

Amend CSHB 1212 (senate committee report) as follows:

(1) Strike SECTION 3 of the bill (page 2, lines 21 through 33).

(2) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. This Act shall be known as the Montana Brown and Jesse High Act.

SECTION _____. Subchapter B, Chapter 481, Health and Safety Code, is amended by adding Section 481.0355 to read as follows:

Sec. 481.0355. EMERGENCY SCHEDULING. (a) Except as otherwise provided by Subsection (b) and subject to Subsection (c), the commissioner may emergency schedule a substance as a controlled substance if the commissioner determines the action is necessary to avoid an imminent hazard to the public safety.

(b) The commissioner may not emergency schedule a substance as a controlled substance under this section if:

(1) the substance is already scheduled;

(2) an exemption or approval is in effect for the substance under Section 505, Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 355); or

(3) the substance is an over-the-counter drug that qualifies for recognition as safe and effective under conditions established by federal regulations of the United States Food and Drug Administration governing over-the-counter drugs.

(c) Before emergency scheduling a substance as a controlled substance under this section, the commissioner shall consult with the Department of Public Safety regarding the chemical structure of compounds contained in that substance, and may emergency schedule the substance only in accordance with any recommendations provided by the department.

(d) In determining whether a substance poses an imminent hazard to the public safety, the commissioner shall consider, in addition to the factors provided by Section 481.034(d):

(1) the scope, duration, and symptoms of abuse;

(2) the degree of detriment that abuse of the substance may cause;

(3) whether the substance has been temporarily

scheduled under federal law; and

(4) whether the substance has been temporarily or permanently scheduled under the law of another state.

(e) If the commissioner emergency schedules a substance as a controlled substance under this section, an emergency exists for purposes of Section 481.036(c) and the action takes effect on the date the schedule is published in the Texas Register.

(f) An emergency scheduling under this section expires on September 1 of each odd-numbered year for any scheduling that occurs before January 1 of that year.

(g) The commissioner shall post notice about each emergency scheduling under this section on the Internet website of the Department of State Health Services.

(3) Strike SECTION 6 of the bill (page 2, line 62, through page 4, line 6).

(4) Renumber SECTIONS of the bill appropriately.