alcohol.
- Local, state and federal laws and sanctions related to illicit drugs and alcohol.
- The health risks associated with the use of illicit drugs and alcohol.
- Any drug or alcohol counseling, treatment, or other programs available to students and employees.
- Disciplinary sanctions on students, faculty and staff for violations of drug and alcohol standards of conduct.

Please remember to contact our Employee Assistance Program (EAP) or Office of Student Services and Student Engagement (SSSE) should you or a member of your family need assistance. As we begin the 2023 fall semester, I would like to thank you for your efforts to keep our campus safe and drug-free.

Richard Lange, M.D., M.B.A.
President, Texas Tech University Health Sciences Center El Paso Dean, Paul L. Foster
School of Medicine

¹ <https://www.samhsa.gov/data/sites/default/files/2022-12/2021NSDUHFFRHighlights092722.pdf>

² *ibid*

Introduction to the Drug-Free Schools and Campuses Act

The Drug-Free Schools and Campuses Regulation requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education (IHE) must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) certifies that it has adopted and implemented a drug prevention program that complies with the following requirement:

- Prepare a written policy on alcohol and other drugs
- Develop a process to distribute the policy to all TTUHSC El Paso faculty, staff and students
- Prepare a biennial review report on the effectiveness of its alcohol and other drug (AOD) programs and the consistency of policy enforcement
- Maintain all required documents on file and available to the US Department of Education upon request.

Compliance with the Drug-Free Schools and Campuses Act

TTUHSC El Paso is committed to the health and safety of its faculty, staff and students. Alcohol and drug abuse remains a significant problem in the United States, and TTUHSC El Paso is concerned about substance abuse on our campus. Substance abuse not only disrupts the workplace but also endangers the lives of those on our campuses.

The Drug-Free Schools and Communities Act Amendments of 1989 requires that students, faculty and staff be informed of the TTUHSC El Paso program designed to prevent the unlawful possession, use or distribution of alcohol and illegal drugs.

Policy and Annual Notification Process

TTUHSC El Paso adopted [HSCEP OP 10.03, Alcohol and Illegal Drugs](#), in compliance with the provisions of the Drug Free Schools and Communities Act Amendments. A committee designated by the TTUHSC El Paso president reviews the policy each even-numbered year. TTUHSC El Paso intends that this policy meet the requirements of the federal law while being part of a positive effort in alleviating alcohol abuse and other drug-related problems among members of the campus community. While disciplinary and legal sanctions are by nature a component of the policy, the primary emphasis in program implementation is on prevention, education, counseling, intervention and treatment.

In addition to HSCEP OP 10.03, Alcohol and Illegal Drugs, a drug and alcohol abuse prevention plan (DAAPP) has been generated. This DAAPP is a consolidated report of the institution's alcohol and other drug (AOD) policies and procedures and its awareness and abuse prevention efforts. The TTUHSC El Paso Office of the President to all faculty, staff and students distributes the DAAPP annually via email. The DAAPP provides recipients with information regarding:

- TTUHSC El Paso’s standards of conduct, including potential disciplinary sanctions
- Federal, state, and local AOD laws and campus policy regarding AOD
- Health risks associated with AOD use
- Current listing of available counseling, treatment and assistance programs.

Standards of Conduct

Alcohol and drug abuse remains a significant problem in the United States. In order to help combat this problem, the Drug-Free Schools and Communities Act Amendments of 1989 requires that institutions of higher education design a program to prevent the unlawful possession, use or distribution of alcohol and illegal drugs, and that they inform students, faculty and staff of the components of this program. The institution’s standards of conduct ([HSCEP OP 52.06](#)) have been developed and are enforced with the knowledge of the significant negative impacts that the abuse of alcohol and other drugs have on the campus community. TTUHSC El Paso strives to be a model health sciences institution and, in so doing, has standards of conduct that are focused on well-being at all levels of the organization.

State and federal laws regarding the possession, use, and sale of alcoholic beverages and illegal drugs are strictly enforced by the Texas Tech El Paso Police Department (TTEPPD). Violators are subject to criminal prosecution, fines, and imprisonment. All students, faculty, residents, and staff of TTUHSC El Paso are prohibited from the unlawful possession, use or distribution of alcohol and illicit drugs on any institutional property or at any of its sponsored activities. In addition to the criminal sanctions, violations of these standards of conduct may result in disciplinary sanctions up to and including expulsion or termination of employment. Specific sanctions are outlined in the institutional operating procedures and student handbooks referenced in this document.

Description of the Drug and Alcohol Abuse Prevention Program (DAAPP) Goals

TTUHSC El Paso is committed to the health and safety of its students and employees. With the goal of maintaining an effective program, the institution continues to:

- Ensure employee and student awareness of the DAAPP
- Improve AOD-related education and training
- Develop and implement strong and effective policies
- Provide various resources and assistance programs to employees and students
- Create a climate that discourages drug and alcohol use
- Measure effectiveness of the DAAPP.

The following targeted objectives will be used to assist in evaluating the program’s effectiveness:

- Ensure annual publication of the most current DAAPP to all students and employees, providing them the most up-to-date information and resources
- Evaluate percentage of compliance for new students completing the AOD-related training programs
- Evaluate AOD-related incidents to identify any trends which indicate a need to modify the program

- Evaluate the use of assistance programs and resources to determine their effectiveness and adequacy.

On a biennial basis, this DAAPP will be formally reviewed through the Institutional Compliance Committee (ICC) to measure the effectiveness of the program and the achievement of its broad goals and targeted objectives. This review will assess these program goals and allow the ICC to make any recommendations for improvement to the president.

Programs Addressing Alcohol and Other Drug (AOD) Use and Abuse

The TTUHSC El Paso president, faculty, staff and students provide input in campus programs directed at alcohol and other substance abuse. A wide range of expertise can be found on the campus in health care professionals, health care educators, licensed counselors, security personnel, students, administrative personnel and other leaders. The following programs and procedures are designed to address the use and abuse of alcohol and other drugs.

The Employee Assistance Program (EAP) provides a staff of trained professionals that are committed to providing quality counseling and assistance for individuals, couples, families, and work groups. Confidential counseling sessions are available at no cost to the individual. The EAP can be reached at 915-215-6255 during normal business hours. A recorded message provides callers with emergency contact numbers outside of normal business hours.

The following policies provide further guidance on the EAP:

- [HSCEP OP 70.38, Employee Assistance Program](#) outlines the procedures governing the use of and referral to the EAP
- [HSCEP OP 10.03, Alcohol and Illegal Drugs](#) is required to be reviewed by all new employees and their supervisors. This policy also includes information regarding how to contact the EAP.

TTUHSC El Paso Campus Events: All TTUHSC El Paso sponsored events where alcohol will be available must have the TTUHSC El Paso president's approval prior to the event.

TTUHSC El Paso Physician's Wellness Committee: The TTUHSC El Paso Physician's Wellness Committee is a medical peer review committee to assist physicians, house staff and medical students with physical impairments, chemical or substance abuse problems or mental and emotional difficulties that may affect clinical skill and/or judgment.

Office of Student Services and Student Engagement: The TTUHSC El Paso Office of Student Services and Student Engagement (SSSE) leads an institution-wide effort focused on non-academic matters affecting student life, student success and student learning. ([SSSE homepage](#)) Services are provided to all levels of students. Distance learning students access resources via online options, phone call communication and established connections in the community in which the student resides. Under SSSE, the Student Counseling Services are available to students and dependents through a variety of local contracted providers trained in addressing all types of problems including alcohol and drug abuse. ([Student Counseling Services webpage](#))

EVERFI Training Modules: The EVERFI Training program is provided to all new students matriculating at TTUHSC El Paso. The online modules are assigned in the first semester and students are given a month to complete them. These training modules include:

- Sexual Assault Prevention for Undergraduate and Graduate Students
- Alcohol Education for College
- Higher Education Prescription Drug Abuse Prevention

Academic Success and Accessibility Office: The TTUHSC El Paso Academic Success and Accessibility Office is committed to providing equitable access to learning opportunities for all students with documented disabilities (e.g., mental health, attentional, learning, chronic health, sensory or physical). This office can assist with locating resources to address alcohol and drug-related issues. (<https://elpaso.ttuhsoc.edu/studentsservices/office-of-academic-and-disability-support-services/default.aspx>)

Self-Reporting: Physicians and/or House Staff are also encouraged to self-report and shall have an opportunity to voluntarily relinquish duties and privileges that cannot be performed safely and cooperate in the development of activity restrictions which may be imposed. This policy does not preclude a physician or medical resident from self-reporting to the Texas Medical Board (TMB) to obtain a protective board order or obtain support through the EAP services.

House Staff Association: The House Staff Association (HSA) is an independent organization managed by TTUHSC El Paso residents and fellows. It provides an open forum that allows residents and fellows to communicate and exchange information on their educational and work environment. It promotes the well-being, interests and education of the house staff.

Smoke Free Campus: TTUHSC El Paso prohibits tobacco use in any TTUHSC El Paso facility or on the grounds of any TTUHSC El Paso facility to include leased facility/space. The TTUHSC El Paso Tobacco Intervention Program assists those individuals who wish to stop using tobacco products.

Ethics Point: In recognizing Texas Tech University System's obligation to students and employees to maintain the highest ethical standards, TTUHSC El Paso has established EthicsPoint as a confidential reporting hotline. Reports submitted online through EthicsPoint (ethicspoint.com) are forwarded to university officials for prompt and appropriate action. Reports can also be submitted by calling 1-866-294-9352. The Texas Whistleblower Act protects anyone who, in good faith, reports unlawful activity from retaliation for making such a report.

AOD Statistics

Clery Act Crime Statistics: In accordance with the Clery Act, the institution reports the number of referrals for students and employees for drug, alcohol, or weapons related violations. The following table is from the 2023 Clery Annual Security Report.

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO 5001 El Paso Dr. El Paso, TX 79905													
ARREST & REFERRALS FOR DISCIPLINARY ACTION													
Crime Classification	Year	On - Campus		Noncampus Property	Public Property	Total	Crime Classification	Year	On - Campus		Noncampus Property	Public Property	Total
		On-Campus Student Housing	On-Campus Total						On-Campus Student Housing	On-Campus Total			
Arrest						Disciplinary Referrals							
Liquor Law Arrests						Liquor Law Violations Referred for Disciplinary Action							
	2022	N/A	0	0	0	0		2022	N/A	0	0	0	0
	2021	N/A	0	0	0	0		2021	N/A	0	0	0	0
	2020	N/A	0	0	0	0		2020	N/A	0	0	0	0
Drug Law Arrests						Drug Law Violations Referred for Disciplinary Action							
	2022	N/A	0	0	0	0		2022	N/A	0	0	0	0
	2021	N/A	0	0	2	2		2021	N/A	0	0	0	0
	2020	N/A	2	0	2	4		2020	N/A	0	0	0	0
Weapons Law Arrests						Weapons Law Referred for Disciplinary Action							
	2022	N/A	0	0	0	0		2022	N/A	0	0	0	0
	2021	N/A	0	0	0	0		2021	N/A	0	0	0	0
	2020	N/A	0	0	0	0		2020	N/A	0	0	0	0

Human Resources EAP Cases for Alcohol or Chemical Dependency: These statistics are reported anonymously from the University EAP provider. Services to staff, faculty, students and family are a free benefit of the EAP. In the previous two years, there have been no reported referrals to the EAP provider for AOD-related issues.

Report to EAP	Fiscal Year	Incidents	Action Taken
Inpatient/Outpatient Substance Abuse	2021	0	NA
Inpatient/Outpatient Substance Abuse	2022	0	NA

2022 Wellness Assessment:

In 2022, the student wellness assessment questionnaire response rate was 6.9%. Out of the respondents 23% indicated that they have participated in binge drinking once a month and 26% indicated that they “sometimes,” “often,” or “always” use substances to help manage stress. The low response rate does not provide a statistical measure to indicate that these behaviors are representative of the student population as a whole. Though the sample was small, the statistics do provide an impetus to continue the AOD-focused awareness and prevention programs.

Health Risks Associated with Drug and Alcohol Abuse

Every drug is a potential poison with distinct medical hazards. When drugs are incorrectly taken into the body, consumed in the incorrect amount or taken in combination with other substances, the user is at serious risk.

Abuse of alcohol and the use of illicit drugs can result in a wide range of health problems, including seizures, heart problems, liver diseases, chronic brain dysfunctions, infections and other diseases, many of which can result in death. Substance abuse can also cause addiction, memory loss, hallucinations and paranoia.

The emotional consequences of alcohol and drug use are often minimized. Their use can cause personality changes that contribute to problems in dealing with family and co-workers. These changes may seriously impair a person and can lead to psychological problems and mental illness. Substance abuse can also disrupt job effectiveness, reduce motivation, create legal and financial problems, and contribute to social dysfunction.

According to the CDC, more than a million people have died since 1999 from drug overdose with 106,699 of those occurring in 2021³. The CDC also reported that polysubstance overdose deaths are increasing. Specifically noted was the “significant increase in overdose deaths involving synthetic opioids that also involved prescription opioids, heroin and other illicit or prescription drugs. Among synthetic opioid-involved overdose deaths, almost 80% involved another drug or alcohol.”⁴

By knowing the consequences of alcohol and drug use, one can avoid alcohol and drug-related problems. Alcohol and other drug use is a key factor in many accidents and injuries and is frequently a primary cause of poor quality coursework and job performance. A brief overview of the health risks for each drug class is provided below:

Alcohol

(Beer, Wine, Ethanol, Distilled Liquor)—Loss of concentration; impaired judgment and vision; slowed reflexes; disorientation leading to higher risk of accidents and problem behavior; lowered inhibition; risk of liver and heart damage, malnutrition, toxic psychosis, cancer and other illnesses; can be highly addictive to some persons. Over consumption can lead to coma and possible death.

Stimulants

(Amphetamine, Cocaine, Crack, Ecstasy, Ecstasy, Methylphenidate, Phenmetrazine, Ritalin, Methamphetamine)—Can cause rushed, careless behavior, pushing beyond your physical capacity leading to exhaustion; tolerance increases rapidly; causes physical and psychological dependence; withdrawal can result in depression and suicide; continued high doses can cause heart problems, infections, malnutrition. Over consumption can lead to loss of brain function and sudden death.

³ <https://www.cdc.gov/drugoverdose/deaths/index.html>

⁴ <https://www.cdc.gov/drugoverdose/deaths/other-drugs.html>

Depressants

(Barbiturates, GHB, Benzodiazepines, Rohypnol, Xanax, Liquid Ecstasy, Methaqualone, Flunitrazepam, Ketamine, Special K)—Tolerance increases rapidly; produces physical and psychological dependence; causes reduced reaction time, and confusion; overdoses can cause coma, respiratory arrest, convulsions, and death; withdrawal can be dangerous; in combination with other controlled substances can quickly cause coma and death.

Hallucinogens

(PCP, LSD, Ecstasy, Acid, Angel Dust, Ecstasy, Mushrooms, Peyote, Mescaline, Psilocybin, Phencyclidine)—Causes extreme distortions of what is seen and heard; induces sudden changes in behavior; loss of concentration and memory; increases risk of birth defects in user's children; overdose can cause psychosis, convulsions, coma and death. Frequent use can cause permanent loss of mental function.

Inhalants

(Aerosol sprays, gases, solvents, nitrites, whippets, poppers, snappers)—Causes confusion; nausea; slurred speech; euphoria; delusions; headaches; heart failure; seizures; coma; and death.

Narcotics

(Heroin, Morphine, Opium, Codeine, Oxycodone, Methadone, Fentanyl, Vicodin, Carfentanil) - Tolerance increases rapidly; causes physical and psychological dependence; overdose can cause coma, convulsions, respiratory arrest, and death; leads to malnutrition; infection and hepatitis; sharing needles is a leading cause of the spread of HIV and hepatitis; highly addictive.

Cannabis

(Hash Oil, Hashish, Grass, Marijuana, Pot, Weed)—Causes permanent damage to lungs, reproductive organs and brain function; slows reflexes; increases forgetfulness; alters judgment of space and distance.

Synthetic Cannabinoids

(K2/Spice, Smack, Kush, Kronik, Black Mamba)—Causes delusions, elevated mood; relaxation; altered perception; extreme anxiety; confusion; paranoia; hallucinations; rapid heart rate; suicidal thoughts; brain damage which may result in death.

Synthetic Cathinones

(Bath Salts, Flakka, Bloom, Cloud Nine, White Lightning, Lunar Wave, Vanilla Sky,

Scarface)— Causes paranoia; hallucinations; panic attacks; excited delirium (agitation and violent behavior); dehydration, kidney failure; brain damage; and death.

Tobacco

(Chewing/Smokeless Tobacco, Cigarettes, Cigars, Nicotine, E-Cigs)— Causes lung cancer; chronic bronchitis; emphysema; heart disease; and stroke.

Notes:

- Alcohol and other drug use during pregnancy increases risk of physical harm to fetus.
- Additional risks of harm may occur from toxic impurities present in street drugs.
- Additional risks of harm may occur from the use of prescription drugs in ways other than prescribed.
- Drugs taken by injection can increase the risk of infection (e.g., HIV, hepatitis, etc.) through needle contamination.

Further information on health risks can be found in the TTUHSC El Paso Office of Student Services and Student Engagement.

How to Reduce Alcohol Related Risks

If you choose to drink alcohol, there are many ways that you can reduce your risk of experiencing some of the not-so-fun things often associated with drinking.

- *Eat Before And While You Drink:* Having food in your stomach makes the alcohol absorb more slowly into the bloodstream. Foods high in fat and protein are best to eat because they take a long time to digest.
- *Use The Buddy System:* Always stick with a friend; they don't leave you, and you don't leave your friend.
- *Pace Your Drinks:* To avoid drinking too quickly, try alternating an alcoholic beverage with water, talk with friends, go to the dance floor, or play pool or darts between drinks.
- *Beware Of Unfamiliar Drinks:* Pay attention to what you are drinking and how much alcohol is in it.
- *Plan For A Sober Ride Home:* Before you go out, plan how you will be getting home at the end of the night safely. Find a designated driver, walk with a group or take public transit.
- *Know The Warning Signs Of Alcohol Poisoning:* The signs of alcohol poisoning are unconsciousness, cold/clammy skin, vomiting, seizures, slow breathing, and pale/blue/ashen skin color. If you see any of these signs, seek medical attention ASAP.

- *Be Aware Of How Drugs Interact:* Educate yourself on potentially negative interactions of over-the-counter drugs, prescription medications and recreational drugs before you mix them with alcohol or other drugs.
- *Consent:* Understand that consent cannot be given if either party has been drinking alcohol or consuming other drugs.
- *Medical Conditions:* If you have medical conditions, be sure to tell friends, wear a medical alert or keep a note of them in your phone.

Counseling, Treatment, and Assistance Programs

TTUHSC El Paso supports the availability of various programs to assist students, faculty and employees in order to maintain a drug-free campus and workplace.

Student Counseling Services

Student Counseling Services available to TTUHSC El Paso students and dependents are offered through a variety of local contracted providers. These services, provided through payment of the Student Services Fee, enhance wellness by providing students the opportunity to manage life's problems before they become serious and impair academic and professional performance.

(A listing of current student counseling service providers is found at <https://el Paso.ttuhsc.edu/el Paso/student services/SCS.aspx>.)

These services include:

- Short-term counseling sessions (individual, couple, and family counseling)
- Providers in El Paso and via telepsychiatry so that you can choose the right provider for you and make your own appointment.
- A confidential Student Support Center that offers weekday walk-in or scheduled counseling.

Students initiate service by contacting providers directly and identifying as a TTUHSC El Paso student or family member. More information about these services can be found at <https://el Paso.ttuhsc.edu/student services/>, by calling 915-215-4370 or stopping by the Student Services and Student Engagement office located in Medical Sciences Building II in Room 2C201. The Student Support Center can be reached at 915-215-TALK (8255). This is not a 24-hour crisis line. For 24-hour emergency support, contact the Emergence Health Network at 915-779-1800.

Staff/Resident/Faculty Assistance

The EAP manages the alcohol and drug abuse rehabilitation program for TTUHSC El Paso employees, residents and faculty. The EAP is intended for situations when an employee

experiences problems that are beyond their ability to manage, and the problems affect performance or behavior on the job. Utilization of the EAP is voluntary on the employee's part; however, the employee is encouraged to seek assistance before job performance is severely impacted.

Employees may seek assistance through their supervisor, the Human Resources Department, or by contacting the EAP directly at 915-215-6255.

National Hotline Numbers

1-800-NCA-CALL (1-800-622-2255) - National Council on Alcoholism and Drug Dependence, <https://ncadd.us/>

1-877-SAMHSA-7 (1-877-726-4727) - Substance Abuse and Mental Health Services Administration <http://www.samhsa.gov>

Institutional Sanctions for Violations of Drug and Alcohol Policies

As indicated in HSCEP OP 10.03, penalties for violations of the institution's drug and alcohol policies range from mandatory participation in a TTUHSC El Paso approved drug and alcohol abuse counseling and rehabilitation program to dismissal from TTUHSC El Paso. The procedures for addressing infractions of the AOD-related policies depend on whether the offender is designated as faculty, staff, resident or student.

- Faculty: The supervisor (usually the department chair) shall initially recommend to the Dean, and thereafter to the President, an appropriate sanction. When termination is recommended, the faculty member may appeal under [HSCEP OP 60.01](#), Tenure and Promotion Policy.
- Staff: Procedures outlined in HSCEP OP [70.01](#), [70.31](#) and [70.38](#) shall be followed.
- Resident: The procedures to be followed are those specified in TTUHSC El Paso School of Medicine [GME House Staff Policies and Procedures](#).
- Student: The procedures to be followed are those specified in the [TTUHSC El Paso Student Handbook/Code of Professional & Academic Conduct](#) and the school's handbook in which the student is enrolled. If the student in violation of this policy is also an employee of TTUHSC El Paso, sanctions may include termination.

In addition to any sanction for violation of the AOD related policies, TTUHSC El Paso may also refer any evidence of illegal activities by any employee, resident or student to the proper authorities for review and potential prosecution. In all cases, due process is afforded.

Federal, State, and Local Laws Regulating Alcohol and Drug Use

These sanctions are based on federal requirements in 21 U.S.C. §§841, 844, 844a & 859. Federal regulations prohibit possession and distribution of alcohol and illegal drugs and provide for penalties of imprisonment and fines. Specific language of the regulations can be obtained from the Human Resources Office, the GME Office, or the Office of Student Services and Student Engagement during regular office hours.

Offense and Penalties under Federal Law

Possession of drugs (including marijuana)

- **Minimum:** A fine of not less than \$1,000 and/or imprisonment for up to one year
- **Maximum:** A fine of not less than \$10,000 plus costs of investigation and prosecution, and imprisonment for not more than three years

Manufacture, distribution, or dispensing of drugs (including marijuana- first offense)

- **Minimum:** A fine of \$250,000 and/or imprisonment for up to five years
- **Maximum:** A fine not to exceed \$10,000,000 for an individual (or \$50,000,000 if other than an individual) and imprisonment for life without release (no eligibility for parole)
- Persons who violate federal drug trafficking laws within 1,000 feet of a university may face penalties or prison terms and fines up to twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

Offense and Penalties Under Texas Law

The Implied Consent Law in Texas—In Texas, any person who receives a driver's license automatically consents to a chemical test of their blood, breath, or urine to determine blood alcohol content or the presence of drugs. If an individual refuses such a test, his/her driver's license will be confiscated. Thereafter the individual will be issued a temporary driver's license until a court hearing is held. During the hearing, and if applicable, one's test refusal will be used against him/her, and the court may rule to suspend the individual's driver's license.

- The ***legal age*** in Texas for the purchase or consumption of alcoholic beverages is 21.
- The ***legal limit*** for intoxication in Texas is a 0.08 Blood Alcohol Concentration (BAC).
- Any ***detectable amount*** of alcohol is a violation for minors.
- It is ***illegal to furnish or serve*** alcoholic beverages to any person under the age of 21.

Texas sanctions include those referenced in Health and Safety Code, §§481.115-122; 481.125; 481.129. Sanctions for illegal use or possession of alcohol are found in the Texas Alcohol Beverage Code, §§106.06 and 106.07, and the Texas Penal Code, Chapter 49. Furthermore, the abuse of a controlled substance or alcohol, which results in impaired behavior, can result in charges of:

1. Driving while intoxicated;
2. Public intoxication; and/or
3. Disorderly conduct.

Driving While Intoxicated—In Texas, a conviction for Driving While Intoxicated can have three potential punishments:

DWI	Driver’s License Suspended	Fine	Jail Time	Annual Fee to Maintain a License for 3 years
First Offense: Class B	Up to 1 year	Up to \$2,000	3 days to 180 days	\$1,000 - \$2,000
Second Offense: Class A	Up to 2 years	Up to \$4,000	1 month to 1 year	\$1,000 - \$2,000
Third Offense: State Jail Felony	Up to 2 years	Up to \$10,000	2 to 10 years in state penitentiary	\$1,000 - \$2,000

Note: Class B misdemeanor is upgraded to Class A if the blood alcohol concentration is 0.15% or more

Public Intoxication—A person commits public intoxication if the individual appears in a public place while intoxicated to the degree that the person may endanger the person or another.

Public Intoxication Punishment for Those 21 Years of Age or Older:

Texas Penal Code Section 49.02 (c) provides that public intoxication in Texas is a Class C Misdemeanor. Class C Misdemeanors in Texas are punishable by a fine not to exceed \$500. However, having two prior public intoxication convictions makes the third public intoxication enhanceable to a Class B Misdemeanor that carries potential jail time of up to 180 days and a fine up to \$2,000.

A conviction for public intoxication may appear on a criminal background record that may affect one's eligibility for admission to an educational program or being hired for a job.

Public Intoxication Punishment for Those Under 21 Years of Age:

1. If a minor has two previous convictions for public intoxication, a third conviction can be enhanced to a Class B Misdemeanor, which carries potential jail time of up to 180 days and a fine up to \$2,000.
2. A first-time conviction for public intoxication can result in the suspension of driver’s license, driver’s learning permit, or the denial of the issuance of a driver’s license or learning permit.
3. A minor convicted for a first time public intoxication faces a fine of not to exceed \$500.
4. A minor faces mandatory community service and an alcohol education course or program.

Disorderly Conduct—Under Texas disorderly conduct laws, the charge can be levied against an individual who does any of the following in a public place:

1. Makes an offensive gesture likely to start an altercation.
2. Makes a “noxious and unreasonable odor” with the use of chemicals.
3. Uses “abusive, indecent, profane, or vulgar language,” (i.e., words likely to cause an altercation).
4. Makes unreasonable noise in public or near a private residence (not one's own).
5. Fights with another person.
6. Abuses or threatens another.
7. Displays or fires a gun with the intent of scaring others.
8. Exposes one's genitals or anus with disregard to others.
9. Peeps into homes, hotel rooms, or other private areas.

In general, if convicted, an individual could face a **\$500 fine** for a disorderly conduct charge. However, if the offense involves a firearm or other deadly weapon, the penalty is increased to up to 180 days in jail and fines reaching \$2,000.

Texas Drug Law

The penalties for possession of a controlled substance are set out in the Texas Health and Safety Code and vary based on the type and amount of the controlled substance. The Texas Health and Safety Code classifies controlled substances into five penalty groups:

Penalty Group 1: Cocaine, Heroin, Methamphetamine, Codeine, Oxycodone, Hydrocodone, Rohypnol and GHB		
Weight	Charge	Range of Punishment
Less than one gram	State Jail Felony	180 days to 2 years in state jail and a fine not to exceed \$10,000
1 gram or more, but less than 4 grams	Third-degree Felony	2 to 10 years in a state prison and a fine not to exceed \$10,000
4 grams or more, but less than 200 grams	Second-degree Felony	2 to 20 years in a state prison and a fine not to exceed \$10,000
200 grams or more, but less than 400 grams	First-degree Felony	5 to 99 years or life in a state prison and a fine not to exceed \$10,000
400 grams or more	Enhanced First-degree Felony	10 to 99 years or life in a state prison and a fine up to \$100,000

Penalty Group 1A: LSD		
Units	Charge	Range of Punishment
Fewer than 20 units	State Jail Felony	180 days to 2 years in state jail and a fine not to exceed \$10,000
20 units or more, but less than 80 units	Third-degree Felony	2 to 10 years in a state prison and a fine not to exceed \$10,000
80 units or more, but less than 4,000 units	Second-degree Felony	2 to 20 years in a state prison and a fine not to exceed \$10,000
4,000 units or more, but less than 8,000 units	First-degree Felony	5 to 99 years or life in a state prison and a fine not to exceed \$10,000
8,000 units or more	Enhanced First-degree Felony	15 to 99 years or life in a state prison and a fine up to \$250,000

Penalty Group 2: Ecstasy, Amphetamines, Mushrooms, PCP and Mescaline		
Weight	Charge	Range of Punishment
Less than one gram	State Jail Felony	180 days to 2 years in state jail and a fine not to exceed \$10,000
More than 1 gram, but less than 4 grams	Third-degree Felony	2 to 10 years in a state prison and a fine not to exceed \$10,000
More than 4 grams, but less than 400 grams	Second-degree Felony	2 to 20 years in a state prison and a fine not to exceed \$10,000
400 grams or more	Enhanced First-degree Felony	5 to 99 years or life in a state prison and a fine not to exceed \$50,000

Penalty Group 3: Valium, Xanax and Ritalin		
Weight	Charge	Range of Punishment
Less than 28 grams	Class A Misdemeanor	Up to 1 year in county jail and a fine not to exceed \$4,000
28 grams or more, but less than 200 grams	Third-degree Felony	2 to 10 years in a state prison and a fine not to exceed \$10,000
200 grams or more, but less than 400 grams	Second-degree Felony	2 to 20 years in a state prison and a fine not to exceed \$10,000
400 grams or more	Enhanced First-degree Felony	5 to 99 years or life in a state prison and a fine not to exceed \$50,000

Penalty Group 4: Compounds containing Dionine, Motofen, Buprenorphone or Provalerone		
Weight	Charge	Range of Punishment
Less than 28 grams	Class B Misdemeanor	Up to 180 days in county jail and a fine not to exceed \$2,000
28 grams or more, but less than 200 grams	Third-degree Felony	2 to 10 years in a state prison and a fine not to exceed \$10,000
200 grams or more, but less than 400 grams	Second-degree Felony	2 to 20 years in a state prison and a fine not to exceed \$10,000
400 grams or more	Enhanced First-degree Felony	5 to 99 years or life in a state prison and a fine not to exceed \$50,000

Additional penalties may include the suspension of driver's license or the possibility for seizure and forfeiture of any property that was used or was to be used in the commission of a drug crime

Institutional Operating Policies and Other Resources on AOD Use and Abuse

[HSCEP OP 10.03, Alcohol and Illegal Drugs Policy](#)

[HSCEP OP 10:19, Smoke, Tobacco and E-cigarette Free Environment Policy](#)

[HSCEP OP 70.39, Drug Free Workplace Policy](#)

[HSCEP OP 70.41, Drug and Alcohol Testing for Safety Sensitive Positions Requiring a CDL](#)

[HSCEP OP 72.16, Official Functions, Business Meetings, and Entertainment](#)

[HSCEP OP 77.15, Working with Affiliate Entities- Student Drug Screenings](#)

[PLFSOM Impaired Medical Student Policy](#)

[TTUHSCEP GSBS Faculty Bylaws](#)

[TTUHSCEP SDM Faculty Bylaws](#)

[TTUHSCEP SOM Faculty Handbook](#)

[TTUHSCEP SOM House Staff Bylaws](#)

[TTUHSCEP SON Faculty Handbook](#)

[TTUHSCEP Institutional Student Handbook: Code of Professional and Academic Conduct](#)

[TTUHSCEP Office of Student Services and Student Engagement, Student Counseling Services](#)