

R E P O R T C A R D

2 0 0 7

"We can no longer ignore what alcohol is doing to our children. The adverse consequences of underage drinking are wide-ranging and include academic failure, risky sexual behavior, injuries and even death...

This Call to Action is a call to every American to join with the Surgeon General in a national effort to address underage drinking early, continuously, and in context of human development."

Surgeon General Kenneth Moritsugu, M.D., M.P.H.



Youth Substance Abuse Issues: Research and Legislation

C O N T E N T S

SURGEON GENERAL'S CALL TO ACTION	PAGE 3
REPORT ON REGIONAL FORUMS	PAGE 5
DSHS SURVEYS	PAGE 7
DDRAC REPORT	PAGE 13
FOCUS ON ENVIRONMENTAL PREVENTION STRATEGIES	PAGE 15
OVERVIEW OF THE 80TH SESSION	PAGE 20

“The bottom line is that research provides more reasons than ever before for parents and other adults to be concerned about the effects of underage drinking on our nation’s children, and to take steps to prevent and reduce underage drinking.”

Surgeon General Kenneth Moritsugu, M.D., M.P.H.

About the Report Card

IN 2006, TEXANS STANDING TALL STATEWIDE COALITION HOSTED ITS FIRST SERIES OF REGIONAL POLICY FORUMS,

in partnership with community coalitions throughout the state, and released its first annual Report Card. In the year since, Texans Standing Tall (TST) hosted its second series of Regional Policy Forums and has distributed more than a thousand 2006 Report Cards.

The Report Card 2006 was met with overwhelming support and has been utilized as a prevention resource by all levels of leadership in Texas. The Report Card 2007 expands its coverage and continues to serve as a tool to educate and engage people in our statewide coalition efforts to prevent underage alcohol, tobacco, and other drug use.

About the Report Card / Surgeon General Call to Action

This Report Card provides an overview of: Regional Policy Forums, statewide youth and college-aged substance abuse trends, the 2007 Drug Demand Reduction Advisory Committee (DDRAC) Report, evidence-based environmental prevention strategies as they relate to the DDRAC and Institute of Medicine Reports, and proposed legislation from the 80th Legislative Session.

In that vein, TST felt it important to draw particular attention to the Surgeon General's *Call to Action to Prevent and Reduce Underage Drinking 2007*. Not only does this report call communities to action in the manner and spirit of TST, historically such reports have resulted in prevention funding and action.

Readers find two of Surgeon General Moritsugu's quotes from the Call To Action present on the cover and introductory pages of the TST Report Card. These quotes embody the spirit with which our coalition does its work. Our hope and desire is that this Surgeon General's Call to Action will be met with the necessary funding and support to engage our country in preventing youth alcohol use as it is the number one youth drug of choice both nationally and in Texas.

The Regional Policy Forums and Report Card are made possible through federal grant funding from the Drug-Free Communities (DFC) Support Program of the Substance Abuse and Mental Health Services Administration (SAMHSA).

2007 Surgeon General's Call to Action:

In January of 2007, Acting Surgeon General Kenneth Moritsugu, M.D., M.P.H., issued a Call To Action, asking Americans to do more to reduce underage drinking. In doing so, he placed underage drinking on the agenda as a major health concern of the United States.

His statements included, "Recent research shows that the brain continues to develop well beyond childhood and throughout adolescence. This research raises

Surgeon General Call to Action

concerns that underage drinking may affect short-term and long-term cognitive functioning, and may change the brain in ways that can lead to future alcohol dependence. Research also shows that young people who start drinking before the age of 15 are five times more likely to have alcohol-related problems later in life.”

The Surgeon General laid out six general goals, developed in cooperation with the National Institute on Alcohol Abuse and Alcoholism (NIAAA) and SAMHSA. They are as follows:



Acting Surgeon General Kenneth Moritsugu

1. Foster changes in society that facilitate healthy adolescent development and that help prevent and reduce underage drinking.
2. Engage parents, schools, communities, all levels of government, all social systems that interface with youth, and youth themselves in a coordinated national effort to prevent and reduce underage drinking and its consequences.
3. Promote an understanding of underage alcohol consumption in the context of human development and maturation that takes into account individual adolescent characteristics as well as environmental, ethnic, cultural, and gender differences.
4. Conduct additional research on adolescent alcohol use and its relationship to development.
5. Work to improve public health surveillance on underage drinking and on population-based risk factors for this behavior.
6. Work to ensure that policies at all levels are consistent with the national goal of preventing and reducing underage alcohol consumption.

View the Surgeon General's Call to Action at: <http://www.surgeongeneral.gov/topics/underagedrinking/>

Historical Context of Surgeon General Reports:

The 1964 Report on Smoking and Health issued by Surgeon General Luther Leonidas Terry clearly demonstrated that smoking causes lung cancer. In response, Congress passed the Cigarette Labeling and Advertising Act and the Public Health Cigarette Smoking Act, requiring warnings on cigarette packs and placing limits on tobacco advertising. In addition, the government began pouring funding into smoking cessation programs, contributing to a dramatic reduction in smoking over the next few decades.

In 1988, recommendations from a major workshop on the subject of drunk driving, organized by Surgeon General C. Everett Koop, prompted similar changes in public policy. Congress passed the Drunk Driving Prevention Act in 1988, and the Surface Transportation Efficiency Act in 1991, which gave the states financial incentives to enact policies to reduce drunk driving. In the following years, states enacted legislation raising the drinking age to 21, lowering the blood-alcohol-content (BAC) level at which an individual is considered intoxicated and other policies to reduce drunk driving. These initiatives were a major factor in the decline of alcohol-related deaths from 51% of all traffic deaths in 1988 to 41% in 2006.

The 2007 *Call to Action to Prevent and Reduce Underage Drinking* by the Surgeon General has the potential to have the same impact on underage drinking that these two historic reports had on smoking and drunk driving.

**Please note that throughout this Report Card the words "youth" and "underage" are used interchangeably because junior high students, not just high school seniors and college freshman use alcohol – the average age for a student to first use alcohol in Texas is 12.2.*

Report on Regional Forums

IN 2006 AND 2007, WITH FUNDING PROVIDED BY a federal Drug-Free Communities (DFC) grant, Texans Standing Tall (TST) organized Regional Policy Forums throughout the state, in partnership with local community coalitions. In 2006, Forums were held in Houston, Dallas, San Antonio, Midland and El Paso. In 2007, although travel budgets were tighter than the previous year, Forums were again held in these five cities, with an additional Forum being held in Lufkin. The capacity increased in individual participation as well as total number of Forums, with two of the Forums becoming self-sustaining.

The purpose of the Forums is to educate participants in state and local issues involving underage substance abuse and to train them in environmental prevention strategies that can be implemented to address the problem. TST gauges the effectiveness of the Forums and identifies participants' perceptions of their communities by conducting comprehensive surveys, professionally administered by Research and Educational Services (REdS), including: a Training Evaluation Survey, Pre/Post Tests, and a Community Assessment Tool. The survey results are tallied by REdS and the findings, which are very instructive, are presented in a *Regional Forum Evaluation Report* to TST.

Participant Increased Understanding of Community Change

	YES	SOMEWHAT	NO
Increased Understanding of Environmental Strategies:	88.9%	10.6%	0.6%
Increased Understanding of Advocacy:	86.2%	12.9%	0.9%
Increased Understanding of How to Achieve Social Change	87.9%	11.5%	0.6%

95 percent of respondents stated that they believed there was a drug or alcohol problem in their community. **76.8 percent** of respondents stated their belief that not enough attention was being given to the alcohol or drug problem in their

Report on Regional Forums

community, with only **21.9 percent** feeling that sufficient attention was being given to the problem.

Participant Perceptions of Youth Access to Drugs

SUBSTANCE	EASY/FAIRLY EASY	HARD/VERY HARD
Alcohol	77.0%	8.1%
Tobacco	65.9%	7.0%
Other Drugs	71.3%	3.8%

These Regional Policy Forums helped local communities become more informed about the latest substance abuse trends and they equipped the attendees by providing them the tools and skills necessary for advocating on behalf of our youth.

Because alcohol is the number one drug of choice for Texas youth, the Regional Policy Forums gave particular attention to preventing youth alcohol use.

TST is proud to report that the Regional Policy Forum program has proven highly successful. Results from participant evaluations indicate that people come away from the Forums more knowledgeable about underage substance abuse issues and the prevention strategies that can best address them.

Trends In Student Substance Abuse

A KEY PURPOSE OF THE TST ANNUAL REPORT CARD is to document the current state of youth substance abuse in Texas, focusing on key factors and trends. This section highlights results of two Department of State Health Services (DSHS) surveys focused on students in middle school, high school, and college.

Underage drinking costs the state of Texas over **\$5.5 Billion** a year. This number includes, but is not limited to such expenses as uninsured medical costs, property damage, loss of life, fetal alcohol syndrome as well as the cost of treatment for alcohol-related medical problems (Pacific Institute of Research & Evaluation, 2003).

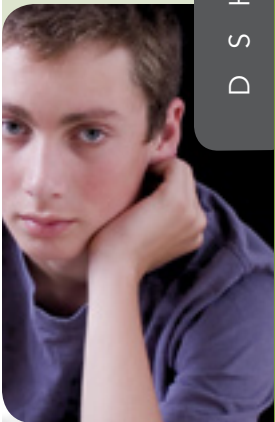
Texas School Survey on Substance Abuse Among Students Grades 7-12 (2006)

The latest Survey from the Department of State Health Services (DSHS) offers insight into the scope of the problem of youth substance abuse in Texas.

Alcohol and tobacco are considered “gateway” drugs because their early use is associated with and a predictor of other drug use. Therefore it is reasonable that environmental strategies that reduce underage alcohol and tobacco use will reduce the use of other drugs as well. The following chart shows the average age of first use for alcohol, tobacco and marijuana, comparing data from 2004 with data from 2006.

Average Age of First Use in Texas

SUBSTANCE	2004	2006
Alcohol	12.4 years of age	12.2 years of age
Tobacco	12.5 years of age	12.7 years of age
Marijuana	13.5 years of age	13.5 years of age



Trends In Student Substance Abuse

Alcohol continues to be the most widely abused substance among students, with **65.9 percent** of Texas secondary students reporting that they had used alcohol at some point in their lives, while **31.5 percent** reporting that they used alcohol in the last month.

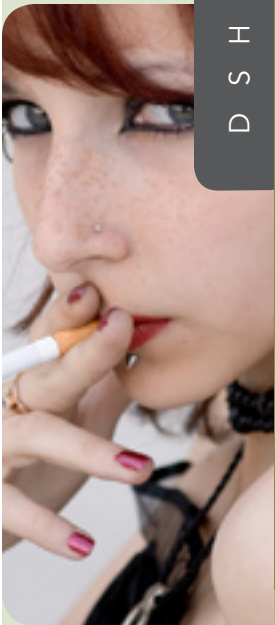
The following charts demonstrate both long-term (1990-2006) and short-term (2004-2006) trends in substance abuse among Texas secondary school students.

Long-Term Trends of Use

EVER USED	1990	2006	% OF CHANGE
Alcohol	81.0%	65.9%	-18.6%
Tobacco	56.2%	35.4%	-37.0%
Marijuana	22.6%	26.4%	+16.8%
PAST MONTH USE	1990	2006	% OF CHANGE
Alcohol	43.6%	31.5%	-27.8%
Tobacco	22.9%	15.2%	-33.6%
Marijuana	7.8%	11.0%	+41.0%

Short-Term Trends of Use

EVER USED	2004	2006	% OF CHANGE
Alcohol	67.9%	65.9%	-3.0%
Tobacco	39.4%	35.4%	-10.2%
Marijuana	29.8%	26.4%	-11.4%
PAST MONTH USE	2004	2006	% OF CHANGE
Alcohol	32.6%	31.5%	-3.4%
Tobacco	17.0%	15.2%	-10.6%
Marijuana	12.6%	11.0%	-12.7%



Trends In Student Substance Abuse

As can be seen from these numbers, there are many positive trends. Youth alcohol and tobacco use has dropped significantly both in the long-term and short-term. Although the long-term trends of marijuana use remain statistically high, the short-term numbers reveal that this trend has been reversing. We must ensure that current positive trends continue.

Positive trends are also apparent in more specific areas:

- In 2006, **9.2 percent** of secondary students said they had attended class while drunk at least once during the past school year. This is down from **10 percent** in 2004.
- Binge drinking, defined as having five or more drinks in one sitting for boys and four or more drinks in one sitting for girls, was reported by **21.9 percent** of the students in 2006. This is down from **23 percent** in 2004.
- In 2006, **21.2 percent** of high school seniors said that they had driven a car after having several drinks at least once during the past year. This is down from **24 percent** in 2004.

Alcohol continues to be viewed as the easiest of the substances to get, although this perception has decreased somewhat over the past few years.

Somewhat/Very Easy to Get

	2004	2006	% OF CHANGE
Alcohol	67.8%	66.9%	-1.3%
Tobacco	61.2%	58.4%	-4.6%
Marijuana	44.3%	41.6%	-6.1%



Trends In Student Substance Abuse

The report also sheds light on how secondary school students are obtaining alcohol.

Sources of Alcohol for Secondary School Students

At Parties	65%
From Friends	58%
At Home	19%
At A Store	19%
From Another Source	38%

These data show that efforts to reduce underage drinking have shown success in terms of youth obtaining alcohol from stores and from home. However, there is considerable room for improvement regarding youths obtaining alcohol socially at parties and from friends.

The data presented in the report show that efforts to reduce youth substance abuse have had a positive impact over the past 16 years. Still, the rates of youth substance abuse remain unacceptably high, underlying the need for even more use of effective strategies.

2005 Texas Survey of Substance Use Among College Students

In April of 2007, DSHS released the results of this survey which documented the trends of alcohol abuse among Texas college students, including those younger than 21. According to the report, **58 percent** of Texas college students under 21 reported drinking an alcoholic beverage in the preceding month. **27 percent** of underage Texas college students reported binge drinking within the last month.

View the *DSHS Texas School Survey of Substance Use Among Students Grades 7-12* at http://www.dshs.state.tx.us/sa/research/survey/2006/adolescentsubstabase_2006.pdf



Trends In Student Substance Abuse

A common misconception is that underage college students usually obtain their alcohol by purchasing it at a store, either without being carded or by using a fake ID. As the following chart shows, comparatively few students obtain their alcohol by these means.

How Underage College Students Obtain Alcohol

Given It By A Friend/Relative Over 21:	81%
Purchased At Store Without Getting Carded:	23%
Purchased At Store With Fake ID:	8%

As these results show, more than four out of five underage college drinkers obtained their alcohol from someone of drinking age who legally purchased it. This includes **38 percent** who obtained alcoholic beverages from their older siblings, parents or other relatives.

The report also highlighted the role that perceptions of parental approval play in rates of alcohol abuse among college students. **32 percent** of students reported that their parents would disapprove of their drinking alcohol; these students had substantially lower rates of alcohol use than their peers, both in terms of social drinking and binge drinking.

Past Month Alcohol Use By Perception of Parental Approval:

	DRINK	BINGE DRINK
Parents Disapproved:	55.3%	24.5%
Parents Accepted Light Drinking:	75.0%	33.2%
Parents Accepted Heavy Drinking:	79.5%	48.4%

The report concluded by stating, "Alcohol use or abuse continues to be the most prevalent problem among college students in Texas, causing adverse personal and social consequences for young adults, campuses, and the community as a whole."



Alcohol-Related Risky Behavior

DRIVING AFTER DRINKING remains a major problem among Texas college students, according to the DSHS college survey. **29 percent** of students reported having driven drunk within the last month, including **11 percent** who had driven after consuming four or more drinks. **11 percent** reported drinking when they were serving as a designated driver. Furthermore, **8 percent** of Texas college students also report driving while high or stoned on drugs.

RISKY SEXUAL BEHAVIOR engaged in by Texas college students was closely associated with excessive drinking. Among sexually active students who consumed alcohol, **12 percent** reported failing to use protection as a result of their alcohol use.

7 percent of Texas college students reported **PHYSICALLY HURTING THEMSELVES** due to their alcohol use, while **4 to 5 percent** reported causing **PROPERTY DAMAGE** or **GETTING IN TROUBLE WITH LAW ENFORCEMENT** as a result of their drinking.

According to the Drug Demand Reduction Advisory Committee (DDRAC), out of 52,000 new college freshmen every year, 13,500 fail to return for their second year. It is estimated that **3,645 OF THESE DROPOUTS** failed to return for reasons related to drug and alcohol abuse. This represents an economic loss to the state of \$19.1 million every year.

Nationally, the National Institute on Alcohol Abuse and Alcoholism (NIAAA) estimates that alcohol consumption by college students annually results in 1,400 deaths, as well as 500,000 assaults and 70,000 sexual assaults.

View the DSHS 2005 Texas Survey of Substance Use Among College Students at http://www.dshs.state.tx.us/sa/Research/college/2005/2005_CollegeSurvey_Iliu043007.pdf.

Drug Demand Reduction Advisory Committee

IN JANUARY OF 2007, AS THE 80TH TEXAS LEGISLATIVE SESSION OPENED, the Drug Demand Reduction Advisory Committee (DDRAC), appointed by the Governor, released a report intended to educate the state leadership. Titled *Saving Texas Families—Helping Texas Grow*, the report described comprehensive statewide strategies and legislative recommendations to reduce drug demand in the State of Texas.

Recognizing the role that underage drinking plays in overall rates of drug abuse, the DDRAC report included many policy proposals focused on reducing underage drinking. The report recommendations were:

1. Expand systematic use of evidence-based practices to all substance abuse intervention and treatment services purchased with state dollars at the local level.
2. Revise the state Medicaid plan to include reimbursement for Screening and Brief Intervention in emergency, primary care and women's health care settings.
3. Revise the State's Uniform Individual Accident and Sickness Policy Provision Law (UPPL) to remove the exclusion clause for medical expense policies.
4. Require state funded colleges and universities to implement Parent Notification Programs for minor students who receive alcohol and drug disciplinary violations.
5. Require students who receive alcohol/drug violations on the college campus be screened and to participate in brief intervention as part of its disciplinary action.
6. Authorize the use of sobriety checkpoints as an optional tool for law enforcement.
7. Create a funding stream for Drug Courts and DWI Courts by requiring a \$50 court fee to be charged to DWI and drug offense convictions.

Many of these recommendations were debated during the 80th Session of the Texas Legislature and some were enacted into law. To learn more about the youth-focused environmental prevention strategies as well as how the Texas Legislature addressed the DDRAC recommendations please see the sections "Focus on Environmental Prevention Strategies" and "80th Texas Legislative Session".

Read the Executive Summary of the DDRAC Report at: http://www.dshs.state.tx.us/sa/documents/DDRAC_2007_ExecutiveSummary.pdf



Focus On Environmental Prevention Strategies

THE DDRAC AND THE INSTITUTE OF MEDICINE (IOM) REPORTS

as well as the Surgeon General's Call to Action establish the need for evidence-based strategies that engage the society at large to help reduce youth substance use. Such a broad societal commitment requires multiple, culturally appropriate, strategies that are deeply rooted in data to drive the reduction of availability and demand for drugs among young people.

The following are evidence-based environmental prevention strategies found in proposed legislation during the 80th Legislative Session. Each proposed piece of legislation is given a brief overview as it relates to an environmental evidenced-based strategy and is correlated to its bill number, DDRAC Recommendation, and/or a strategy source.

Removing UPPL from state insurance code (HB 634): DDRAC RECOMMENDATION #3; IOM STRATEGY 11-1

In 1947, the National Association of Insurance commissioners (NAIC) adopted the Uniform Individual Accident and Sickness Policy Provision Law (UPPL) as a model law. The law states that health insurers do not have to reimburse patients for costs incurred when an accident is a result of "the insured's being intoxicated or under the influence of any narcotic." Most states adopted this language and it is still on the books in many states.

In 2001, NAIC formally changed its position to support the repeal of this legislation. Other groups that support the repeal of this language include: the National Conference of Insurance Legislators (2001); American Medical Association (2003); Mothers Against Drunk Driving; National Commission Against Drunk Driving (2001); American College of Emergency Physicians; and American Public Health Association (2004).

In recent years, the UPPL has been repealed in Colorado, Connecticut, the District of Columbia, Iowa, Maryland, Nevada, North Carolina, Rhode Island, and Washington State. Vermont repealed its UPPL, but did not add legislation to specifically prohibit these types of exclusions.

For communities to mobilize for change they need the clearest assessment of the cost of underage alcohol use and a complete and efficient gathering of information is essential.



Focus On Environmental Prevention Strategies

Supporters of repealing UPPL language from state insurance codes maintain that the provisions make hospitals reluctant to document the frequency of accidents caused by the influence of alcohol or other drugs, out of fear that insurance companies will not reimburse them for the costs of treating the patient. Having such data will allow for the development of more effective strategies to combat alcohol and other substance abuse.

Sobriety Checkpoints (HB 253 and SB 59):

DDRAC RECOMMENDATION #6; IOM STRATEGY 9-11

A sobriety checkpoint is a law enforcement technique involving the stopping of a specific sequence of vehicles at a predetermined, strategic, fixed location to detect drivers who are impaired by alcohol and/or other drugs. The Center for Disease Control (CDC) has carefully studied the effectiveness of sobriety checkpoints and has determined that they have reduced alcohol-related crashes and fatalities by 20 percent.

Texas leads the nation in the number of alcohol-related traffic fatalities each year. If Texas alcohol-related accidents were reduced by 20%, as CDC research suggests can be done using sobriety checkpoints, it would save the lives of roughly 300 Texans a year.

The National Transportation Safety Board (NTSB) currently estimates the cost of each alcohol-related traffic fatality to be approximately \$977,000; thus the 2005 drunk driving fatalities costs the state \$1.53 billion. Were this to be reduced by 20%, Texas would save approximately \$300 million. The CDC also believes that sobriety checkpoints may significantly reduce future costs associated with alcohol-related traffic fatalities.

Some people have raised objections to sobriety checkpoints on constitutional grounds. However, the United States Supreme Court ruled on the issue in 1990 when hearing the case of *Michigan Department of State Police vs. Sitz*. The court found sobriety checkpoints to be constitutional, so long as they are conducted in such a manner as not to infringe on civil liberties.

Texas is one of only ten states that have not implemented sobriety checkpoints.

Focus On Environmental Prevention Strategies

According to a 2005 poll conducted by the highly respected Scripps Research Center, 67 percent of Texans are in favor of implementing them in our state.

Drug Courts (HB 530):

DDRAC RECOMMENDATION #7; IOM 9-14

A drug court is a “specialized docket that has been specifically designated and staffed to handle cases involving non-violent drug-abusing offenders through an intensive, judicially monitored program of drug treatment and rehabilitation services.” (Texas Association of Drug Court Professionals, 2005)

The Texas drug courts have faced considerable funding difficulties since they were instituted in 2001. According to the Texas Department of Criminal Justice, each drug court costs \$163,000 annually to operate, but the state government appropriates only about \$83,000 per drug court. Although limited federal and local funding goes some way to making up the deficiency, funding difficulties have remained.

Research has demonstrated that drug courts have considerable success in reducing recidivism. According to a study conducted by the Criminal Justice Policy Council, offenders that completed a drug court program had a recidivism rate of 3.4% compared to 26.6% for those who did not participate. The financial savings to the state from a reduced level of recidivism is substantially higher than the cost of the drug courts program.

Keg Registration (HB 411):

IOM STRATEGY 9-8

Currently when law enforcement is called to a disturbance where underage alcohol use is occurring, such as a pasture keg party or a house disturbance, it is often difficult to establish who supplied the alcohol to the youth. This lack of information makes prosecuting these cases problematic.

Focus On Environmental Prevention Strategies

Keg registration laws require labels for kegs being used for off-premise consumption. Generally, such legislation requires the label to include the identity of the seller and purchaser of the keg. The purchaser is also required to sign a statement that he or she is over 21 years of age and does not intend to allow persons less than 21 years of age to consume the alcohol being purchased. The registration material must be kept on hand, available for examination by law enforcement.

Because kegs allow for large quantities of comparatively inexpensive alcohol, the issue of keg registration is especially relevant to underage drinking in general and binge drinking by youth and young adults in particular.

At the time of this writing, 31 states and the District of Columbia have keg registration laws. Utah bans kegs altogether.

Alcohol Excise Tax (HB 24):

IOM STRATEGY 12-7

The Texas alcohol excise tax is currently \$0.19 per gallon of beer, \$0.20 per gallon of wine and \$2.40 per gallon of spirits. Texas ranks 27th out of the 50 states in its alcohol excise tax and its rates are lower than those of all neighboring states. Since Texas has not raised its alcohol excise tax since 1984, its real value has eroded due to inflation. Furthermore, the state does not currently require that the revenue raised by the alcohol excise tax go to fire and emergency services.

Numerous studies indicate that higher alcohol prices significantly reduce underage drinking, particularly as youths tend to have considerably less disposable income than adults. The revenue generated by the excise taxes can also be used for educational and other prevention programs to reduce underage drinking.

According to the American Medical Association, 65% of Americans support raising the alcohol excise tax.

Statewide Public Smoking Ban (HB 9 and SB 368): 2007 SURGEON GENERAL REPORT: CHILDREN AND SECONDHAND SMOKE EXPOSURE

At the time of this writing, more than two-dozen municipalities in Texas have passed local smoking ordinances, including the cities of Austin, Dallas, Houston and El Paso. Some are complete bans on smoking in indoor public places, while others place various restrictions on public smoking (such as banning smoking in restaurants). 21 other states and the District of Columbia have passed comprehensive smoking bans, and ten others have passed limited smoking bans. Hundreds of municipalities across the country have established local smoking bans. Smoking bans have also been implemented in many other countries, including France and the United Kingdom.

The beneficial health effects of smoking bans are becoming increasingly apparent. A study by the American Heart Association shows that communities that institute smoking bans experience a dramatic reduction in heart attacks. A study by Dundee University in Scotland has shown significant reductions in asthma and allergies in communities that implement smoking bans.

Critics of smoking ban proposals express concern that such policies could result in profit losses at various businesses. However, experience has shown that communities experience little or no reduction in business activity as a result of smoking bans. In fact, a study by New York City's Department of Health and Mental Hygiene indicates that smoking bans may actually result in better business for restaurants and bars. Different communities will experience different results, but the overall trend seems to indicate that smoking bans do not economically damage communities.

According to a poll commissioned by Smoke-Free Texas, 66% of Texans are in favor of a statewide smoking ban for workplaces and indoor public places.

Focus On Environmental Prevention Strategies

The following chart compares Texas to its neighboring states in implementing these environmental prevention strategies:

Strategy	TEXAS	ARKANSAS	OKLAHOMA	NEW MEXICO	LOUISIANA
1. UPPL Repeal	N	N	N	N	N
2. Sobriety Checkpoints	N	Y	Y	Y	Y
3. Drug Courts	Y	Y	Y	Y	Y
4. Keg Registration	N	Y	Y	Y	Y
5. Statewide Smoking Ban	N	Y*	N	Y	Y*

* Arkansas and Louisiana ban smoking in restaurants but allow smoking in bars.

The following chart shows the excise tax rates on beer, wine, spirits and tobacco of Texas and its neighboring states.

Excise Taxes	TEXAS	ARKANSAS	OKLAHOMA	NEW MEXICO	LOUISIANA
1. Beer (per gallon)	0.19	0.23	0.40	0.41	0.32
2. Wine (per gallon)	0.20	0.75	0.72	1.70	0.11
3. Spirits (per gallon)	2.40	2.50	5.56	6.06	2.50
4. Cigarettes (per pack)	1.41	0.59	1.03	0.91	0.36

Information for this section was gathered from the Alcohol Policy Information System, a project of the National Institute of Alcohol Abuse and Alcoholism (www.alcoholpolicy.niaaa.nih.gov), the National Conference of State Legislatures (<http://www.ncsl.org/programs/health/Cigarette.htm>), Mothers Against Drunk Driving (www.madd.org), Americans For Nonsmokers' Rights (<http://www.no-smoke.org>), National Conference of State Legislatures (<http://www.ncsl.org/programs/health/Cigarette.htm>), and the Campaign for Tobacco-Free Kids (<http://tobaccofreekids.org>).

Overview of the 80th Session

THE 80TH SESSION OF THE TEXAS LEGISLATURE BEGAN ON JANUARY 9, 2007, and ended on May 28, 2007. The following section is an overview of some of the bills introduced in this session that directly or indirectly dealt with youth use of alcohol, tobacco and other drugs.

Among the bills relevant to underage use of alcohol, tobacco and other drugs that were debated were proposals to authorize sobriety checkpoints, implement keg registration, reform the methods of funding drug courts and raising excise taxes on alcoholic beverages in certain municipalities. These issues were the subjects of spirited debates throughout the legislative session.

Several of these bills were very similar to bills that had been introduced in previous sessions of the legislature. It is very likely that those that did not become law will again be introduced in the 81st session of the Legislature, which will convene on January 12, 2009.

All information regarding legislation was taken from the Texas Legislature Online at <http://www.capitol.state.tx.us>.

House Committee on Licensing and Administrative Procedures

Chair: Representative Ismael "Kino" Flores (D-Mission)
 Vice Chair: Representative Charlie Geren (R-River Oaks)
 B&O Chair: Representative Carl Isett (R-Lubbock)

Members: Representative Tony Goolsby (R-Dallas)
 Representative Delwin Jones (R-Lubbock)
 Representative Senfronia Thompson (D-Houston)
 Representative Mike Hamilton (R-Mauriceville)
 Representative Borris Miles (D-Houston)
 Representative Chente Quintanilla (D-El Paso)

Increasing Penalties for Serving Alcohol to a Person Under 21

HB 25: Relating to punishment for the sale of an alcoholic beverage to a minor.

Author: Representative Frank Corte (R-San Antonio)

Status: Referred to House Licensing & Administrative Procedures Committee; not brought up for consideration by the committee.

Summary: This bill would have changed the penalty for a second offense of knowingly selling alcohol to a minor. Presently the offense is a Class A misdemeanor. If a person has been previously convicted of this offense, HB 25 would have made the second offense a state jail felony.

Keg Registration; Tracking Sales of Kegs

HB 411: Relating to the registration of certain containers of alcoholic beverages

Author: Representative Rob Eissler (R-The Woodlands)

Status: Passed out of House Licensing & Administrative Procedures 6-0 on 5/1/07; sent to Calendars 5/7/07; not brought up for vote on House floor.

Summary: This legislation would have required keg registration labels for kegs being used for off-premise consumption. The registration material would have been kept by the seller for at least one year and would have been available for inspection by the TABC or any law enforcements officer.

Allowing Hotels to Serve Alcohol 24 Hours a Day

HB 815: Relating to the hours for selling alcohol beverages in certain establishments

Author: Representative Harold Dutton, Jr. (D-Houston)

Status: Voted down in the House by a margin of 79-61.

Summary: This bill would have allowed the serving of alcohol to patrons in a hotel 24 hours a day. Current law allows establishments with extended hours licenses to serve alcohol between 7:00 AM and 2:15 AM Monday through Saturday and between noon and 2:15 AM on Sunday. During the floor debate, Representative Charlie Howard (R-Sugar Land) made the following remarks:

You know, it's amazing to me, it's amazing to me that this bill could be called an economic development bill. In the whole State of Texas, according to the research that we have here, there would be \$55,000 of income for the counties and the cities over that period. How much money are these same cities and counties going to have to spend for extra EMS, extra police, extra DPS? This bill, you know, it says these are for hotel guests and we just had an amendment that was accepted that said we're going to call a cab for the people that are drinking in the hotel. Why are we calling a cab for someone who had the hotel room? I mean, I'm a little bit confused.

Restricting Alcohol Sales Near Schools

HB 1469: Relating to the local regulation of distance requirements for businesses selling alcoholic beverages near a public school

Author: Representative Charlie Geren (R-River Oaks)

Status: Passed out of House Committee on Licensing & Administrative Procedures; sent to Calendars on 5/3/07; not brought up for vote on House floor.

Summary: Currently only school districts located in metropolitan areas with populations of 900,000 or higher have the right to regulate the distances between a public school and a business that sells alcoholic beverages up to 1,000 feet. HB 1469 would have allowed any school district, no matter its population, to petition the commissioners court of the county in which the district is located or the governing board of an incorporated city or town in which the school district is located to adopt a 1,000 ft zone between a public school and a business that sells alcoholic beverages.

Allowing Liquor Sales On Sunday

HB 1714: Relating to the hours of sale for liquor

Author: Representative Harold Dutton, Jr. (D-Houston)

Status: Referred to House Committee on Licensing and Administrative Procedures; not brought up for consideration.

Summary: Under current law, the sale of liquor is prohibited on Sunday (sales of beer and wine are permitted only after noon on Sunday). HB 1714 would have removed the prohibition and allowed the sale of liquor on Sundays.

House Committee on Local Government Ways and Means

Chair: Representative Fred Hill (R-Richardson)

Vice Chair: Representative Brandon Creighton (R-Conroe)

B&O Chair: Representative Chente Quintanilla (D-El Paso)

Members: Representative Mike Villarreal (D-San Antonio)
Representative Gary Elkins (R-Houston)
Representative Charlie Howard (R-Sugar Land)
Representative Robert Puente (D-San Antonio)

Local Alcohol Excise Tax

HB 24: Relating to a fee on sales of alcoholic beverages in certain municipalities to fund fire and emergency services and related educational activities

Author: Representative Frank Corte (R-San Antonio)

Status: Left pending in House Committee on Local Government Ways & Means.

Summary: This bill would have allowed municipalities with a population of over a million people to impose a fee of 10 cents on each individual serving or container of alcohol sold to the ultimate consumer. The proceeds would have been dedicated to fire and emergency services within the municipality. The municipality would have been required to monitor the impact of the fee. Because of the population requirements, this bill would only have affected the cities of Dallas, Houston and San Antonio. Unless renewed, the provisions of the bill would have expired on September 1, 2013. HB 24 would have essentially served as an experimental trial for an expanded alcohol excise tax in Texas.

House Committee on Law Enforcement

Chair: Representative Joe Driver (R-Garland)
 Vice Chair: Representative Thomas Latham (R-Mesquite)
 B&O Chair: Representative Alma Allen (D-Houston)

Members: Representative Stephen Frost (D-New Boston)
 Representative Solomon Ortiz, Jr. (D-Corpus Christi)
 Representative Hubert Vo (D-Houston)
 Representative G.E. "Buddy" West (R-Odessa)

Senate Committee on Transportation and Homeland Security

Chair: Senator John Carona (R-Dallas)
 Vice Chair: Senator Kirk Watson (D-Austin)

Members: Senator Kim Brimer (R-Fort Worth)
 Senator Rodney Ellis (D-Houston)
 Senator Robert Nichols (R-Jacksonville)
 Senator Florence Shapiro (R-Plano)
 Senator Eliot Shapleigh (D-El Paso)
 Senator Jeff Wentworth (R-San Antonio)
 Senator Tommy Williams (R-The Woodlands)

Sobriety Checkpoints

HB 253 and SB 59: Relating to the authority of law enforcement agencies to establish checkpoints for DWI

Author of HB 253: Representative Todd Smith (R-Bedford)

Author of SB 59: Senator Judith Zaffrini (D-Laredo)

Status of HB 253: Left pending in Law Enforcement Committee, 4/2/07.

Status of SB 59: Passed out of Transportation & Homeland Security Committee, 4/11/07; not placed on intent calendar.

Summary: These identical bills would have given local law enforcement agencies the authority to establish sobriety checkpoints as a means of reducing drunk driving. It would

Alcohol and Other Substance Abuse Related Legislation

not have mandated their use, but only allowed local law enforcement to use it if they decided to do so.

House Committee on Transportation

Chair: Representative Mike Krusee (R- Round Rock)
 Vice Chair: Representative Larry Phillips (R-Sherman)
 B&O Chair: Representative Linda Harper-Brown (R-Irving)

Members: Representative Pat Haggerty (R-Mauriceville)
 Representative Fred Hill (R-Richardson)
 Representative Joe Deshotel (D-Port Arthur)
 Representative Patricia Harless (R-Spring)
 Representative Nathan Macias (R-Bulverde)
 Representative Jim Murphy (R-Houston)

Improving Reporting of Alcohol-Related Accidents

HB 423: Relating to requiring that medical examiners and justices of the peace report certain deaths that result from a motor vehicle accident to the Texas Department of Public Safety.

Author: Representative Frank Corte (R-San Antonio)

Status: Passed by both House & Senate – Signed by the Governor 5/14/07, effective on 9/1/07.

Summary: Texas has more alcohol-related fatal traffic accidents than any other state. However, the state has one of the worst records for reporting alcohol results for fatally injured drivers. HB 423 regulates how, when and to whom medical examiners or justices of the peace, when acting as coroners, are to report specific toxicology information relating to vehicle accidents. It is expected that this will increase the quality of information relating to alcohol-related crashes in Texas.

House Committee on Corrections

Chair: Representative Jerry Madden (R-Plano)
 Vice Chair: Representative Scott Hochberg (D- Houston)
 B&O Chair: Representative Jim McReynolds (D-Lufkin)

Members: Representative Jim Dunnam (D-Waco)
 Representative Pat Haggerty (R-Mauriceville)
 Representative Delwin Jones (R-Lubbock)
 Representative Rene Oliveira (D-Brownsville)

Expanding and Increasing Funding for Drug Court Programs

HB 530: Relating to the operation and funding of drug court programs

Author: Representative Jerry Madden (R-Plano)

Status: Passed by both House & Senate – Signed by the Governor 6/15/07, effective immediately.

Summary: This bill amends the Health and Safety Code to expand the definition of a drug court to allow other types of problem-solving courts to be established. These new problem-solving courts include, but are not limited to, juvenile drug courts and family dependency drug courts. Furthermore, the bill authorizes municipalities to establish drug courts if they wish, whereas previously only counties had the authority to establish drug courts. It expands the number of counties in which drug courts are mandated and allows drug courts to impose \$50 charges on the conviction of certain intoxication and drug offenses.

House Committee on Insurance

Chair: Representative John T. Smithee (R-Amarillo)
 Vice Chair: Representative Todd Smith (R-Bedford)
 B&O Chair: Representative Larry Taylor (R-League City)

Members: Representative Craig Eiland (D-Galveston)
 Representative Kelly Hancock (R-Fort Worth)
 Representative Armando "Mando" Martinez
 Representative Senfronia Thompson (D-Houston)

Alcohol and Other Substance Abuse Related Legislation

Representative Hubert Vo (D-Houston)

Representative Beverly Woolley (R-Houston)

Repealing UPPL Provisions from Insurance Code

HB 634: Relating to certain limitations in health benefit plans and health insurance policies

Author: Representative Craig Eiland (D-Galveston)

Status: Left pending in House Committee on Insurance on 4/17/07.

Summary: This bill would have removed the UPPL (Uniform Individual Accident and Sickness Policy Provision Law) from the state insurance code. State insurance companies would no longer be able to refuse coverage of emergency medical cases on account of those cases being caused by alcohol or other drug use.

Senate Committee on Criminal Justice

Chair: Senator John Whitmire (D-Houston)

Vice Chair: Senator Kel Seliger (R-Amarillo)

Members: Senator John Carona (R-Dallas)

Senator Bob Deuell (R-Greenville)

Senator Rodney Ellis (D-Houston)

Senator Glenn Hegar (R-Katy)

Senator Juan "Chuy" Hinojosa (D-Mission)

Funding Drug Courts

SB 1780: Relating to the funding of drug courts in the State

Author: Senator John Whitmire (D-Houston)

Status: Passed through the Senate, sent to the House Committee on Corrections, where it passed and was sent to Calendars 5/20/07; not brought up for vote on House floor.

Summary: This legislation dealt with the funding of drug courts. Current law authorizes the state to use 10 percent of forfeiture monies to fund drug prevention programs. This bill would have required the district attorney in a county that operates a drug court to deposit 10 percent of criminal asset forfeiture funds to that program for maintenance and operating costs.

Treatment Programs as Alternative to Incarceration

SB 1909: Relating to treatment diversion programs for substance abusers

Author: Senator Rodney Ellis (D-Houston)

Status: Passed out of Senate on 4/17/07, sent to House Committee on Corrections, reported favorably out of committee and sent to General State Calendar 5/22/07; not brought up for vote on the House floor.

Summary: Committee Substitute for Senate Bill (C.S.S.B.) 1909 would have authorized the Texas criminal justice system to utilize alternatives to incarceration for persons arrested for substance abuse. It would have required nonviolent drug offenders with no previous conviction other than drug-related offenses to be placed on probation and given personalized treatment, rather than being incarcerated, unless a judge finds that the individual is a danger to the community or not fit for treatment. A parolee, under similar conditions, would also have been subject to other forms of punishment other than re-incarceration for violating a drug-related condition of parole under this bill.

House Committee on Business and Industry

Chair: Representative Helen Giddings (D-De Soto)

Vice-Chair: Representative Gary Elkins (R-Houston)

B&O Chair: Representative Drew Darby (R-San Angelo)

Members:

- Representative Kevin Bailey (D-Houston)
- Representative Burt Solomons (R-Carrollton)
- Representative Dwayne Bohac (R-Houston)
- Representative Joaquin Castro (D-San Antonio)
- Representative Armando "Mando" Martinez (D-Weslaco)
- Representative William "Bill" Zedler (R-Arlington)

Senate Committee on Health and Human Services

Chair: Senator Jane Nelson (R-Lewisville)

Vice Chair: Senator Bob Deuell (R-Greenville)

Members:

- Senator Kyle Janek (R-Houston)
- Senator Robert Nichols (R-Jacksonville)

Senator Dan Patrick (R-Houston)
 Senator Eliot Shapleigh (D-El Paso)
 Senator Carlos Uresti (D-San Antonio)
 Senator Royce West (D-Dallas)
 Senator Judith Zaffirini (D-Laredo)

Statewide Smoking Ban

HB 9 and SB 368: Relating to the elimination of smoking in certain workplaces and public places; providing penalties

Author of HB 9: Representative Myra Crowover (R-Lake Dallas)

Author of SB 368: Senator Rodney Ellis (D-Houston)

Status of HB 9: Passed out of the House Committee on Business and Industry; approved by the House and sent to the Senate; placed on intent calendar; not brought up for vote on Senate floor.

Status of SB 368: Left pending in Senate Committee on Health and Human Services.

Summary: These pieces of legislation would have banned smoking in most workplaces and indoor public places in Texas, including restaurants and bars. The penalty for violating the smoking ban would have been a fine of \$100. The American Heart Association, the American Cancer Society, the American Lung Association and the Texas Restaurant Association were supporters of this legislation.

House Committee on Public Health

Chair: Representative Dianne White Delisi (R-Temple)

Vice Chair: Representative Jodie Laubenberg (R-Rockwall)

B&O Chair: Representative Jim Jackson (R-Carrollton)

Members:
 Representative Garnet Coleman (D-Houston)
 Representative Dora Olivo (D-Missouri City)
 Representative Ellen Cohen (D-Houston)
 Representative Veronica Gonzales (D-McAllen)
 Representative Susan King (R-Abilene)
 Representative Vicki Truitt (R-Southlake)

Medical Marijuana Bill

HB 1534: Relating to the medical use of marijuana

Authors: Representative Elliot Naishtat (D-Austin), Representative Garnet Coleman (D-Houston), Representative Jim Jackson (R-Carrollton)

Status of HB 1534: Referred to the House Committee on Public Health; not brought up for consideration.

Summary: This legislation would have allowed a person being prosecuted for marijuana possession to use, as an affirmative defense in court, the fact that he or she was in possession of the marijuana “for the amelioration of the symptoms or effects of a bona fide medical condition” at the recommendation of licensed physician. It would have also prohibited state law enforcement from investigating physicians solely on the ground that they recommended the use of marijuana as a bona fide medical treatment and would have prohibited disciplinary action being taken against a physician if he or she recommended the use of marijuana as a bona fide medical treatment.

Senate Committee on State Affairs

Chair:	Senator Robert Duncan (R-Lubbock)
Vice Chair:	Senator Tommy Williams (R-The Woodlands)
Members:	<ul style="list-style-type: none"> Senator John Carona (R-Dallas) Senator Rodney Ellis (D-Houston) Senator Tony Fraser (R-Horseshoe Bay) Senator Chris Harris (R-Arlington) Senator Mike Jackson (R-La Porte) Senator Eddie Lucio, Jr. (D-Brownsville) Senator Leticia Van de Putte (D-San Antonio)

Requiring Health Warnings for Pregnant Women in Tobacco-Selling Establishments

HB 657 and SB 91: Relating to point-of-sale health warnings for tobacco products

Author of HB 657: Representative Bill Zedler (R-Arlington)

Author of SB 91: Senator Leticia Van de Putte (D-San Antonio)

Alcohol and Other Substance Abuse Related Legislation

Status of HB 657: Left Pending in House Committee on Public Health.

Status of SB 91: Reported favorably by Senate Committee on State Affairs; approved by both chambers; signed by Governor; effective 9/1/07.

Summary: Under the Texas Health and Safety Code, all retail establishments selling cigarettes or other tobacco products are required to post a sign “in a location that is conspicuous to all employees and customers” that declares it illegal for anyone under 18 years of age to purchase cigarettes or other tobacco products. This legislation will expand the wording on the sign to include a warning of the health effects that smoking can have on a woman’s pregnancy. The new language in the warning sign will read: “PREGNANT WOMEN SHOULD NOT SMOKE. SMOKERS ARE MORE LIKELY TO HAVE BABIES WHO ARE BORN PREMATURE OR WITH LOW BIRTH WEIGHT.”

Senate Committee on Health and Human Services

Chair: Senator Jane Nelson (R-Lewisville)

Vice Chair: Senator Bob Deuell (R-Greenville)

Members:

- Senator Kyle Janek (R-Houston)
- Senator Robert Nichols (R-Jacksonville)
- Senator Dan Patrick (R-Houston)
- Senator Eliot Shapleigh (D-El Paso)
- Senator Carlos Uresti (D-San Antonio)
- Senator Royce West (D-Dallas)
- Senator Judith Zaffirini (D-Laredo)

Raising Legal Age to Purchase Tobacco Products from 18 to 19

SB 448: Relating to the distribution, possession, purchase, consumption, and receipt of tobacco products, providing penalties

Author: Senator Carlos Uresti (D-San Antonio)

Status: Reported favorably by the Senate Committee on Health and Human Services; passed out of Senate; referred to House Committee on State Affairs; not brought up for consideration.

Summary: Under present law, the legal age for purchasing tobacco products in Texas is

Alcohol and Other Substance Abuse Related Legislation

18. This legislation would have altered the Texas Health and Safety Code so as to raise the legal age for purchasing tobacco products from 18 to 19.

Senate Committee on Finance

Chair: Senator Steve Ogden (R-Bryan)

Vice Chair: Senator Judith Zaffirini (D-Laredo)

Members:

- Senator Kip Averitt (R-Waco)
- Senator Bob Deuell (R-Greenville)
- Senator Robert Duncan (R-Lubbock)
- Senator Kevin Eltife (R-Tyler)
- Senator Tony Fraser (R-Horseshoe Bay)
- Senator Juan "Chuy" Hinojosa (D-Mission)
- Senator Kyle Janek (R-Houston)
- Senator Eddie Lucio, Jr. (D-Brownsville)
- Senator Jane Nelson (R-Lewisville)
- Senator Florence Shapiro (R-Plano)
- Senator Royce West (D-Dallas)
- Senator John Whitmire (D-Houston)
- Senator Tommy Williams (R-The Woodlands)

House Committee on Ways and Means

Chair: Representative James Keffer (R-Eastland)

Vice Chair: Representative Allan Ritter (D-Nederland)

B&O Chair: Representative John Otto (R-Dayton)

Members:

- Representative Yvonne Davis (D-Dallas)
- Representative Ismael "Kino" Flores (D-Mission)
- Representative Jim Pitts (R-Waxahachie)
- Representative Dennis Bonnen (R-Angleton)
- Representative Ken Paxton (R-McKinney)
- Representative Aaron Pena (D-Edinburg)

Creating a Separate Tax for Tobacco Snuff

HB 1286 and SB 667: Relating to the tax imposed on certain tobacco products

Authors of HB 1286: Representatives Warren Chisum (R-Pampa) and Representative Aaron Pena (D-Edinburg)

Author of SB 667: Senator John Carona (R-Dallas)

Status of HB 1286: Left Pending in House Committee on Ways and Means.

Status of SB 667: Left Pending in Senate Committee on Finance.

Summary: Under current law, the state excise tax imposed on tobacco snuff is based on the price paid by a wholesaler to a manufacturer, rather than according to the actual amount of snuff. The result is that users of higher quality snuff pay a higher excise tax than users of lower quality snuff. This legislation would have replaced the current variable excise tax on tobacco snuff with a flat excise tax rate of \$1 per ounce, regardless of the type of snuff. Fiscal analysis concluded that this would have generated millions of dollars in additional revenue.

House Committee on Criminal Jurisprudence

Chair: Representative Aaron Pena (D-Edinburg)
 Vice Chair: Representative Allen Vaught (D-Dallas)
 B&O Chair: Representative Debbie Riddle (R-Houston)

Members:
 Representative Terri Hodge (D-Dallas)
 Representative Juan Escobar (D-Kingsville)
 Representative Barbara Mallory Caraway (D-Dallas)
 Representative Paul Moreno (D-El Paso)
 Representative Paula Pierson (D-Arlington)
 Representative Robert Talton (R-Pasadena)

Reducing Criminal Penalties for Possession of Small Amounts of Marijuana

HB 758: Relating to the penalty for possession of two ounces or less of marijuana and to the issuance of an occupational driver's license

Author: Representative Harold Dutton, Jr. (D-Houston)

Status: Left Pending in House Committee on Criminal Jurisprudence.

Alcohol and Other Substance Abuse Related Legislation

Summary: Under current law, possession of two ounces or less of marijuana is a Class B misdemeanor. This legislation would have changed the law so as to make possession of one ounce or less of marijuana to be classified as a Class C misdemeanor, while possession of between one and two ounces would still be classified as a Class B misdemeanor. Under this legislation, if a defendant has been convicted of possessing one ounce or less of marijuana within the last two years, an additional conviction would be a Class B misdemeanor. He or she would also be ineligible for community supervision as an alternative to incarceration.

Reducing Criminal Penalties for Possession of Small Amounts of Certain Drugs

HB 759: Relating to the penalty for possession of a small amount of certain controlled substances

Author: Representative Harold Dutton, Jr. (D-Houston)

Status: Left Pending in House Committee on Criminal Jurisprudence.

Summary: Under current law, possession of a gram of a controlled substance listed in Penalty Group 1 of the Texas Health and Safety Code is a state jail felony. Included in this group are cocaine, heroin and ketamine. This legislation would have reduced the penalty from a state jail felony to a Class A misdemeanor.