

Drug Free Workplace

This notice is intended to meet the requirements of the Drug Free Workplace Act of 1988, [United States Code Title 41, Chapter 81](#), and the Drug Free Schools and Communities Act Amendments of 1989, [United States Code Title 20 § 1011i](#). It is published for information purposes only. Any changes to the referenced policies, rules and regulations, and laws will apply on the effective date of those changes, both to present and prospective members of the faculty and staff.

This information is accurate as of the publication date of **March 3, 2015**.

This information is subject to change without notice until the next planned revision date of **September 1, 2016**.

Notice

In accordance with the Drug Free Schools and Communities Act, this serves as the annual notice to all employees and students that the unauthorized purchase, manufacture, distribution, possession, sale, storage or use of an illegal drug or controlled substance while on duty, while in or on premises or property owned or controlled by the University, or while in vehicles used for University business is prohibited.

The abuse of alcohol and the use of illegal drugs by members of the UT Health Science Center community are incompatible with the goals of the University. In order to further the University's commitment to provide a healthy and productive educational environment, it is the policy of the Health Science Center to comply with the Drug-Free Schools and Communities Act Amendments of 1989 ([United States Code Title 20 § 1011i](#).) The Drug-Free Schools and Campuses Regulations ([EDGAR Part 86](#)) require universities receiving any form of federal funding to develop and implement a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees. To learn more, see [Section 2.5.4](#), "Drug-Free University Community and Workplace", of the *Handbook of Operating Procedures* (HOP).

- The unauthorized use or possession of alcohol while on duty or while in vehicles used for University business is prohibited.
- Use of alcohol or an illegal drug or controlled substance while not on duty which adversely affects job performance or may adversely affect the health or safety of other employees, students, visitors or patients is prohibited.
- Use of alcohol at an authorized University function, in the course of official University business, or at an authorized University site, which adversely affect job performance or may adversely affect the health or safety of any other person is prohibited.

To learn more, please review [Section 2.5.4](#) of the HOP, "Drug-Free University Community and Workplace".

Employees and students in violation of this policy may face disciplinary action up to and including termination, in addition to facing sanctions under local, State, or federal law applicable to the unlawful possession, use, or distribution of illegal drugs or alcohol.

If you need help in dealing with an alcohol or substance abuse issues, options to seek treatment and counseling include the following:

- Call the Employee Assistance Program (EAP): 800.346.3549. It's free and confidential.
- Contact your healthcare provider for assistance via your insurance plan
- Students may seek help via counseling services at <http://students.uthscsa.edu/counseling/>

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 world class university, UT Health Science Center 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 UT Health Science Center 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 or a colleague.

Based on these obligations, and to comply with such workplace regulations as the Drug Free Workplace Act of 1988 and the Drug Free Schools and Communities Act of 1989, this web page has been developed. It provides information about UT Health Science Center policies, the most commonly abused drugs, discusses consequences of that abuse, and outlines the university, state and federal penalties for such abuse. More importantly, it provides information about where to turn for help if you or someone you know is dependent on drugs or alcohol.

[Resources Available to Faculty, Staff and Students](#)

Employee Assistance Program

The Employee Assistance Program (EAP) is a confidential source for assessment, problem identification, and referral for a broad range of problems including alcohol and drug abuse. The University provides this confidential service to all benefit eligible faculty, staff, and their dependents free of cost. Contact the EAP at 800.346.3549.

Community Resources

Alcoholics Anonymous	210.828.6235
Al-Anon / Alateen	210.829.1392
San Antonio Council on Alcoholism & Drug Abuse	210.225.4741
Narcotics Anonymous	210.434.0665
National Alcohol and Drug Abuse Hotline	800.252.6465

Help for students is available from the Counseling Services at 210.567.2648.

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 UT Health Science Center, 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 roofie, 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 UT Health Science Center employees and students.

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

1. [Rule 50101](#) of the UT System [Regents' Rules & Regulations](#) provides that disciplinary action may be taken against any student who engages in conduct that violates the Regents' Rules, UT System or UT Health Science Center rules and regulations, specific instructions issued by a UT Health Science Center 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.

[Rule 50101](#) 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.

1. [Rule 30103](#) of the [Regents' Rules & Regulations](#) provides that the use of alcoholic beverages is prohibited on property and in buildings owned and controlled by UT System or UT Health Science Center, provided, however, that with the prior consent of the UT Health Science Center president, the foregoing provisions may be waived with respect to any specific affair which is sponsored by the University or UT System. The University of Texas System [Drugs and Alcohol Policy](#) and the UT Health Science Center, [Section 2.5.4](#) of the HOP, “*Drug-Free University Community and Workplace*” define as employee misconduct, and therefore prohibit, bringing intoxicants or drugs onto the premises of UT System or UT Health Science Center 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 UT Health Science Center premises at any time. The unlawful use, possession or distribution of illegal drugs or alcohol, or engaging in conduct prohibited by UT Health Science Center 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.
2. The Drug-Free Workplace Act of 1988 ([United States Code Title 41, Chapter 81, 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 within five (5) calendar days of the conviction.

3. 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.
4. 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.

Overview of Penalties

Penalties Under Texas Law

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

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. [United States Code Title 21 § 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 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.](#))

[Texas Criminal Offenses](#)

Offense of manufacture or delivery of controlled substances

These offenses are set out in the Texas Health and Safety Code [§ 481.112](#), [§ 481.1121](#), [§ 481.113](#), and [§ 481.114](#), 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. [Texas Health and Safety Code § 481.032](#) 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. Current [controlled substance schedules](#) are available from the [Texas Department of State Health Services](#).

[Texas Health and Safety Code § 481.112](#) 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.

[Texas Health and Safety Code § 481.1121](#) 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.

[Texas Health and Safety Code § 481.113](#) 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.

[Texas Health and Safety Code § 481.114](#) 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.

Offense of Possession of Controlled Substances

These offenses are set out in Texas Health and Safety Code [§ 481.115](#), [§ 481.1151](#), [§ 481.116](#), [§ 481.117](#), and [§ 481.118](#), 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. [Texas Health and Safety Code § 481.032](#) 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.

[Texas Health and Safety Code § 481.115](#) 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.

[Texas Health and Safety Code § 481.1151](#) 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.

[Texas Health and Safety Code § 481.116](#) 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.

[Texas Health and Safety Code § 481.117](#) 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.

[Texas Health and Safety Code § 481.118](#) 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.

Offense of Delivery of Marijuana

[Texas Health and Safety Code § 481.120](#) 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.

Offense of Possession of Marijuana

[Texas Health and Safety Code § 481.121](#) 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.

Offense of Delivery of Controlled Substance or Marijuana to Minor

[Texas Health and Safety Code § 481.122](#) 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.

Offense of Driving While Intoxicated (Drugs or Alcohol)

Texas Penal Code [§ 49.04](#) and [§ 49.09](#) 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. [Texas Penal Code § 49.045](#), Driving While Intoxicated with Child Passenger, 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. [Texas Penal Code § 49.07](#), Intoxication Assault, 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. [Texas Penal Code § 49.08](#), Intoxication Manslaughter, 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.

Offense of Possession of Alcohol in Motor Vehicle

[Texas Penal Code § 49.031](#) 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.

Offense of Public Intoxication

[Texas Penal Code § 49.02](#) 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.

Offense of Purchase of Alcohol by a Minor Defined

Texas Alcoholic Beverage Code [§ 106.02](#), [§ 106.071](#), and [§ 106.115](#) 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.

Offense of Consumption of Alcohol by Minor

Texas Alcoholic Beverage Code [§ 106.04](#), [§ 106.071](#), and [§ 106.115](#) 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.

Offense of Possession of Alcohol by Minor

Texas Alcoholic Beverage Code [§ 106.05](#), [§ 106.071](#), and [§ 106.115](#) 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.

Offense of Sale of Alcohol to a Minor

[Texas Alcoholic Beverage Code § 106.03](#) provides that the penalty for selling alcohol to a minor is a Class A misdemeanor.

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

[Texas Alcoholic Beverage Code § 106.06](#) 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.

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

Texas Alcoholic Beverage Code [§ 106.07](#), [§ 106.071](#), and [§ 106.115](#) 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.