

By: Anderson

H.B. No. 126

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the addition of *Salvia divinorum* and its derivatives
3 and extracts to Penalty Group 3 of the Texas Controlled Substances
4 Act.

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

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

8 (a) Penalty Group 3 consists of:

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

13 Methylphenidate and its salts; and

14 Phenmetrazine and its salts;

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

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

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

1 listed in any penalty group;

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

6 Alprazolam;

7 Amobarbital;

8 Bromazepam;

9 Camazepam;

10 Chlordiazepoxide;

11 Chlorhexadol;

12 Clobazam;

13 Clonazepam;

14 Clorazepate;

15 Clotiazepam;

16 Cloxazolam;

17 Delorazepam;

18 Diazepam;

19 Estazolam;

20 Ethyl loflazepate;

21 Fludiazepam;

22 Flurazepam;

23 Glutethimide;

24 Halazepam;

25 Haloxzolam;

26 Ketazolam;

27 Loprazolam;

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

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

8 Triazolam;

9 Zaleplon; and

10 Zolpidem;

11 (3) Nalorphine;

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

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

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

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

27 not more than 300 milligrams of dihydrocodeinone

1 (hydrocodone), or any of its salts, per 100 milliliters or not more
2 than 15 milligrams per dosage unit, with one or more active,
3 nonnarcotic ingredients in recognized therapeutic amounts;

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

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

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

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

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

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

24 Barbitol;

25 Chloral betaine;

26 Chloral hydrate;

27 Ethchlorvynol;

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

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

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

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

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

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

17 Dextropropoxyphene (Alpha-(+)-
18 4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane); ~~and~~

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

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

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

23 (10) Salvia divinorum, unless unharvested and growing
24 in its natural state, meaning all parts of that plant, whether
25 growing or not, the seeds of that plant, an extract from a part of
26 that plant, and every compound, manufacture, salt, derivative,
27 mixture, or preparation of that plant, its seeds, or extracts,

1 including Salvinorin A.

2 SECTION 2. This Act takes effect September 1, 2009.