

1-1 By: Williams S.B. No. 159  
1-2 (In the Senate - Filed November 8, 2010; January 31, 2011,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 March 28, 2011, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; March 28, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the diversion of a controlled substance by certain  
1-9 persons who have access to the substance by virtue of the persons'  
1-10 profession or employment; providing penalties.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter D, Chapter 481, Health and Safety  
1-13 Code, is amended by adding Section 481.1285 to read as follows:

1-14 Sec. 481.1285. OFFENSE: DIVERSION OF CONTROLLED SUBSTANCE  
1-15 BY REGISTRANTS, DISPENSERS, AND CERTAIN OTHER PERSONS. (a) This  
1-16 section applies only to a registrant, a dispenser, or a person who,  
1-17 pursuant to Section 481.062(a)(1) or (2), is not required to  
1-18 register under this subchapter.

1-19 (b) A person commits an offense if the person knowingly:

1-20 (1) converts to the person's own use or benefit a  
1-21 controlled substance to which the person has access by virtue of the  
1-22 person's profession or employment; or

1-23 (2) diverts to the unlawful use or benefit of another  
1-24 person a controlled substance to which the person has access by  
1-25 virtue of the person's profession or employment.

1-26 (c) An offense under Subsection (b)(1) is a state jail  
1-27 felony. An offense under Subsection (b)(2) is a felony of the third  
1-28 degree.

1-29 (d) If conduct that constitutes an offense under this  
1-30 section also constitutes an offense under any other law, the actor  
1-31 may be prosecuted under this section, the other law, or both.

1-32 SECTION 2. This Act takes effect September 1, 2011.

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