

## **BILL ANALYSIS**

Senate Research Center  
81R6900 JSC-D

S.B. 1281  
By: Williams  
Criminal Justice  
4/5/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The abuse of prescription drugs is a serious public health issue and the increasing diversion of prescription drugs is a cause for concern. The Houston Police Department (HPD) has stated that seizures of prescription drugs from the illicit drug market clearly indicate a rising trend. For example, in 2005, HPD seized 9,030 grams of Vicodin, 58,504 grams of Vicodin in 2006, and in October of 2007, had already seized 216,000 grams.

One of the causes for drug diversion is doctor shopping. Doctor shopping is typically defined as patients actively seeking doctors who will prescribe certain types of medications, usually opiates, depressants, and stimulants. Fifteen other states currently have statutes that specifically address this problem.

As proposed, S.B. 1281 provides that a person commits an offense if the person obtains or attempts to obtain a controlled substance or a prescription for a controlled substance that is not medically necessary by using misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 481.129, Health and Safety Code, by adding Subsections (a-1) and (d-1), as follows:

(a-1) Provides that a person commits an offense if the person, with the intent to obtain a controlled substance or combination of controlled substances that is not medically necessary for the person or an amount of a controlled substance or substances that is not medically necessary for the person, obtains or attempts to obtain from a practitioner a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact. Provides that for purposes of this subsection, a material fact includes whether the person has an existing prescription for a controlled substance issued for the same period of time by another practitioner.

(d-1) Provides that an offense under Subsection (a-1) is a felony of the second degree if any controlled substance that is the subject of the offense is listed in Schedule I or II, a felony of the third degree if any controlled substance that is the subject of the offense is listed in Schedule III or IV, and a Class A misdemeanor if any controlled substance that is the subject of the offense is listed in Schedule V.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.