

By: Anderson, Stephenson, et al.

H.B. No. 124

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: 2-(ethylamino)-  
4 2-(2-thienyl)-cyclohexanone, and for zolazepam: 4-(2-  
5 fluorophenyl)-6,           8-dihydro-1,3,8,-trimethylpyrazolo-[3,4-  
6 e](1,4)-d diazepin-7(1H)-one, flupyrazapon);

7                   Triazolam;

8                   Zaleplon;

9                   Zolpidem; and

10                  Zopiclone;

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

19 (9) an anabolic steroid, including any drug or  
20 hormonal substance, or any substance that is chemically or  
21 pharmacologically related to testosterone, other than an estrogen,  
22 progestin, dehydroepiandrosterone, or corticosteroid, and promotes  
23 muscle growth, including the following drugs and substances and any  
24 salt, ester, or ether of the following drugs and substances:

25 Androstenediol;  
26 Androstenedione;  
27 Androstenediol;

1	Androstenedione;
2	Bolasterone;
3	Boldenone;
4	Calusterone;
5	Clostebol;
6	Dehydrochlormethyltestosterone;
7	Delta-1-dihydrotestosterone;
8	Dihydrotestosterone (4-dihydrotestosterone);
9	Drostanolone;
10	Ethylestrenol;
11	Fluoxymesterone;
12	Formebolone;
13	Furazabol;
14	13beta-ethyl-17beta-hydroxygon-4-en-3-one;
15	4-hydroxytestosterone;
16	4-hydroxy-19-nortestosterone;
17	Mestanolone;
18	Mesterolone;
19	Methandienone;
20	Methandriol;
21	Methenolone;
22	17alpha-methyl-3beta, 17 beta-dihydroxy-5alpha-
23	androstane;
24	17alpha-methyl-3alpha, 17 beta-dihydroxy-5alpha-
25	androstane;
26	17alpha-methyl-3beta, 17beta-dihydroxyandrost-4-
27	ene;

1 17alpha-methyl-4-hydroxynandrolone;  
2 Methyldienolone;  
3 Methyltestosterone;  
4 Methyltrienolone;  
5 17alpha-methyl-delta-1-dihydrotestosterone;  
6 Mibolerone;  
7 Nandrolone;  
8 Norandrostenediol;  
9 Norandrostenedione;  
10 Norbolethone;  
11 Norclostebol;  
12 Norethandrolone;  
13 Normethandrolone;  
14 Oxandrolone;  
15 Oxymesterone;  
16 Oxymetholone;  
17 Stanozolol;  
18 Stenbolone;  
19 Testolactone;  
20 Testosterone;  
21 Tetrahydrogestrinone; 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, 2013.