




PRAIRIE VIEW A&M UNIVERSITY

A Member of the Texas A&M University System

Memorandum

TO: PVAMU Faculty, Staff, and Students

FROM: Dr. Tim Sams, Vice President for Student Affairs 

SUBJECT: Alcohol and Other Drugs Annual Notification

Welcome back to begin what promises to be another exciting chapter in your PVAMU legacy! As the academic year progresses, please review this essential information.

You are receiving this notification in accordance with the federal government requirements of the Drug-Free Schools and Communities Act. In order for Prairie View A&M University to receive federal funding of any kind, including federal financial resources, all faculty, staff, and students must receive a copy of this notification document.

If you have questions regarding this notification, please contact me at tesams@pvamu.edu or 936-261-2130.

Federal Drug-Free Schools and Communities Act

PVAMU Annual Policy Notification/Distribution

In accordance with requirements of the federal Drug-Free Schools and Communities Act, Prairie View A&M University is to disseminate the following information to all students, faculty and staff on an annual basis:

- *Standards of conduct* that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities.
- A description of the applicable *legal sanctions* under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol.
- A description of the *health risks* associated with the use of illicit drugs and the abuse of alcohol.
- A description of available drug and alcohol *counseling, treatment, or rehabilitation* or re-entry programs.
- A clear statement of the *disciplinary sanctions* that the university will impose on students and employees who violate the standards of conduct.

Prairie View A&M University is committed to the elimination of alcohol abuse and illicit drug use. The use of such substances disrupts the university's mission of excellence in teaching, research and service. We all must help prevent alcohol abuse and illicit drug use from negatively affecting the learning environment. The university expects its students and employees to cooperate in maintaining an environment free from the effects of alcohol and other drugs and to comply with laws and regulations related to the consumption, possession, sale and distribution of alcohol and other drugs.

Standards of Conduct

All members of the university community (students and employees) are responsible for being familiar and complying with the requirements of federal and state laws concerning the use, possession, sale and distribution of alcohol and other drugs. All members of the university community are expected to be familiar and comply with System Policy 34.02 Drug and Alcohol Abuse; System Regulation 34.02.01 Drug and Alcohol Abuse and Rehabilitation Programs and PVAMU Rule 34.02.01.PI Drug and Alcohol Abuse and Rehabilitation Programs regarding drug and alcohol abuse.

The university recognizes both alcohol and drug abuse as potential health, safety, and security problems. The university expects students, faculty and staff to assist in maintaining an environment free from the effects of alcohol and other drugs.

The manufacture, possession, use, distribution or sale of alcohol (except as expressly authorized by system and/or university regulations) and illicit drugs is prohibited on university property and in the context of any university activity. Illicit drugs include all drugs for which possession is illegal under federal or state law, including prescription drugs for which the individual does not have a valid prescription. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age. Individuals may not be in a state of public intoxication or drunkenness. Individuals may not operate a motor vehicle or another form of transportation while intoxicated or while under the influence of alcohol or another drug.

Employees and students are responsible for reporting a reasonable suspicion of drug or alcohol abuse by employees or students to their immediate supervisor, Office of Human Resources, Office of Student Affairs, or the University Police Department.

Legal Sanctions

Various federal and state laws prohibit the possession, distribution, and use of controlled substances, unless in compliance with licensing requirements or a physician's prescription. Moreover, state law prohibits the consumption and possession of alcohol by persons under the age of 21 and the supplying of alcohol to any person under the age of 21. Additionally, state law prohibits the sale of alcoholic beverages except by those licensed to sell such beverages. State law also prohibits public intoxication to a degree that it may pose a danger to the intoxicated person or others, the operation of a vehicle under the influence of alcohol or other intoxicants, and the possession of an open container of alcohol in a motor vehicle on a public roadway.

Violation of laws relating to drugs and alcohol may result in probation, fines, imprisonment, and permanent criminal record. Violation of drug laws may also result in civil seizure and forfeiture of property used in connection with the offense. A violation may also result in university disciplinary action.

Federal Sanctions

Federal law penalizes the manufacture, distribution, possession with intent to manufacture or distribute, and simple possession of drugs ("controlled substances").

Federal penalties and sanctions for the simple possession of a controlled substance are quite severe. The law sets forth sentences and fines that include the following:

- First conviction: up to one-year imprisonment, a fine of at least \$1,000, or both. After one prior drug conviction: at least 15 days in prison, not to exceed two years, and a fine of at least \$2,500. After two or more prior drug convictions: at least 90 days in prison, not to exceed three years, and a fine of at least \$5,000. A special, harsher sentencing provision applies for possession of flunitrazepam (Rohypnol). (21 U.S.C. §844(a))
- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment, as well as forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance. (21 U.S.C. §§853(a) & 881(a))
- Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to five years for the first offense, up to 10 years for the second offense, and permanently upon the third offense. (21 U.S.C. §862)
- Ineligibility to receive or purchase a firearm. (18 U.S.C. §922(g))

Moreover, revocation of certain federal licenses and benefits (e.g., pilot licenses, public housing tenancy) are vested within the authorities of individual federal agencies.

These penalties may be doubled when a person who is at least 18 years old: (1) distributes a controlled substance to a person under 21 years of age (a term of imprisonment for this offense shall not be less than one year), and/or (2) distributes, possesses with intent to distribute, or manufactures a controlled substance in or on, or within 1,000 feet of, the real property comprising a public or private elementary or secondary school, or a public or private college. (21 U.S.C. §§859 & 860).

Federal penalties and sanctions for trafficking in controlled substances are considerably more severe than those outlined above for simple possession. **Appendix A** outlines federal trafficking penalties for substances covered by the Controlled Substances Act.

State Sanctions

State laws also cover a wide range of drug offenses. Sentences and fines for simple possession of various controlled substances and for the manufacture of, delivery of, or possession with intent to deliver controlled substances are outlined in **Appendix B**.

The summary of state alcohol-related sanctions provided in this document is intended to provide general information to students and employees. It is for reference only and is not intended to provide legal advice. Specific advice regarding an individual person or situation should be requested from an attorney. The use of alcoholic beverages by members of the university community is at all times subject to the alcoholic beverage laws of the State of Texas. For example, individuals must be at least 21 years old to purchase, possess, or consume alcoholic beverages. State laws with penalties, sentences and fines are outlined in **Appendix C**.

Health Risks

The use of illicit drugs and the abuse of alcohol and prescription drugs have potential adverse health consequences that may be permanent. These consequences include disorders and dysfunctions that affect the central nervous system, reproductive functioning, cardiovascular and pulmonary systems, and endocrine functioning. Specifically, there are both short- and long-term effects on cognition, memory, retention, information processing, coordination, and athletic and academic performance. The use of illicit drugs and the abuse of alcohol also affect emotional equilibrium, mental well-being, and the ability to make critical decisions. Such use also impairs judgment, which in turn increases one's vulnerability and risk-taking behaviors, including engaging in unprotected sex, which may lead to exposure to HIV and other sexually transmitted diseases and to unplanned pregnancy. The chronic use and abuse of illicit drugs and alcohol have been shown to cause adverse permanent changes in most of the biological systems studied. These changes can lead to severe impairment, disability, and premature death.

Illicit Drugs

The use of any amount of drug—prescription, illicit, or legal—will alter the chemical balance of the body. Misuse of drugs may lead to lifelong chemical dependency, the disease of addiction, and possible death. Abuse and addiction to drugs often cause serious damage to major body organs such as brain, stomach, lungs, liver, kidneys, and heart, as well as the immune and reproductive systems. The sharing of needles when using drugs is known to be a major cause of the spread of HIV. The health risks associated with various controlled substances are summarized in **Appendix D**.

Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and learning disabilities. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

Counseling, Treatment, and Rehabilitation

Students and employees who believe they may have an alcohol or drug problem are strongly encouraged to seek assistance through resources available through the university. Employees may contact the Employee Assistance Program ([Deer Oaks EAP website](#)), which manages the university's alcohol & drug abuse and rehabilitation program for employees. The Employee Assistance Program (EAP) provides counseling and referral services. More information about the EAP can be obtained by calling 888-993-7650 or 936-261-1730.

To help students who may have an alcohol or other drug problem, PVAMU offers an Early Intervention and Education Program. The program offers individual counseling, assessment and/or treatment referral. For more information on the alcohol and other drug program for students, or to schedule an appointment, call the Owens-Franklin Health Center at 936-261-1410.

Students who may have an alcohol and/or illicit drug problem may seek assistance from Student Counseling Services. Student Counseling Services offers substance use intervention services. The program is called Sobriety Equals Success. It includes confidential individual sessions, confidential group sessions, substance abuse assessment, and treatment of co-occurring concerns as well as information, education, and referrals. The program offers educational workshops and classroom presentations as it pertains to substance abuse among college men and women. Each year the Sobriety Equals Success co-sponsors a student drug prevention forum. All direct services are provided by Student Counseling Services' professionals who are board certified and state licensed.

For those students whose concerns are outside of the spectrum of the Sobriety Equal Success program, substance abuse intervention services will refer to area agencies, hospitals, and institutions. These facilities provide day treatment and inpatient detoxification, as well as rehabilitation services to its clients. The cost of their services may be covered in whole or in part by the client's health insurance.

Prairie View A&M University is also committed to promoting responsible decision-making regarding alcohol and other drugs through educational programming and resources. The university has several programs and services in place for students, faculty and staff. These programs, which are available at no charge, provide the campus population with services and substance abuse awareness and education. The following are specific programs:

- Panthers Promoting Healthy Decisions (PhDs) - the program is designed to educate students, as well as the community, about the issues that students face today with drugs, alcohol, and sex. PhDs educate the campus population through workshops, seminars, training, in-class presentations and panel discussions on an ongoing basis.
- Departmental Drug Awareness Presentations - departments may request on-site drug awareness presentations. The presentations are facilitated by staff from the Owens-Franklin Health Center.

- Student-Athlete Drug and Alcohol Program - the Department of Athletics advocates the development of healthy and responsible lifestyles for student-athletes during their years of eligibility for long-term enrichment and enhancement of their lives. The department has a substance abuse program in place that provides education about mood-and body-altering substances, drug testing, evaluation and assessment, treatment and counseling on an annual basis.

University Disciplinary Sanctions

In addition to possible criminal penalties for violations of state or federal law, the unlawful possession, use, or distribution of illicit drugs and alcohol, and any violation of the system or university alcohol and other drug policy by a student or employee, will result in appropriate sanctions under the student disciplinary system or the employee disciplinary process.

For students, sanctions include, but are not limited to: referral to the Early Intervention and Education Program, completion of some other appropriate rehabilitation or assistance program, expulsion from school or referral to authorities for prosecution.

For employees, sanctions include but are not limited to: the successful completion of an approved rehabilitation or chemical dependency treatment program, suspension, termination of employment, or referral to authorities for prosecution.

Specific areas of the university (e.g., Athletics) may also take action based on a violation of the university alcohol and other drug policy or their specific policies. The particular sanction in a given case will depend on such factors as the nature of the violation, the seriousness of the offense, and the prior record of the individual or organization.

For both students and employees, the university retains full and final discretion, within the limits established by system policies and regulations and university rules and procedures, on whether, when, and under what conditions a student may be reinstated or an employee returned to employment after an instance of alcohol abuse or improper drug use. Student organizations that violate this policy are also subject to sanctions, including, but not limited to, probation and removal of recognized student organization status.

Appendix A – Federal Drug Trafficking Penalties

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<p>First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p>Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	Cocaine 5 kilograms or more mixture	<p>First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p>Second Offense: Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p>2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
II	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	
Substance/Quantity		Penalty		
Any Amount Of Other Schedule I & II Substances		<p>First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.</p>		
Any Drug Product Containing Gamma Hydroxybutyric Acid		<p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>		
Flunitrazepam (Schedule IV) 1 Gram				
Any Amount Of Other Schedule III Drugs		<p>First Offense: Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p>Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>		
Any Amount Of All Schedule V Drugs		<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>		

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
<p>Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<p>First Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p>Second Offense: Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<p>First Offense: Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p>Second Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50 million if other than an individual.</p>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<p>First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p>
<p>Hashish More than 10 kilograms</p>	<p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
<p>Hashish Oil More than 1 kilogram</p>	<p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
<p>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</p>	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
<p>Hashish 10 kilograms or less</p>	<p>Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
<p>Hashish Oil 1 kilogram or less</p>	<p>Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>

Source: Drug Enforcement Agency

Appendix B – Texas Laws on Drug Offenses and Penalties

This information is only to be used as a guideline. Many things factor into determining specific offenses and penalties, including but not limited to prior convictions. Also, state statutes/penalties are subject to change at any time by the Legislature and Governor, therefore, for the most current statutory information refer to Texas State Statutes - www.statutes.legis.state.tx.us.

Possession of controlled substances (drugs)

- **Minimum:** Fine not to exceed \$10,000 and confinement in jail for a term of not more than two years or less than 180 days.
- **Maximum:** A fine not to exceed \$250,000 and imprisonment for life or for a term of not more than 99 years nor less than fifteen years.

Manufacture or delivery of controlled substances (drugs)

- **Minimum:** Fine not to exceed \$10,000 and confinement in jail for a term of not more than two years or less than 180 days.
- **Maximum:** A fine not to exceed \$250,000 and imprisonment for life or for a term of not more than 99 years nor less than fifteen years.

Possession of marijuana

- **Minimum:** A fine not to exceed \$2,000 and/or confinement in jail for a term of not more than 180 days.
- **Maximum:** A fine not to exceed \$50,000 and imprisonment for life or for a term of not more than 99 years nor less than five years.

Delivery of marijuana

- **Minimum:** A fine not to exceed \$2,000 and/or confinement in jail for a term of not more than 180 days.
- **Maximum:** A fine not to exceed \$100,000 and imprisonment for life or for a term of not more than 99 nor less than ten years.

Appendix C – Texas Laws on Alcohol Offenses and Penalties (Revised 2013)

This information is only to be used as a guideline. Many things factor into determining specific offenses and penalties, including but not limited to prior convictions. Also, state statutes/penalties are subject to change at any time by the Legislature and Governor, therefore, for the most current statutory information refer to Texas State Statutes - www.statutes.legis.state.tx.us.

I. Alcoholic Beverage Provisions Relating to Age

1. Punishment for Alcohol-Related Offense by Minor. The following penalties apply for Minor in Possession Violations (MIP) which include Attempted Purchase, Purchase, Possession, Consumption of Alcohol, and Misrepresentation of Age. ABC§106.071

Offense	Fine	Community Service	Loss of License	Education	Jail
1st	Up to \$500	8-12 hours	30 days	Required	None
2nd	Up to \$500	20-40 hours	60 days	Judges' option	None
3rd	\$250-\$2000	None	180 days	Judges' option	Up to 180 days

Deferred disposition is considered a conviction for enhancement (See Table 5 below).

2. Purchase of Alcohol by a Minor. A minor commits an offense by purchasing an alcoholic beverage; punishable by §106.071. (For penalties, see Table 1 above). ABC§106.02
3. Attempted Purchase of Alcohol by a Minor. A minor commits an offense by an act amounting to more than mere preparation to purchase an alcoholic beverage; punishable by §106.071 (For penalties, see Table 1 above). ABC§106.025.
4. Sale to Minors. A person commits an offense by selling an alcoholic beverage to a minor through an act of criminal negligence. This is a Class A misdemeanor. (For penalties, see Table 5 below). ABC§106.03
5. Consumption of Alcohol by a Minor. A minor commits an offense by consuming an alcoholic beverage; punishable by §106.071. (For penalties, see Table 1 above). An order of deferred disposition under this section is considered a conviction of an offense. ABC§106.04
6. Driving Under the Influence of Alcohol by a Minor (DUI). A minor commits an offense if the minor operates a motor vehicle in a public place while having any detectable amount of alcohol in the minor's system. This is a Class C misdemeanor except if the minor has been previously convicted at least twice of an alcohol-related offense. Deferred disposition is considered a conviction for enhancement. A Minor is not eligible for deferred disposition on 3rd offense. (For penalties, see Table 2 and Table 5 below. See also Sections II-8). ABC§106.041

Offense	Fine	Community Service	Loss of License		Education	Jail
			Failing*	Refusing*		
1st	Up to \$500	20-40 hours	60 days	180 days	Required	None
2nd	Up to \$500	40-60 hours	120 days	2 years	Judges' option	None
3rd	\$500-\$2000	40-60 hours	180 days	2 years	Judges' option	Up to 180 days

*Failing a breath/blood test means there was ANY detectable amount of alcohol present. Due to Implied Consent, refusing to take the breath/blood test results in higher penalties. TC§724.035

7. Possession of Alcohol by a Minor. A minor commits an offense by possession of an alcoholic beverage; punishable by §106.071 (For penalties, see Table 1 above). Exceptions: a minor may possess an alcoholic beverage while in the course and scope of employment, or in the visible presence of an adult parent, guardian, or spouse. ABC§106.05
8. Purchase of Alcohol for a Minor; Furnishing Alcohol to a Minor. A person commits an offense by purchasing an alcoholic beverage for a minor, or by furnishing an alcoholic beverage to a minor through an act of criminal negligence. This is a Class A misdemeanor. (For penalties, see Table 5 below). ABC§106.06

II. Intoxication and Alcoholic Beverage Offenses

1. Definition of Intoxication. "Intoxicated" is either 1) not having the normal use of mental or physical faculties due to the introduction of alcohol or other drugs into the body; or 2) having an alcohol concentration of 0.08 or more. PC§49.01
2. Public Intoxication. An individual commits an offense by appearing in a public place while intoxicated to the degree that the individual may endanger the person or another. This is a Class C misdemeanor. (For adult penalties, see Table 5 below. For minor penalties, see Table 1 above). PC§49.02
3. Possession of Alcoholic Beverage in Motor Vehicle. A person commits an offense by knowingly possessing an open container in a passenger area of a motor vehicle that is located on a public highway, regardless of whether the vehicle is being operated or is stopped or parked. This is a Class C misdemeanor. (For penalties, see Table 5 below). PC§49.031
4. Driving While Intoxicated. A person commits an offense if the person is intoxicated while operating a motor vehicle in a public place. Except as provided by Subsection (c) [relating to an open container] and Section 49.09, the offense is a class B misdemeanor, with a minimum term of confinement 72 hours. If at the time of the offense the driver had an open container of alcohol in their immediate possession, the offense is a class B misdemeanor, and the minimum term of confinement is six days. (For penalties, see Table 3 and Table 5 below. See also Section II-8 below). PC§49.04

Table 3: Penalties for Driving While Intoxicated

	Fines	License Loss	Jail
1st Offense	Up to \$2,000	90 days - 1 year	72 hours – 180 days
2nd Offense	Up to \$4,000	180 days - 2 years	30 days – 1 year
3rd Offense or more	Up to \$10,000	180 days - 2 years	2 – 10 years

5. Flying or Boating While Intoxicated. A person commits an offense if the person is intoxicated while operating an aircraft or watercraft. This is a Class B misdemeanor with minimum jail term of 72 hours. (For penalties, see Table 5 below) PC§49.05, §49.06
6. Intoxication Assault. A person commits an offense by causing serious bodily injury to another, by accident or mistake, while operating an aircraft, watercraft, or motor vehicle in a public place while intoxicated. This is a 3rd Degree felony. (For penalties, see Table 5 below. See also Section II-8 below). PC§49.07
7. Intoxication Manslaughter. A person commits an offense by causing the death of another, by accident or mistake, while operating an aircraft, watercraft, or motor vehicle in a public place while intoxicated. This is a 2nd Degree felony. (For penalties, see Table 5 below. See also Section II-8 below). PC§49.08
8. Administrative License Revocation. Upon arrest for DWI, Intoxication Assault, or Intoxication Manslaughter, failing the breath/blood (BAC) test can result in license revocation. Revocation may not be probated and there is a \$125 reinstatement fee. An appeal process is available. (For penalties, see Table 4). TC§524.022

Table 4: License Revocation Penalties for Adults

Terms of Offense	Failing BAC test	Refusing BAC test
1st Offense	90 days license revocation	180 days license revocation
Previous Revocation due to: Refusal/failure of BAC test	1 year license revocation	2 year license revocation
Previous Revocation due to: DWI or Intoxication Manslaughter	1 year license revocation	2 years license revocation

III. Legal Charges and Penalties

Table 5: Legal Charges	Fine and/or	Imprisonment
1st Degree Felony Punishment	Up to \$10,000	5 to 99 years
2nd Degree Felony Punishment	Up to \$10,000	2 to 20 years
3rd Degree Felony Punishment	Up to \$10,000	2 to 10 years
Class A Misdemeanor	Up to \$4,000	Up to 1 year
Class B Misdemeanor	Up to \$2,000	Up to 180 days
Class C Misdemeanor	Up to \$500	none

1. **Enhanced Offenses and Penalties.** Previous convictions for driving, boating, or flying while intoxicated will enhance the offenses and penalties for subsequent DWI convictions. One previous conviction enhances the offense to a Class A misdemeanor with a minimum term of 30 days. Two previous convictions enhance the offense to a 3rd Degree felony. PC§49.09

2. **No Defense.** In a prosecution of consumption of alcohol in a motor vehicle, DWI, intoxication assault, or intoxication manslaughter, the fact that the defendant is or has been entitled to use the alcohol or other substance is not a defense. PC§49.10

Appendix D – Health Risks of Commonly Abused Substances

Substance	Nicknames/Slang Terms	Short Term Effects	Long Term Effects
Alcohol		slurred speech, drowsiness, headaches, ,impaired judgment, decreased, perception and coordination, distorted vision and hearing, vomiting, breathing difficulties, unconsciousness, coma, blackouts	toxic psychosis, physical dependence, neurological and liver damage, fetal alcohol syndrome, vitamin B1 deficiency, sexual problems, cancer, physical dependence
Amphetamines	uppers, speed, meth, crack, crystal, ice, pep pills	increased heart rate, increased blood pressure, dry mouth, loss of appetite, restlessness, irritability, anxiety	delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis, physical dependence
Barbiturates and Tranquilizers	barbs, bluebirds, blues, yellow jackets, red devils, roofies, rohypnol, ruffies, tranqs, mickey, flying v's	slurred speech, muscle relaxation, dizziness, decreased motor control	severe withdrawal symptoms, possible convulsions, toxic psychosis, depression, physical dependence
Cocaine	coke, cracks, snow, powder, blow, rock	loss of appetite, increased blood pressure and heart rate, contracted blood vessels, nausea, hyper-stimulation anxiety, paranoia, increased hostility; increased rate of breathing, muscle spasms and convulsions, dilated pupils, disturbed sleep,	depression, weight loss, high blood pressure, seizure, heart attack, stroke, hypertension, hallucinations, psychosis, chronic cough, nasal passage injury, kidney, liver and lung damage
Gamma Hydroxy Butyrate	GHB, liquid B, liquid X, liquid ecstasy, G, georgia homeboy, grievous bodily harm	euphoria, decreased inhibitions, drowsiness, sleep, decreased body temperature, decreased heart rate, decreased blood pressure	memory loss, depression, severe withdrawal symptoms, physical dependence, psychological dependence
Heroin	H, junk, smack, horse, skag	euphoria, flushing of the skin, dry mouth, “heavy” arms and legs, slowed breathing, muscular weakness	constipation, loss of appetite, lethargy, weakening of the immune system, ,respiratory (breathing) illnesses, muscular weakness, partial paralysis, coma, physical dependence, psychological dependence
Ketamine	K, super K, special K	dream-like states, hallucinations, impaired attention and memory, delirium, impaired motor	Urinary tract and bladder problems, abdominal pain, major convulsions, muscle rigidity , increased confusion,

Substance	Nicknames/Slang Terms	Short Term Effects	Long Term Effects
		function, high blood pressure, depression	increased depression, physical dependence, psychological dependence
LSD	acid, stamps, dots, blotter, A-bombs	dilated pupils, change in body temperature, blood pressure and heart rate, sweating, chills, loss of appetite, decreased sleep, tremors, changes in visual acuity, mood changes	may intensify existing psychosis, panic reactions, can interfere with psychological adjustment and social functioning, insomnia, physical dependence, psychological dependence
MDMA	ecstasy, XTC, adam, X, rolls, pills	impaired judgment, confusion, blurred vision, teeth clenching, depression, anxiety, paranoia, sleep problems, muscle tension	same as LSD, sleeplessness, nausea, confusion, increased blood pressure, sweating, depression, anxiety, memory loss kidney failure, cardiovascular problems, convulsions, death, physical dependence, psychological dependence
Marijuana/ Cannabis	pot, grass, dope, weed, joint, bud, reefer, doobie, roach	sensory distortion, poor coordination of movement, slowed reaction time, panic, anxiety	bronchitis, conjunctivas, lethargy, shortened attention span, suppressed immune system, personality changes, cancer, psychological dependence, physical dependence possible for some
Morphine/ Opiates	M, morf, duramorph, Miss Emma, monkey, roxanol, white stuff	euphoria, increased body temperature, dry mouth, "heavy" feeling in arms and legs	constipation, loss of appetite, collapsed veins, heart infections, liver disease, depressed respiration, pneumonia and other pulmonary complications, physical dependence, psychological dependence
PCP	crystal, tea, angel dust, embalming fluid, killer weed, rocket fuel, supergrass, wack, ozone	shallow breathing, flushing, profuse sweating, numbness in arms and legs, decreased muscular coordination, nausea, vomiting, blurred vision, delusions, paranoia, disordered thinking	memory loss, difficulties with speech and thinking, depression, weight loss, psychotic behavior, violent acts, psychosis, physical dependence, psychological dependence
Psilocybin	mushrooms, magic mushrooms, shrooms, caps, psilocybin & psilocyn	nausea, distorted perceptions, nervousness, paranoia,	confusion, memory loss, shortened attention span, flashbacks may intensify existing psychosis,

Substance	Nicknames/Slang Terms	Short Term Effects	Long Term Effects
Steroids	roids, juice	increased lean muscle mass, increased strength, acne, oily skin, excess hair growth, high blood pressure	Cholesterol imbalance, anger management problems, masculinization for women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage, psychological dependence

Source: Eastern Illinois University