

By: Capelo

H.B. No. 3121

A BILL TO BE ENTITLED

AN ACT

relating to making ephedrine and plant materials containing ephedrine alkaloids Schedule V controlled substances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The Commissioner shall, under his authority pursuant to Health and Safety Code Title 6, Chapter 481, the Texas Controlled Substances Act, section 481.032, Schedules, add to Schedule V stimulants, ephedrine. Such addition shall include the following requirements:

(2) Ephedrine, including plant materials that are processed containing naturally occurring ephedrine alkaloids. Excluded are the following formulations:

(a) Solid dosage forms that combine active ingredients in the following ranges for each recommended dose: ephedrine, its salts, isomers or salts of isomers not to exceed 12.5 milligrams (mg) combined with at least 200 mg of guaifenesin; ephedrine, its salts, isomers or salts of isomers not to exceed 25 mg combined with at least 400 mg guaifenesin;

(b) Liquid oral dosage forms that combine active ingredients in the following ranges for each 5 milliliter (ml) dose: dextromethorphan HBr (not more than 10 mg), chlorpheniramine maleate (not more than 2 mg), ephedrine HCl (not more than 5 mg), phenylephrine (not more than 5 mg), ammonium chloride (not more than 40 mg), ipecac fluidextract (not more than 0.005 ml);

1                    (c) Anorectal preparations containing less than  
2 5.0% ephedrine;

3                    (d) Nasal decongestant preparations containing  
4 0.5% or less ephedrine; and

5                    (e) Any ephedrine-containing drug product that  
6 is marketed pursuant to an approved new drug application under the  
7 Federal Food, Drug, and Cosmetic Act.

8                    SECTION 2. This Act takes effect September 1, 2003. The  
9 Commissioner shall adopt rules to implement this Act by January 31,  
10 2004.