

**Unit Goal: Texas laws pertaining to the Health and Safety Code and controlled substances.**

**15.1. Define the following terms contained in the Texas controlled Substances Act, Health & Safety Code (HSC).**

Important terms (see Health and Safety Code Chapter 481.002 for current definitions):

- Administer
- Controlled substance
- Controlled substance analogue
- Counterfeit substance
- Deliver or offer to deliver
- Dispense
- Distribute
- Drug
- Drug paraphernalia
- Human consumption
- Immediate precursor
- Manufacture
- Marihuana
- Narcotic drug
- Opiate
- Person
- Possession
- Production

**15.2. Identify the six major categories of controlled substances.**

The six major categories of controlled substances:

- Narcotics
- Depressants
- Stimulants
- Hallucinogens
- Marihuana
- Simulated controlled substances

**Lecture scenario:** Discuss local concerns prevalent in the above categories:

- Areas in which abuse occurs
- Physical and psychological consequences of abuse

**15.3. Using the appropriate resource, identify penalty groups for manufacture, delivery, and possession of controlled substances, simulated controlled substances, controlled substance analogues, and other controlled substance offenses.**

**Instructor Note:** Although students are not required to memorize specific drugs included in penalty groups, the most commonly abused drugs location should be identified by the instructor within the applicable penalty group. Students will learn how to locate the appropriate drug within a penalty group and appropriate offense levels.

## Basic Peace Officer Course | Chapter 15 | Health and Safety Code-Controlled Substance Act

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Offense: Manufacture or delivery of substance in:

Penalty Group 1	HSC 481.112
Penalty Group 1A	HSC 481.1121
Penalty Group 1B	HSC 481.1123
Penalty Group 2 & 2A	HSC 481.113
Penalty Groups 3 and 4	HSC 481.114

Offense: Possession of substance in:

Penalty Group 1	HSC 481.115
Penalty Group 1A	HSC 481.1151
Penalty Group 1B	HSC 481.115
Penalty Group 2 & 2A	HSC 481.116
Penalty Group 3	HSC 481.117
Penalty Group 4	HSC 481.118

Offense:

Manufacture, delivery, or possession of miscellaneous substances.	HSC 481.119
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Offense:

Delivery of Marihuana	HSC 481.120
Possession of Marihuana	HSC 481.121
Delivery of controlled substance or marihuana to child	HSC 481.122
Distribution or sale of kratom product to minor	HSC 444.04
Possession or transport of certain chemicals with intent to manufacture controlled substance	HSC 481.124
Possession or delivery of drug paraphernalia	HSC 481.125
Falsifying drug test results	HSC 481.133
Manufacture/delivery of controlled substance	
Causing death or serious bodily injury	HSC 481.141
Simulated controlled substances; unlawful delivery or manufacture with intent to deliver; criminal penalty	HSC 482.002

**Instructor Note:** Discuss possession of PG 1-B penalty is the same as possession of PG 1 penalty but manufacture or delivery of PG 1-B penalties or more severe than PG 1. See Health and Safety Code Chapter 481.112 (manufacture or delivery PG 1), Health and Safety Code Chapter 481.1123 (manufacture or delivery PG 1-B), Health and Safety Code Chapter 481.115 (possession PG 1 or 1-B)

Discuss defense to prosecution and when defense is not available found in:

- 481.115(g) PG-1 or PG 1-B
- 481.1151(c) PG 1-A
- 481.116(f) PG 2
- 481.1161(c) PG 2-A

- 481.117(f) PG 3
- 481.118(f) PG 4
- 481.119(c) Miscellaneous substances
- 481.121(c) Possession of marijuana

**15.4. Identify enhancements that may affect the punishment one receives for violating the Texas drug laws.**

- Deadly weapon findings – Penal Code Chapter 1.07(a)(17), Penal Code Chapter 12.35(c)(1)(state jail felony punished as third degree if deadly weapon used in commission of offense in or immediate flight there from), Government Code Chapter Sec. 508.145(convict must serve at least half of sentence if deadly weapon finding, otherwise minimum  $\frac{1}{4}$ )
- Manufacture of substance in PG 1: Presence of Child – Health and Safety Code Chapter 481.1122
- Complex synthetic & synthetic substances PG 2A Health and Safety Code Chapter 481.113 & Health and Safety Code Chapter 481.116
- Diversion of controlled substance by registrants, dispensers, and certain other persons Health and Safety Code Chapter 481.1285
- Endangering a child – Child placed in imminent danger if defendant introduced CS from PG 1-B into human body Penal Code Chapter 22.041 (C-1) (3)
- Directing activities of criminal street gangs – enhanced penalty for manufacturer, delivery or possession PG 1-B of >4 gms. PC 71.023

**15.5. Identify the procedures to be followed in the seizure and destruction of controlled substance property.**

Seizure and destruction

HSC 481.153

**Instructor Note:** Define common definitions in Health and Safety Code Chapter 481.151 and discuss Health and Safety Code Chapter 481.152, Health and Safety Code Chapter 481.154, Health and Safety Code Chapter 481.159 and Health and Safety Code Chapter 481.160.

**Unit Goal: Texas laws pertaining to dangerous drugs and drug paraphernalia.**

**15.6. Define the following terms pertaining to dangerous drugs.**

Important terms (see Health and Safety Code Chapter 483.001 for current definitions):

- Dangerous drug
- Deliver
- Manufacturer
- Prescription

**15.7. Identify commonly abused drugs.**

According to the National Institute on Drug Abuse, the most commonly abused types of drugs include:

- Narcotic/opioid
- Stimulants/cocaine

- Depressants

**Lecture Scenario:** Discuss drugs commonly abused in their jurisdiction.

**15.8. Identify common paraphernalia that may indicate substance usage.**

- Injection: needles, syringes, etc.
- Inhalation: bags, balloons, etc.
- Ingestion: gelatin capsules, tablets, etc.
- Application: patches, drop, foam or gel containers, etc.

**15.9. Discuss the elements of following violations related to possession, delivery, and manufacture of dangerous drugs and for forging or altering a prescription.**

Possession of dangerous drug	HSC 483.041
Delivery or offer of delivery of dangerous drug	HSC 483.042
Manufacture of dangerous drug	HSC 483.043

**Instructor Note:** Discuss Health and Safety Code Chapter 483.046, Health and Safety Code Chapter 483.047, Health and Safety Code Chapter 483.050, Health and Safety Code Chapter 481.1285

**Unit Goal: Enforcement requirements for the Texas Compassionate-Use program, hemp and hemp products.**

**15.10. Identify the Texas Compassionate-Use program.**

Important terms (see Occupations Code Chapter 169.001 for current definitions):

- Department
  - Low-THC Cannabis
  - Medical Use
  - Smoking
- |   |            |
|---|------------|
| Physician qualified to prescribe low-THC Cannabis to patients with certain medical conditions | OC 169.002 |
| Prescription of low-THC cannabis  | OC 169.003 |
| Low-THC cannabis prescriber registration  | OC 169.004 |
| Patient Treatment Plan  | OC 169.005 |

**15.11. Define marijuana and hemp.**

**Instructor Note:** Reiterate the definition of marijuana found in Health and Safety Code Chapter 481.002(26) ensuring to cross reference Health and Safety Code Chapter 481.002(26) (F) in Agriculture Code Chapter 121.001.

- >0.3% = Marijuana/marijuana derived – ILLEGAL
  - <0.3% = Hemp/hemp derived – LEGAL
  - Discuss quantitative analyses required under Health and Safety Code Chapter 481.159 (c)(1)
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|--------------------|-------------|
| Legislative Intent | AGC 121.002 |
| State Plan         | AGC 121.003 |

Rules

AGC 121.004

**15.12. Discuss methods of identifying suspected controlled substances and dangerous drugs.**

Agencies and labs that analyze suspected controlled substances:

- The Texas Dept. of Public Safety
- Check for certified and accredited local agency labs

**Instructor Note:** Discuss the Physicians' Desk Reference, websites designed to identify the inscriptions, shape, and color of drug substances such as Drugs.com and the current field test kits if authorized or available. Discuss officer safety issues related to using field test kits.

**15.13. Identify the procedures to be followed in the seizure and destruction of dangerous drugs.**

Seizure and Destruction

HSC 483.074

**Unit Goal: Narcotic interdiction/investigation techniques and procedures.**

**15.14. Identify the incidence of drug interdiction and common characteristics of drug smugglers and their vehicles.**

Vehicles used as load cars for narcotics:

- Reliable vehicle with large capacity
- Inconspicuous vehicle to blend in
- False compartments in interior or exterior
- Vehicle trim on the side of a pickup (for example) does not line up due to the lowering or raising the cab to accommodate false compartments
- Lug nuts or vehicle body screws and bolts appear to have been tampered with/tool markings
- Vehicle not registered to driver (rental car or another third-party owner)
- Driver does not know who the vehicle belongs to

How the vehicle is being operated

- Exiting suddenly
- Hiding
- Traffic violations

Actions of the driver

- Nervousness
- Fidgeting
- Eye contact

From drug interdiction incident to routine patrol, always be observant. Keep eyes, ears, and nose open, in addition to asking questions.

**15.15. Identify factors contributing to probable cause in drug investigation and appropriate interview techniques.**

Factors contributing to probable cause:

- Nervousness of suspect

- Lack of identification/incorrect identification
- Lack of registration and/or insurance
- Appearance of vehicle
- Stories given by suspects do not match or make sense
- Pungent odor of certain controlled substances emanating from the vehicle
- Driver states he does not have a key to trunk or other compartments such as glove box
- Vehicle appears to be heavily laden

Typical characteristics of drug smugglers:

- Extended travel without luggage or minimal luggage
- Luggage carried on back seat
- Empty suitcases/bags
- Appears nervous upon contact with officer
- Driver attempts to separate from the vehicle (may not claim ownership of anything, exit quickly upon being stopped, physically move away from vehicle)

**Instructor Note:** Undercover officers may exhibit similar characteristics, i.e., lack of identification, association with known offenders, fictitious registration on vehicles, avoiding problem of public recognition. Proceed with caution to allow undercover officers to continue their cover.

Interview techniques:

- Separate suspects and compare answers (including answers to the following items)
- Establish identity of driver and or passenger
- Inquire as to origin destination and purpose of trip
- Ask for registration and insurance
- Inquire about the ownership of vehicle
- Ask for rental agreement (if rental car) to verify dates match stated agenda

**15.16. Identify and explain the common places of concealment of controlled substances and dangerous drugs on or in persons, places, and things.**

On the person:

- Clothing
- Body cavities
- Belts
- Shoes/socks/footwear
- Hats or headwear
- Jewelry
- Bags
- Hair
- Under arms
- Taped to body

In places:

- Furniture

- Toilet tanks
- Clothes closets
- Refrigerator/freezer/appliances
- Cabinets/drawers
- Under or inside sinks and drains
- Waste baskets
- Food canisters
- Ceiling tiles or floor/wall compartments (vents, carpet, under tiles, etc.)

In vehicles:

- Glove box
- Under or inside of dash
- Under carpet
- Gas tanks
- Hub caps
- Headliner
- A/C ducts or vents
- Trunk
- Console/cupholders
- Door panels
- Spare tire
- Engine compartment
- Ash tray
- Luggage/bags/personal items
- Decorations
- Miscellaneous items (food packages, boxes, etc.)

**15.17. Identify the use of uncorroborated testimony and its effect in drug cases.**

Uncorroborated testimony	HSC 483.072
Testimony of accomplice	CCP 38.14
Testimony of undercover peace officer or special investigator	CCP 38.141