

By: Williams

S.B. No. 912

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the diversion of a controlled substance by certain  
3 persons who have access to the substance by virtue of the person's  
4 profession or employment; providing penalties.

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

6 SECTION 1. Subchapter D, Chapter 481, Health and Safety  
7 Code, is amended by adding Section 481.1285 to read as follows:

8 Sec. 481.1285. OFFENSE: DIVERSION OF CONTROLLED SUBSTANCE  
9 BY REGISTRANTS, DISPENSERS, AND CERTAIN OTHER PERSONS. (a) This  
10 section applies only to a registrant, a dispenser, or a person who,  
11 pursuant to Section 481.062(a)(1) or (2), is not required to  
12 register under this subchapter.

13 (b) A person commits an offense if the person knowingly:

14 (1) converts to the person's own use or benefit a  
15 controlled substance to which the person has access by virtue of the  
16 person's profession or employment; or

17 (2) diverts to the unlawful use or benefit of another  
18 person a controlled substance to which the person has access by  
19 virtue of the person's profession or employment.

20 (c) An offense under Subsection (b)(1) is a state jail  
21 felony. An offense under Subsection (b)(2) is a felony of the third  
22 degree.

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