

Maintaining a Drug-Free Campus at UTMB

2009–2010



and its associated clinics



When an individual becomes dependent on drugs or alcohol, the effects can be devastating and widespread. Physical and mental health is damaged. Relationships with family, friends and colleagues suffer. Quality of work diminishes. The toll exacted by substance abuse is indeed heavy—and avoidable.

As a major academic health science center, UTMB must operate in a way consistent with the trust society has placed in us. With this trust comes certain responsibilities and obligations. Among these is the obligation to function in an unimpaired manner and to maintain a professional environment free from the influence of drugs and alcohol. As part of this, every member of the UTMB family must recognize and remedy substance abuse problems in ourselves, and we must do all that we can to help others do the same, whether the other person is a student, colleague or patient.

This publication can help in that regard. It provides information on the most commonly abused drugs, discusses consequences of that abuse, and outlines the university, state and federal penalties for such abuse. More importantly, the brochure tells you where to turn for help if you or someone you know is dependent on drugs or alcohol.

On-campus Resource Reference Guide

Name of Service Provider	Services Provided	Population Served
<p>Employee Assistance Program 1st Floor, Bethel Hall (409) 772-2485 (888) 870-8553</p>	<p>Free and confidential assessment, brief counseling, education and referral services. Available by telephone 24 hours a day.</p>	<p>All employees and their dependents, including fellows, residents, interns and retirees</p>
<p>School of Health Professions Counseling and Student Services Room 2.202, SHP/SON Building (409) 772-3030</p>	<p>Free and confidential short-term counseling, education and referral services.</p>	<p>Students in the School of Allied Health Sciences</p>
<p>Student Wellness 6th floor UHC University Hospital Clinics Building (409) 772-1215 Press 2 for Student Wellness & then press 1 to talk with staff.</p>	<p>Free and confidential assessment, short-term counseling, education and referral services. After hours, call the UTMB Access Center at (409) 772-2222 or (800) 917-8906.</p>	<p>Students from all four schools</p>
<p>Ellarene Duis Sanders, RN, PhD, NEA-BC Liaison Texas Peer Assistance Program for Nurses (TPAPN) (409) 772-8390 Pager (409) 645-8258 Mon.–Fri., 11a.m.–7p.m.</p>	<p>Resource for nursing referrals.</p>	<p>Student nurses, nursing faculty, nurses and nursing management</p>
<p>Alcohol and Substance Abuse Awareness and Prevention Project 6th floor UHC University Hospital Clinics Building (409) 772-1215 Press 2 for Student Wellness & then press 1 to talk with staff.</p>	<p>Free and confidential individual assessment, information, treatment referral resources and short-term counseling.</p>	<p>Students from all four schools</p>

On-campus Rehabilitation and Counseling Services

Substance abuse and dependence are treatable conditions. The University of Texas Medical Branch offers employees and students a variety of rehabilitation and counseling services aimed at ending abuse. Employees and students are encouraged to seek help voluntarily at the earliest available opportunity.

UTMB employees and students are held accountable for their own conduct. While the university favors advocacy over disciplinary procedures, impaired employees and students who fail to take responsibility for their own actions and who do not voluntarily seek help may be subject to disciplinary action. Members of the UTMB community are also subject to all of the University of Texas System institutional rules, regulations and professional codes of conduct, as well as all local, state and federal laws. Those who fail to comply are subject to disciplinary action deemed appropriate by the university.

Students

Student Wellness and the Alcohol and Substance Abuse Awareness and Prevention Project promote an institutional environment in which health care professionals-in-training can learn to cope with stress and anxiety without mind-altering substances. This environment is fostered through education, prevention and confidential referral programs. For information, contact Student Wellness at (409) 747-9320.

Student Wellness and the Alcohol and Substance Abuse Awareness and Prevention Project also offer free and confidential assessment, brief counseling and referral services for students and their immediate family members. These services are provided for the various personal situations and problems that may affect academic performance and quality of life. The Alcohol and Substance Abuse Awareness and Prevention Project is a resource for information, assessment, short-term counseling and treatment referral resources for those with personal or family concerns about alcohol or other drug use or abuse. Call (409) 747-9320 for contact information. After hours, call the UTMB Access Center at (800) 917-8906.

Employees, Retirees, Faculty, Fellows and Residents

The Employee Assistance Program (EAP), a division of Human Resources, offers free and confidential assessment, brief counseling and referral services for all UTMB employees, their dependents and significant others experiencing a variety of personal problems that affect the quality of their lives or the quality of their jobs. EAP also provides voluntary rehabilitation agreements for faculty, residents, employees and fellows in recovery from drug or alcohol problems.

EAP has two videos titled “Drug Free Workplace” and “DOT (Department of Transportation) Update” for departmental use. The videos are more helpful when used in conjunction with a class. “Drug Free Workplace” is applicable to all departments and is 18 minutes long, “DOT Update” is 15 minutes and is applicable to Department of Transportation workers. EAP offers a class to supervisors called “Supervisor Training: Recognizing and Helping Troubled Employees” once a year and by request.

Call (409) 772-2485 to set an appointment or for information. EAP offices are in room 1.112 of Bethel Hall. An EAP counselor is also available 24 hours a day by pager and telephone through the EAP office telephone number, (409) 772-2485 or (888) 870-8553, or through the hospital operator, (409) 772-1011.

Visit our web site at <http://hr.utmb.edu/hrweb/eap.htm>

Additional Referral Sources in the Galveston Area

ADA Women’s Center

Residential treatment for women
(409) 763-5516

AIDS Helpline for Health Professionals

(800) 548-4659

Alanon and Alateen

(for family members)
(800) 356-9996; www.al-anon.org

Alcoholics Anonymous (AA)

Source of AA meetings on Galveston Island
(409) 765-1737 for meetings on the UTMB campus; (800) 464-4687; www.recovery.org/aa

Alcoholics Anonymous Houston Inter-group

Source of AA meetings throughout Texas
(713) 686-6300

Bay Area Council on Drugs & Alcohol, Inc.

A referral resource
(800) 510-3111

Christus New Horizons

Residential treatment for men and women
(409) 765-1479

Gulf Coast Substance Abuse Recovery Center and Signal for Sobriety

Screening and referral for residential treatment and outpatient treatment on a sliding scale fee basis
(409) 944-4337

Narcotics Anonymous

Source of NA meetings on Galveston Island
(800) 246-4800; www.wsoinc.com

Pathway to Recovery

Residential treatment for men La Marque, Texas
(409) 938-7736

Health Risks Associated with the Abuse of Alcohol and Other Drugs

Creating an environment free of alcohol, tobacco and illegal drugs is a difficult task for any employer. Many people may turn to alcohol and other drugs in an attempt to handle the daily stresses arising at home and work. At the University of Texas Medical Branch, we are well aware not only of the good that can result from the proper use of prescribed medications, but also of the devastation that can occur from the misuse of alcohol and other drugs.



Alcohol

Alcoholism is the most common type of drug impairment. Dramatic personality and behavioral changes, slowing of reaction time, impaired coordination and motor activity, impairment of rational thinking, and an increase in risk-taking behaviors are only a few of the hazards associated with the abuse of alcohol. Chronic misuse of this drug can also result in severe and irreversible damage to the brain, nerves, liver, pancreas, bone marrow, heart, reproductive organs and muscles, as well as death.

Prescription Drug Abuse

Drug addiction can occur at any stage of a person's life. Prescription drug abuse and prescription dependence are common occurrences with narcotics, tranquilizers, sedatives and stimulants. The profile of an individual with a prescription drug addiction may include: ready access to drugs, chronic pain or multiple injuries over time requiring a continuous supply of drugs, asking others for their leftover prescriptions, often taking family members' prescriptions, and the use of multiple physicians and pharmacies to cover up the amount and frequency of prescription drug use. People with prescription drug abuse problems or prescription drug addiction rarely associate with other addicts, are not able to recognize themselves as having a problem and are difficult to identify. Denial is often centered around the fact that a legal drug is being used. However, with appropriate treatment and follow-up, and the use of a primary care provider for health care and for medications, prognosis is good.

Cocaine

(crack, snow, coke, bump)

This stimulant is swift in its destruction. Users may progress from infrequent use to dependence within a matter of weeks or months. Not infrequently, smokers of the crack form of cocaine become severely psychologically dependent after use. Death from cardiac arrest is a genuine danger after overdose. Prolonged use can result in hallucinations; sexual dysfunction; psychotic, delusional behavior; and memory loss.

Amphetamines

(speed, uppers, black mollies, ice)

Use of these dangerous drugs starts slowly but progresses at a rapid pace, as with cocaine. Incoherent speech, bizarre psychotic behavior and hallucinations are the result of severe amphetamine intoxication.

Opiates and Heroin

(horse, smack, china white, junk)

These drugs cause rapid addiction in many people who use them repeatedly. Addiction can occur within 72 hours. The drugs can be smoked or taken intravenously or in pill form. Impaired judgment, slurred speech and drowsiness are apparent in users. During overdose, victims suffer coma, shock and impaired respiration that can result in respiratory arrest and death.

Hallucinogens

(LSD, ecstasy, angel dust, love drug, peyote, phencyclidine, PCP, mescaline)

This family of mind-altering, illegal drugs can cause distorted perceptions, bizarre mood swings and hallucinations. Suicide is not an uncommon outcome of prolonged use, and former users can experience “flashbacks” and periodic psychotic states.

Inhalants

(glue, gasoline, lacquers, poppers, correction fluid, plastic cement, naphtha, amyl nitrate)

Brain damage and hallucinations are the inevitable result of repeated sniffing of fumes from these substances, which can cause symptoms similar to those caused by alcohol, as well as sudden death. The largest group of inhalant abusers is adolescents.

Marijuana

(cannabis, grass, pot, maryjane, hashish, hash oil)

Smoking marijuana is thought to be harmless by many. However, repeated use can actually result in psychological dependence, disconnected ideas, impaired judgment and coordination, altered depth perception and a lost sense of time. Chronic smoking causes pharyngitis, sinusitis, bronchitis, asthma and amotivational syndrome (loss of energy, apathy, absence of ambition). The drug also exerts a harmful effect on learning and memory, and adolescent users may experience physiological development problems.

Rohypnol

(Mexican Valium, R-2, roach, rope, rophies, roofies, ruffies)

Adverse effects associated with the use of this drug, sometimes also called the “date-rape drug,” include decreased blood pressure, memory impairment, drowsiness, visual and gastrointestinal disturbances, dizziness, and confusion. The risk of dependence is greater for people with a history of alcohol and drug abuse.

Gamma Hydroxyl-Butrate

(GHB, liquid X, scoop, grievous body harm)

This liquid drug is like a roffie, but stronger. Sold originally as a steroid alternative to body builders, it causes states of euphoria and relaxation, but overdoses can lead to many physical symptoms and death. The drug was banned in 1990 by the Food and Drug Administration.

Health Alert

Intravenous drug users and those who practice “unsafe” sex should be aware of their increased risk of contracting human immunodeficiency virus (HIV), the cause of acquired immune deficiency syndrome (AIDS), as well as other sexually transmitted diseases. AIDS is spread through contact with contaminated body fluids exchanged through vaginal, oral or anal intercourse or the sharing of needles. Excessive use of alcohol and other drugs can lead to an increase in unplanned and unsafe sexual activity, which increases the risk of HIV infection.

Standards of Conduct

The following Standards of Conduct regarding the use of illegal drugs have been adopted by the University of Texas System and are applicable to all UTMB employees.

THE UNLAWFUL AND/OR UNAUTHORIZED POSSESSION, USE OR DISTRIBUTION OF ILLICIT DRUGS OR ALCOHOL IS PROHIBITED ON UTMB PROPERTY OR AS PART OF UTMB ACTIVITIES.

1. Series 50101, Art. 2, Sec. 2.1 of the Rules and Regulations of the Board of Regents of The University of Texas System (Regents’ Rules) provides that disciplinary action may be taken against any student who engages in conduct that violates the Regents’ Rules, UT System or UTMB rules and regulations, specific instructions issued by a UTMB or UT System administrative official acting in the course of his/her authorized duties, and/or state, federal or local laws, whether such conduct takes place on or off campus or whether civil or criminal penalties are imposed for such conduct.

Series 50101, Art. 2, Sec. 2.3 of the Regent’s Rules also provides that any student who is guilty of the illegal use, possession and/or sale of a drug or narcotic on the campus of a component institution is subject to discipline. If a student is found guilty of the illegal use, possession and/or sale of a drug or narcotic on the campus, the recommended penalty shall be suspension from the component institution for a specified period of time and/or suspension of rights and privileges.

2. Series 30103, Art. 2, Sec. 1 of the Regents’ Rules provides that the use of alcoholic beverages is prohibited on property and in buildings owned and controlled by UT System or UTMB, provided, however, that with the prior consent of the UTMB president, the foregoing provisions may be waived with respect to any specific affair which is sponsored by the University or UT System.

3. The University of Texas System *Policy on Drugs and Alcohol* and its *Policies and Procedures for Discipline and Dismissal of Employees*, and the UTMB Human Resources *Discipline and Dismissal Policy*, 3.10.1, (revised 1/25/06), define as employee misconduct, and therefore prohibit, bringing intoxicants or drugs onto the premises of UT System or UTMB and using intoxicants or drugs, having intoxicants or drugs in one's possession, or being under the influence of intoxicants or drugs on UT System or UTMB premises at any time. The unlawful use, possession or distribution of illegal drugs or alcohol, or engaging in conduct prohibited by UTMB policy regarding the manufacture, sale, possession, distribution or use of alcohol or illegal drugs will result in disciplinary action, up to and including termination of an employee's employment.
4. The Drug-Free Workplace Act of 1988 (*41 U.S.C.A. Sections 701-707*) provides that any employee who is found guilty (including a plea of "no contest") or has a sentence, fine or other penalty imposed by a court of competent jurisdiction under a criminal statute for an offense involving a controlled substance which occurred in the workplace, or in the course and scope of his/her employment, shall report such action to the Human Resources Office of Employee Relations within five (5) calendar days of the conviction.
5. Prescribed or over-the-counter medication warnings about impact on work performance must be heeded. A supervisor's advice and assistance may be necessary when job adjustments are required to ensure an employee's ability to perform assigned work in a safe manner because of the use of such medications.
6. Distribution to others of a drug or controlled substance obtained pursuant to a prescription, except by duly licensed and certified persons, while on duty or while in or on premises or property controlled by the university is prohibited.

UTMB Policy

Students

Penalties that may be imposed for conduct related to the unlawful use, possession or distribution of alcohol or drugs that are prohibited by state, federal or local law include disciplinary probation, payment for damage to or misappropriation of property, suspension of rights and privileges, suspension for a specified period of time, expulsion, or such other penalty as may be deemed appropriate under the circumstances. At the discretion of the university, a student may be required to participate in, and satisfactorily complete, an approved rehabilitation program as a condition of continued enrollment in a training program.

Residents, fellows, faculty and other employees

The unlawful use, possession or distribution of drugs or alcohol may result in a penalty of disciplinary probation, demotion, suspension without pay or termination of employment, depending upon the circumstances. At the discretion of the university, the employee may be referred to the Employee Assistance Program and/or may be required to participate in, and satisfactorily complete, an approved rehabilitation program as a condition of continued employment. Failure of any employee to notify the Human Resources Office of Employee Relations within five (5) calendar days of a conviction for an offense involving a controlled substance in the workplace will also result in discipline up to and including termination, or participation in and satisfactory completion of an approved rehabilitation program as a condition of continued employment.

Penalties under state law

I. Texas statutes

Offense	Minimum punishment	Maximum punishment
Manufacture or delivery of controlled substances (drugs)	Confinement in jail for a term of not more than 2 years, or less than 180 days, and a fine not to exceed \$10,000	Confinement in TDCJ for life or for a term of not more than 99 years nor less than 15 years, and a fine not to exceed \$250,000
Possession of controlled substances (drugs)	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000	Confinement in TDCJ for life or for a term of not more than 99 years nor less than 15 years, and a fine not to exceed \$250,000
Delivery of marijuana	Confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000 or both	Confinement in TDCJ for life or for a term of not more than 99 years nor less than 10 years, and a fine not to exceed \$100,000
Possession of marijuana	Confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000 or both	Confinement in TDCJ for life or for a term of not more than 99 years nor less than 5 years, and a fine not to exceed \$50,000
Driving while intoxicated (includes intoxication from alcohol, drugs or both)	Confinement in jail for a term of not more than 180 days nor less than 72 hours, and a fine of not more than \$2,000	Imprisonment for a term of not more than 10 years nor less than 2 years, and a fine not to exceed \$10,000
Public intoxication	A fine not to exceed \$500	Varies with age and number of offenses
Purchase of alcohol by a minor	A fine not to exceed \$500	Varies with age and number of offenses
Consumption or possession of alcohol by a minor	A fine not to exceed \$500	Varies with number of offenses
Purchase of alcohol for or furnishing of alcohol to a minor	A fine not to exceed \$4,000 or confinement in jail for a term not to exceed one year, or both	A fine not to exceed \$4,000 or confinement in jail for a term not to exceed one year, or both

Penalties under federal law

II. Federal statutes

Offense	Minimum punishment	Maximum punishment
Manufacture, distribution or dispensing of drugs (including marijuana)	A term of imprisonment for up to 3 years and a fine of \$250,000	A term of life imprisonment without release (no eligibility for parole) and a fine not to exceed \$8,000,000 for an individual (or \$20,000,000 if other than an individual)
Possession of drugs (including marijuana)	Imprisonment for not less than 15 days and a fine of not less than \$1,000	Imprisonment for not more than 20 years nor less than 5 years and a fine of not less than \$5,000 plus costs of investigation & prosecution
Operation of a Common Carrier under the influence of alcohol or drugs		Imprisonment for up to 15 years and a fine not to exceed \$250,000

The federal penalties quoted in these charts are based upon language contained in the applicable federal statutes creating criminal offenses regarding controlled substances and are subject to change at any time. However, there are additional factors in the federal sentencing guidelines, including various enhancement provisions for prior offenses.

Title 21 U.S.C. Section 860 provides that the federal statutory penalties double (and in some cases triple) when a controlled substance is distributed (or even possessed with intent to distribute) within 1,000 feet of a public university.

Texas Law

I. CRIMINAL PENALTIES:

A **Class C misdemeanor** is punishable by a fine not to exceed \$500.

(Texas Penal Code § 12.23)

A **Class B misdemeanor** is punishable by a fine not to exceed \$2,000; confinement in jail for a term not to exceed 180 days; or both fine and confinement.

(Texas Penal Code § 12.22)

A **Class A misdemeanor** is punishable by a fine not to exceed \$4,000; confinement in jail for a term not to exceed 1 year; or both fine and confinement. *(Texas Penal Code § 12.21)*

A **state jail felony** is punishable by confinement in a state jail for any term of not more than 2 years or less than 180 days and by a fine not to exceed \$10,000.

(Texas Penal Code § 12.35)

(Increased to a 3rd degree felony if a deadly weapon is used or exhibited or previously convicted of any felony)

A **3rd degree felony** is punishable by imprisonment for any term of not more than 10 years or less than 2 years and a fine not to exceed \$10,000.

(Texas Penal Code § 12.34)

A **2nd degree felony** is punishable by imprisonment for any term of not more than 20 years or less than 2 years and a fine not to exceed \$10,000.

(Texas Penal Code § 12.33)

A **1st degree felony** is punishable by imprisonment for life or for any term of not more than 99 years or less than 5 years and a fine not to exceed \$10,000.

(Texas Penal Code § 12.32)

The Texas Penal Code further provides for increased penalties for repeat and habitual felony offenders and misdemeanor offenders. Also, the punishment for an offense will be increased to that prescribed for the next highest category of offense in certain instances if controlled substances are used to commit the offense.

(Texas Penal Code § 12.42, 12.43 and 12.49)

II. OFFENSES:

A. Offense of manufacture or delivery of controlled substances

These offenses are set out in Sections 481.112, 481.1121, 481.113, and 481.114, Texas Health and Safety Code, which vary the offense and punishment based upon two factors: the type of drug (which schedule it is listed under) and the quantity of the drug involved in the offense. Section 481.032, Texas Health and Safety Code, contains long lists of drugs that are in schedules 1, 1-A, 2, 3, 4, and 5. Additional controlled substances are added to these schedules each year. For current controlled substance schedules published by the Texas Department of Health: http://www.tdh.state.tx.us/bfds/dmd/control_subst_sched.html.

Section 481.112, Texas Health and Safety Code, deals with manufacture and delivery of controlled substances in Penalty Group 1 drug offenses: less than 1 gram is a state jail felony; more than 1 gram and less than 4 grams is a 2nd degree felony; more than 4 grams and less than 200 grams is a 1st degree felony; more than 200 grams and less than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine; more than 400 grams is life imprisonment or a term of 15 to 99 years and up to a \$250,000 fine.

Section 481.1121, Texas Health and Safety Code, deals with manufacture and delivery of controlled substances in Penalty Group 1-A drug offenses: number of abuse units less than 20 is a state jail felony; number of abuse units more than 20 and less than 80 is a 2nd degree felony; number of abuse units more than 80 and less than 4000 is a 1st degree felony; more than 4000 units is life imprisonment or a term of 15 to 99 years and up to a \$250,000 fine.

Section 481.113, Texas Health and Safety Code, deals with manufacture and delivery of controlled substances in Penalty Group 2 drug offenses: less than 1 gram is a state jail felony; more than 1 gram and less than 4 grams is a 2nd degree felony; more than 4 grams and less than 400 grams is a 1st degree felony; and more than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine.

Section 481.114, Texas Health and Safety Code, deals with manufacture and delivery of controlled substances in Penalty Group 3 and 4 drug offenses: less than 28 grams is a state jail felony; more than 28 grams and less than 200 grams is a 2nd degree felony; more than 200 grams and less than 400 grams is a 1st degree felony; and more than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine.

B. Offense of Possession of Controlled Substances

These offenses are set out in Sections 481.115, 481.1151, 481.116, 481.117, and 481.118, Texas Health and Safety Code, which vary the offense and punishment based upon two factors: the type of drug (which schedule it is listed under) and the quantity of the drug involved in the offense. Section 481.032, Texas Health and Safety Code, contains long lists of drugs that are in schedules 1, 1-A, 2, 3, 4, and 5. Additional controlled substances are added to these schedules each year.

Section 481.115, Texas Health and Safety Code, deals with possession of controlled substances in Penalty Group 1 drug offenses: less than 1 gram is a state jail felony; more than 1 gram and less than 4 grams is a 3rd degree felony; more than 4 grams and less than 200 grams is a 2nd degree felony; more than 200 grams and less than 400 grams is a 1st degree felony; more than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine.

Section 481.1151, Texas Health and Safety Code, deals with possession of controlled substances in Penalty Group 1-A drug offenses: number of abuse units less than 20 is a state jail felony; number of abuse units more than 20 and less than 80 is a 3rd degree felony; number of abuse units more than 80 and less than 4,000 is a 2nd degree felony; more than 4,000 units and less than 8,000 units is a 1st degree felony; and more than 8,000 units is life imprisonment or a term of 15 to 99 years and up to a \$250,000 fine.

Section 481.116, Texas Health and Safety Code, deals with possession of controlled substances in Penalty Group 2 drug offenses: less than 1 gram is a state jail felony; more than 1 gram and less than 4 grams is a 3rd degree felony; more than 4 grams and less than 400 grams is a 2nd degree felony; and more than 400 grams is life imprisonment or a term of 5 to 99 years and up to a \$50,000 fine.

Section 481.117, Texas Health and Safety Code, deals with possession of controlled substances in Penalty Group 3 drug offenses: less than 28 grams is a Class A misdemeanor; more than 28 grams and less than 200 grams is a 3rd degree felony; more than 200 grams and less than 400 grams is a 2nd degree felony; and more than 400 grams is life imprisonment or a term of 5 to 99 years and up to a \$50,000 fine.

Section 481.118, Texas Health and Safety Code, deals with possession of controlled substances in Penalty Group 4 drug offenses: less than 28 grams is a Class B misdemeanor; more than 28 grams and less than 200 grams is a 3rd degree felony; more than 200 grams and less than 400 grams is a 2nd degree felony; more than 400 grams is life imprisonment or a term of 5 to 99 years and up to a \$50,000 fine.

C. Offense of Delivery of Marijuana

Section 481.120, Texas Health and Safety Code, deals with delivery of marijuana offenses: less than one-fourth ounce is a Class B misdemeanor if delivery is without remuneration; less than one-fourth ounce is a Class A misdemeanor if delivery is for remuneration; more than one-fourth ounce and less than 5 pounds is a state jail felony; more than 5 pounds and less than 50 pounds is a 2nd degree felony; more than 50 pounds and less than 2,000 pounds is a 1st degree felony; and more than 2,000 pounds is life imprisonment or a term of 10 to 99 years and a fine not to exceed \$100,000.

D. Offense of Possession of Marijuana

Section 481.121, Texas Health and Safety Code, deals with possession of marijuana offenses: less than 2 ounces is a Class B misdemeanor; more than 2 ounces and less than 4 ounces is a Class A misdemeanor; more than 4 ounces and less than 5 pounds is a state jail felony; more than 5 pounds and less than 50 pounds is a 3rd degree felony; more than 50 pounds and less than 2,000 pounds is a 2nd degree felony; and more than 2,000 pounds is life imprisonment or a term of 5 to 99 years and a fine not to exceed \$50,000.

E. Offense of Delivery of Controlled Substance or Marijuana to Minor

Section 481.122, Texas Health and Safety Code, deals with the offense of the delivery of a controlled substance or marijuana to a child (younger than 18 years of age) and provides that the offense is a 2nd degree felony which is punishable by imprisonment for a term of not more than 20 years or less than 2 years and a fine not to exceed \$10,000.

F. Offense of Driving while Intoxicated (drugs or alcohol)

Sections 49.04, 49.09, Texas Penal Code, provide that the offense of driving while intoxicated is punishable as a Class B misdemeanor with a minimum term of confinement of 72 hours unless the driver had an open container of alcohol in his possession in which case the offense is a Class B misdemeanor with a minimum term of confinement of 6 days in jail. One prior conviction enhances the punishment to a Class A misdemeanor with a minimum term of confinement of 30 days; two prior convictions enhances the punishment to a 3rd degree felony. Section 49.045, Driving While Intoxicated with Child Passenger, Texas Penal Code, provides that if a person operates a motor vehicle in a public place while intoxicated and the vehicle is occupied by a passenger who is under 15 years of age, the person commits an offense that is punishable as a state jail felony. Section 49.07, Intoxication Assault, Texas Penal Code provides that if a person, by mistake or accident, causes serious bodily injury to another while operating a motor vehicle in a public place while intoxicated, the offense is punishable as a 3rd degree felony. Section 49.08, Intoxication Manslaughter, Texas Penal Code, provides that if a person operating a motor vehicle in a public place is intoxicated and by reason of the intoxication causes the death of another by accident or mistake, the offense is punishable as a 2nd degree felony.

G. Offense of Possession of Alcohol in Motor Vehicle

Section 49.031, Texas Penal Code, provides that the penalty for the offense of possession of an open container of an alcoholic beverage in the passenger area of a motor vehicle that is located on a public highway is a Class C misdemeanor.

H. Offense of Public Intoxication

Section 49.02, Texas Penal Code, provides that the offense of public intoxication in which a person appears in a public place while intoxicated to the degree that the person may endanger himself or another person is punishable as a Class C misdemeanor, unless the person is younger than 21 years old, in which case Sections 106.071 and 106.115, Texas Alcoholic Beverage Code apply and provide for a Class C misdemeanor punishment and attendance at an alcohol awareness program, and if the offender has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

I. Offense of Purchase of Alcohol by a Minor defined

Sections 106.02, 106.071, and 106.115, Texas Alcoholic Beverage Code, provide that the offense of the purchase of alcohol by a minor (a person under 21 years of age) is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and when the person has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2,000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

J. Offense of Consumption of Alcohol by Minor

Sections 106.04, 106.071, and 106.115, Texas Alcoholic Beverage Code, provide that the offense of consumption of alcohol by a minor is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and where the person has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

K. Offense of Possession of Alcohol by Minor

Sections 106.05, 106.071, and 106.115, Texas Alcoholic Beverage Code, provide that the possession of alcohol by a minor is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and where the person has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

L. Offense of Sale of Alcohol to a Minor

Section 106.03, Texas Alcoholic Beverage Code, provides that the penalty for selling alcohol to a minor is a Class A misdemeanor.

M. Offense of Purchase of Alcohol for a Minor or Furnishing Alcohol to a Minor

Section 106.06, Texas Alcoholic Beverage Code, provides that a person who purchases, or gives, or with criminal negligence, makes available an alcoholic beverage to a minor commits a Class A misdemeanor unless the person is the adult parent, guardian, or spouse of the minor, or an adult in whose custody the minor has been committed by a court and such person is present when the minor possesses or consumes the alcoholic beverage.

N. Offense of Misrepresentation of Age by a Minor to Person Selling or Serving Alcoholic Beverages

Sections 106.07, 106.071, and 106.115, Texas Alcoholic Beverage Code, provide that the penalty for misrepresentation of age by a minor to a person selling or serving alcoholic beverages is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and where the offender is a minor previously convicted twice for alcohol-related offenses, a fine of not less than \$250 or more than \$2,000; confinement in jail for a term not to exceed 180 days; or both fine and imprisonment; community service of 8 to 40 hours; suspension of Texas Driver's License for 30 to 180 days and attendance at an alcohol awareness program.

This brochure meets the requirements of the Drug-Free Workplace Act of 1988 and the Drug-Free School and Communities Amendment of 1989. It is intended for information purposes only. Changes to the referenced policies, rules and regulations, and laws will apply on their effective dates, both to present and prospective students, residents, fellows, faculty members and employees.

Information in this brochure is accurate as of the publication date of 10/01/2009. Information is subject to change without notice until the next publication date of 10/01/2010.

For a printed copy of this brochure, please contact the UTMB Employee Assistance Program at (409) 772-2485. This information is also available on the web at www.utmb.edu/drug-free.