

System Regulation 34.02.01, Drug and Alcohol Abuse and Rehabilitation Programs

Definitions

Alcohol – any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

Alcohol abuse – the excessive use of alcohol in a manner that interferes with (1) physical or psychological functioning; (2) social adaptation; (3) educational performance or (4) occupational functioning.

Controlled substance – a substance listed in schedules I through V of the Controlled Substances Act (21 U.S.C.A. 812) or whose possession, sale or delivery results in criminal sanctions under the Texas Controlled Substances Act (Texas Health and Safety Code, Chapter 481). In general, controlled substances include all prescription drugs, as well as those substances for which there is no generally accepted medicinal use (e.g., heroin, LSD, marijuana, etc.), and substances that possess a chemical structure similar to that of a controlled substance (e.g., designer drugs). The term does not include alcohol.

Criminal drug statute – a criminal statute involving the manufacture, distribution, dispensation, use or possession of any controlled substance.

Criminal drug statute conviction – a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the state or federal criminal drug statutes.

Drugs or other controlled substances – any substances capable of altering an individual's mood, perception, pain level or judgment.

Employee in a sensitive position – an employee who has been granted access to classified information or an employee in another position determined by appropriate administrative personnel to involve national security, health or safety concerns, or functions requiring a high degree of trust and confidence.

Illicit drug or chemical substance – (a) any drug or chemical substance, the manufacture, distribution, dispensation, use or possession of which is illegal under any state or federal law or (b) one that is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes.

Prescribed drug – any substance prescribed for individual consumption by a licensed medical practitioner. It includes only drugs that have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

Reasonable suspicion – will be established by (1) observation of the actions/behaviors of the individual; (2) a supervisor or other reliable individual witnessing possession or use; or (3) any other legal measure used for alcohol or drug detection.

Sanctions – may include completion of an appropriate rehabilitation or assistance program, suspension or expulsion from school, suspension or termination from employment, other disciplinary action or referral to authorities for prosecution. If an employee has been convicted of a criminal drug statute, sanctions must be imposed within 30 days.

Workplace – a site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, use or possession of a controlled substance.