

By: Williams S.B. No. 159
(Deshotel, Gallego, Hartnett, Coleman, Burkett, et al.)

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 persons'
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 (d) If conduct that constitutes an offense under this
24 section also constitutes an offense under any other law, the actor

1 may be prosecuted under this section, the other law, or both.

2 SECTION 2. This Act takes effect September 1, 2011.