

1-1 By: Williams S.B. No. 912
1-2 (In the Senate - Filed February 17, 2009; March 9, 2009,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 14, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 14, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 912 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the diversion of a controlled substance by certain
1-11 persons who have access to the substance by virtue of the person's
1-12 profession or employment; providing penalties.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter D, Chapter 481, Health and Safety
1-15 Code, is amended by adding Section 481.1285 to read as follows:

1-16 Sec. 481.1285. OFFENSE: DIVERSION OF CONTROLLED SUBSTANCE
1-17 BY REGISTRANTS, DISPENSERS, AND CERTAIN OTHER PERSONS. (a) This
1-18 section applies only to a registrant, a dispenser, or a person who,
1-19 pursuant to Section 481.062(a)(1) or (2), is not required to
1-20 register under this subchapter.

1-21 (b) A person commits an offense if the person knowingly:

1-22 (1) converts to the person's own use or benefit a
1-23 controlled substance to which the person has access by virtue of the
1-24 person's profession or employment; or

1-25 (2) diverts to the unlawful use or benefit of another
1-26 person a controlled substance to which the person has access by
1-27 virtue of the person's profession or employment.

1-28 (c) An offense under Subsection (b)(1) is a state jail
1-29 felony. An offense under Subsection (b)(2) is a felony of the third
1-30 degree.

1-31 (d) If conduct that constitutes an offense under this
1-32 section also constitutes an offense under any other law, the actor
1-33 may be prosecuted under this section, the other law, or both.

1-34 SECTION 2. This Act takes effect September 1, 2009.

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