

By: Parker

H.B. No. 3784

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the addition of Salvinorin A and Salvia divinorum to
3 Penalty Group 3 of the Texas Controlled Substances Act.

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

5 SECTION 1. Section 481.104(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) Penalty Group 3 consists of:

8 (1) a material, compound, mixture, or preparation that
9 contains any quantity of the following substances having a
10 potential for abuse associated with a stimulant effect on the
11 central nervous system:

12 Methylphenidate and its salts; and

13 Phenmetrazine and its salts;

14 (2) a material, compound, mixture, or preparation that
15 contains any quantity of the following substances having a
16 potential for abuse associated with a depressant effect on the
17 central nervous system:

18 a substance that contains any quantity of a
19 derivative of barbituric acid, or any salt of a derivative of
20 barbituric acid not otherwise described by this subsection;

21 a compound, mixture, or preparation containing
22 amobarbital, secobarbital, pentobarbital, or any salt of any of
23 these, and one or more active medicinal ingredients that are not
24 listed in any penalty group;

1 a suppository dosage form containing amobarbital,
2 secobarbital, pentobarbital, or any salt of any of these drugs, and
3 approved by the United States Food and Drug Administration for
4 marketing only as a suppository;

- 5 Alprazolam;
- 6 Amobarbital;
- 7 Bromazepam;
- 8 Camazepam;
- 9 Chlordiazepoxide;
- 10 Chlorhexadol;
- 11 Clobazam;
- 12 Clonazepam;
- 13 Clorazepate;
- 14 Clotiazepam;
- 15 Cloxazolam;
- 16 Delorazepam;
- 17 Diazepam;
- 18 Estazolam;
- 19 Ethyl loflazepate;
- 20 Fludiazepam;
- 21 Flurazepam;
- 22 Glutethimide;
- 23 Halazepam;
- 24 Haloxzolam;
- 25 Ketazolam;
- 26 Loprazolam;
- 27 Lorazepam;

1 Lormetazepam;
2 Lysergic acid, including its salts, isomers, and
3 salts of isomers;
4 Lysergic acid amide, including its salts,
5 isomers, and salts of isomers;
6 Mebutamate;
7 Medazepam;
8 Methyprylon;
9 Midazolam;
10 Nimetazepam;
11 Nitrazepam;
12 Nordiazepam;
13 Oxazepam;
14 Oxazolam;
15 Pentazocine, its salts, derivatives, or compounds
16 or mixtures thereof;
17 Pentobarbital;
18 Pinazepam;
19 Prazepam;
20 Quazepam;
21 Secobarbital;
22 Sulfondiethylmethane;
23 Sulfonethylmethane;
24 Sulfonmethane;
25 Temazepam;
26 Tetrazepam;
27 Tiletamine and zolazepam in combination, and its

1 salts. (some trade or other names for a tiletamine-zolazepam
2 combination product: Telazol, for tiletamine:
3 2-(ethylamino)-2-(2-thienyl)-cyclohexanone, and for zolazepam:
4 4-(2-fluorophenyl)-6,
5 8-dihydro-1,3,8,-trimethylpyrazolo-[3,4-e](1,4)-d
6 diazepin-7(1H)-one, flupyrzapon);

7 Triazolam;

8 Zaleplon; and

9 Zolpidem;

10 (3) Nalorphine;

11 (4) a material, compound, mixture, or preparation
12 containing limited quantities of the following narcotic drugs, or
13 any of their salts:

14 not more than 1.8 grams of codeine, or any of its
15 salts, per 100 milliliters or not more than 90 milligrams per dosage
16 unit, with an equal or greater quantity of an isoquinoline alkaloid
17 of opium;

18 not more than 1.8 grams of codeine, or any of its
19 salts, per 100 milliliters or not more than 90 milligrams per dosage
20 unit, with one or more active, nonnarcotic ingredients in
21 recognized therapeutic amounts;

22 not more than 300 milligrams of dihydrocodeinone
23 (hydrocodone), or any of its salts, per 100 milliliters or not more
24 than 15 milligrams per dosage unit, with a fourfold or greater
25 quantity of an isoquinoline alkaloid of opium;

26 not more than 300 milligrams of dihydrocodeinone
27 (hydrocodone), or any of its salts, per 100 milliliters or not more

1 than 15 milligrams per dosage unit, with one or more active,
2 nonnarcotic ingredients in recognized therapeutic amounts;

3 not more than 1.8 grams of dihydrocodeine, or any
4 of its salts, per 100 milliliters or not more than 90 milligrams per
5 dosage unit, with one or more active, nonnarcotic ingredients in
6 recognized therapeutic amounts;

7 not more than 300 milligrams of ethylmorphine, or
8 any of its salts, per 100 milliliters or not more than 15 milligrams
9 per dosage unit, with one or more active, nonnarcotic ingredients
10 in recognized therapeutic amounts;

11 not more than 500 milligrams of opium per 100
12 milliliters or per 100 grams, or not more than 25 milligrams per
13 dosage unit, with one or more active, nonnarcotic ingredients in
14 recognized therapeutic amounts;

15 not more than 50 milligrams of morphine, or any of
16 its salts, per 100 milliliters or per 100 grams with one or more
17 active, nonnarcotic ingredients in recognized therapeutic amounts;
18 and

19 not more than 1 milligram of difenoxin and not
20 less than 25 micrograms of atropine sulfate per dosage unit;

21 (5) a material, compound, mixture, or preparation that
22 contains any quantity of the following substances:

- 23 Barbitol;
- 24 Chloral betaine;
- 25 Chloral hydrate;
- 26 Ethchlorvynol;
- 27 Ethinamate;

1 Meproamate;
2 Methohexital;
3 Methylphenobarbital (Mephobarbital);
4 Paraldehyde;
5 Petrichloral; and
6 Phenobarbital;

7 (6) Peyote, unless unharvested and growing in its
8 natural state, meaning all parts of the plant classified
9 botanically as Lophophora, whether growing or not, the seeds of the
10 plant, an extract from a part of the plant, and every compound,
11 manufacture, salt, derivative, mixture, or preparation of the
12 plant, its seeds, or extracts;

13 (7) unless listed in another penalty group, a
14 material, compound, mixture, or preparation that contains any
15 quantity of the following substances having a stimulant effect on
16 the central nervous system, including the substance's salts,
17 optical, position, or geometric isomers, and salts of the
18 substance's isomers, if the existence of the salts, isomers, and
19 salts of isomers is possible within the specific chemical
20 designation:

21 Benzphetamine;
22 Cathine [(+)-norpseudoephedrine];
23 Chlorphentermine;
24 Clortermine;
25 Diethylpropion;
26 Fencamfamin;
27 Fenfluramine;

1 Fenproporex;
2 Mazindol;
3 Mefenorex;
4 Modafinil;
5 Pemoline (including organometallic complexes and
6 their chelates);
7 Phendimetrazine;
8 Phentermine;
9 Pipradrol;
10 Sibutramine; and
11 SPA [(-)-1-dimethylamino-1,2-diphenylethane];

12 (8) unless specifically excepted or unless listed in
13 another penalty group, a material, compound, mixture, or
14 preparation that contains any quantity of the following substance,
15 including its salts:

16 Dextropropoxyphene (Alpha-(+)-
17 4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane); ~~and~~

18 (9) an anabolic steroid or any substance that is
19 chemically or pharmacologically related to testosterone, other
20 than an estrogen, progestin, or corticosteroid, and promotes muscle
21 growth, including:

22 Boldenone;
23 Chlorotestosterone (4-chlortestosterone);
24 Clostebol;
25 Dehydrochlormethyltestosterone;
26 Dihydrotestosterone (4-dihydrotestosterone);
27 Drostanolone;

1 Ethylestrenol;
2 Fluoxymesterone;
3 Formebolone;
4 Mesterolone;
5 Methandienone;
6 Methandranone;
7 Methandriol;
8 Methandrostenolone;
9 Methenolone;
10 Methyltestosterone;
11 Mibolerone;
12 Nandrolone;
13 Norethandrolone;
14 Oxandrolone;
15 Oxymesterone;
16 Oxymetholone;
17 Stanolone;
18 Stanozolol;
19 Testolactone;
20 Testosterone; and
21 Trenbolone;

22 (10) Salvinorin A; and

23 (11) Salvia divinorum.

24 SECTION 2. This Act takes effect September 1, 2007.