

Texas Penalties for Common Substance Abuse, Drug Trafficking, and Other Offenses

The following information is intended to notify Galen employees and students of the penalties in the state of Texas for substance abuse, drug trafficking, and other related offenses.

Drug offenses are set out in Sections 481.001 of the [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. Additional controlled substances are added to these schedules each year.

Alcohol offenses are set out in Chapter 49 of the [Texas Penal Code](#) and punishment as defined in Chapter 106 of the [Texas Alcoholic Beverage Code](#).

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.

[Section 481.112, Texas Health and Safety Code](#), deals with 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 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 4,000 is a 1st degree felony; more than 4,000 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 Penalty Group 2 or 2-A 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 Penalty Group 3 or 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 [Sections 481.115, 481.1151, 481.116, 481.1161, 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 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 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 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 481.1161, Texas Health and Safety Code](#), deals with Penalty Group 2-A drug offenses: less than two ounces is a Class B misdemeanor; more than two ounces but less than four is a Class A misdemeanor; more than five ounces but less than five pounds is a state jail felony; more than five pounds but less than fifty is a 3rd degree felony; more than 50 pounds but less than 2,000 pounds is a 2nd degree felony; more than 2,000 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 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 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 or Possession of Marihuana

These offenses are set out in [Sections 481.120, 481.121, 481.122, 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.

Offense of Delivery of Marijuana

[Section 481.120, Texas Health and Safety Code](#), deals with delivery of marijuana offenses: less than one quarter ounce is a Class B misdemeanor if delivery is without compensation; less than one quarter ounce is a Class A misdemeanor if delivery is for compensation; more than one quarter ounce and less than five pounds is a state jail felony; more than five 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

[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 five pounds is a state jail felony; (4) more than five 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

[Section 481.122, Texas Health and Safety Code](#), deals with the offense of the delivery of a controlled substance or marijuana to a minor (18 years of age or younger) and provides that the offense is a 2nd degree felony 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.

Alcohol Offenses

Offense of Public Intoxication

[Section 49.02, Texas Penal Code](#), provides that the offense of public intoxication wherein 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, wherein [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 where 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 \$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 Possession of Alcoholic Beverage in Motor Vehicle

[Section 49.031, Texas Penal Code](#), provides that the penalty for the offense of knowingly possessing an open alcoholic beverage, whether or not the vehicle is being operated, parked, or stopped in a public place is a Class C misdemeanor.

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 six 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.

Offense of Purchase of Alcohol by a Minor

[Sections 106.02, 106.071, and 106.115, Texas Alcoholic Beverage Code](#), provide that the offense of the purchase of alcohol by a minor 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 \$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 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.

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.

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.

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

[Section 106.06, Texas Alcoholic Beverage Code](#), provides that the penalty for purchasing alcohol for a minor or giving or making available an alcoholic beverage to a minor is a Class B misdemeanor.

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 \$2000; 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