

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER
Student, Faculty, Resident and Staff Guidelines
Drug-Free Schools and Communities Act

PURPOSE

The Drug-Free Schools and Communities Act Amendments of 1989, as amended, require that students, faculty and staff be aware of the Texas Tech University Health Sciences Center (TTUHSC) program designed to prevent the unlawful possession, use or distribution of alcohol and illegal drugs.

STANDARDS OF CONDUCT

Texas Tech University Health Sciences Center is committed to the health and safety of its students and employees. Alcohol and Drug Abuse remains a significant problem in the United States. The Drug-Free Schools and Communities Act Amendments of 1989 requires that students, faculty and staff be informed of the Texas Tech University Health Sciences Center (TTUHSC) program designed to prevent the unlawful possession, use or distribution of alcohol and illegal drugs.

State and federal laws regarding the possession, use, and sale of alcoholic beverages and illegal drugs are strictly enforced by the TTUHSC Police Department. Violators are subject to criminal prosecution, fines, and imprisonment. All students, faculty, residents, and staff of TTUHSC are prohibited from the unlawful possession, use, or distribution of alcohol and illicit drugs on any institutional property or at any of its activities.

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, and other diseases and infections, 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.

FEDERAL, STATE, AND LOCAL LAWS REGULATING ALCOHOL AND DRUG USE

Federal Law

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 HSC Student Affairs 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 \$5,000 plus costs of investigation and prosecution, and imprisonment for not more than three years

Manufacture, distribution, or dispensing of drugs (including marijuana)

- **Minimum:** A fine of \$250,000 and/or imprisonment for up to five years

- **Maximum:** A fine not to exceed \$20,000,000 for an individual (or \$75,000,000 if other than an individual) and imprisonment for life without release (no eligibility for parole)

Distribution of drugs to a person under 21 years of age

- **Minimum:** Double the federal penalty for distribution of drugs
- **Maximum:** Triple the federal penalty for distribution of drugs

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, where after 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).
- 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. Sanctions for illegal use or possession of alcohol are found in the Texas Alcohol Beverage Code 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	Up to 1 year	Up to \$2,000	3 days to 180 days	\$1,000 - \$2,000
Second Offense	Up to 2 years	Up to \$4,000	1 month to 1 year	\$1,000 - \$2,000
Third Offense	Up to 2 years	Up to \$10,000	2 to 10 years in state penitentiary	\$1,000 - \$2,000

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 \$500.00. However, having two prior public intoxication convictions makes the third public intoxication enhanceable to a Class B Misdemeanor, which 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, which may impact 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 a minor's 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 between \$250 and \$2,000.
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:

1	Cocaine, Heroin, Methamphetamine, Codeine, Oxycodone, Hydrocodone, Rohypnol and GHB
1A	LSD
2	Ecstasy, Amphetamines, Mushrooms, PCP and Mescaline
3	Valium, Xanax and Ritalin
4	Compounds containing Dionine, Motofen, Buprenorphone or Pryovalerone

Penalty Group 1		
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		
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		
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		
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		
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 one's driver's license or the possibility of seizure and forfeiture of any property if the property was used or was going to be used in the commission of a drug crime.

Local Law

City of Lubbock Ordinance, Section 14.01.008, makes it illegal to consume or possess in a public place an alcoholic beverage at any time on Sunday between the hours of 2:15 a.m. and 12:00 noon and on all other days, any time between 2:15 a.m. and 7:00 a.m. This does not apply to a private club. A violation of any provision of this section by any person shall be deemed a misdemeanor, and, upon conviction thereof, punishment shall be a fine not to exceed the maximum imposed by the Alcoholic Beverage Code or any amendments thereto, which maximum fine is now \$50.

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.

Approximately 60% of all deaths related to drug abuse are caused by the direct overdose narcotic effect of the drug. This could be an overdose of alcohol, cocaine, prescription drugs, or, far more commonly, a combination of alcohol and other drugs. Another 10% of deaths caused by drug abuse are the result of infections, including AIDS, from using contaminated needles and other drug paraphernalia. The other 30% of deaths caused by drug abuse are brought about by violence associated with this nationwide epidemic.

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.

Further information on health risks can be found in the TTUHSC Family and Community Medicine Clinic.

COUNSELING, TREATMENT, AND ASSISTANCE PROGRAMS

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

Student Assistance

A Program of Assistance to Students (PAS) provides services designed to address all types of problems including alcohol and drug abuse. Students may access the program by contacting PAS at 806-743-1327 or 1-800-327-0328 (24-hour Hotline). Information on additional assistance programs may be obtained from the Office of Student Affairs, <https://www.ttuhsu.edu/student-affairs/campus-resources.aspx>.

Staff/Resident/Faculty Assistance

The Employee Assistance Program (EAP) is a service of the Counseling Center at TTUHSC to provide confidential assistance to faculty, residents, employees and dependents who experience a variety of personal problems which affect job performance, including alcohol or substance abuse problems. An individual may access the program by:

- contacting EAP at 806-743-1327 or 1-800-327-0328 (24-hour Hotline); or
- visiting EAP located in the Department of Psychiatry at TTUHSC, and identifying oneself as a TTU or TTUHSC faculty/staff or family member.

National Hotline Numbers

1-800-662-HELP (4357) Substance Abuse and Mental Health Services Administration (SAMHSA) National Helpline, <http://www.samhsa.gov>

Go to www.ncadd.org for a list of local resources for alcoholism and drug dependence

1-800-273-TALK (8255) National Suicide Prevention Lifeline or Dial 988 to reach the suicide and crisis lifeline.