

# Sharing Your Prescription Medication Can Get You Arrested

The following constitute violations of the laws pertaining to prescription medications:

**1. Possession of drug without a prescription for the drug**

You must be in **Lawful Possession** of a prescription drug. **Lawful Possession** is the possession of a **Controlled Substance** that has been obtained in accordance with state or federal law. A **Controlled Substance** is any drug listed on Schedules I through V of the **Controlled Substances Act**. These drugs have been declared by federal or state law to be illegal for sale or use, but may be dispensed under a physician's prescription.

**2. Giving away or selling your prescription medication to someone else**

If you have been prescribed a controlled substance, you are defined as the **Ultimate User**. **Prescription** means an order by a practitioner to a pharmacist for a controlled substance for a particular patient. Anyone in possession of the prescription who is not the **Ultimate User** is in violation of the law, as is the person who provided them with the medication, whether that person gave it away or sold it.

**3. Carrying prescription medication in an unauthorized container**

This falls under the laws pertaining to **Drug Paraphernalia**. Packaging or repackaging prescription medication into any container other than the original prescription container is in violation of these laws.

These laws apply to any drug prescribed by a physician (or given directly by a health professional in a clinic or hospital) that cannot be obtained without a prescription.

Penalties for violation of laws (found in Penal Code Section 12):

NOTE: The person passing or selling the Prescription could be charged with *delivery*. The person who has unlawfully obtained a drug would be charged with *possession*.

Penalties range from a **Class B Misdemeanor** to a **1<sup>st</sup> Degree Felony**

**§ 12.22. Class B Misdemeanor Punishment:** A fine not to exceed \$2,000, confinement in jail for a term not to exceed 180 days or both such fine and confinement.

**§ 12.32. 1st Degree Felony Punishment:** Jail term no more than 99 years or less than 5 years and a fine not to exceed \$10,000.

**\*\*\*\* Any violation of these laws in a DRUG FREE ZONE enhances most charges to the next higher level, or in the case of 1st Degree Felonies, adds a minimum of 5 years and possibly doubles the fine. The Austin College campus and many of rental properties fall within the DRUG FREE ZONE associated with Jefferson Elementary School.**

Additional information concerning Federal and State laws can be found at: <http://www.statutes.legis.state.tx.us/>.