

## **BILL ANALYSIS**

H.B. 2804  
By: Price  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the ability of the commissioner of state health services, in coordination with the Department of Public Safety, to timely emergency schedule certain substances as controlled substances under the Texas Controlled Substances Act to avoid an imminent hazard to the public safety. H.B. 2804 seeks to address this issue by revising procedures for the emergency scheduling of such substances.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2804 amends the Health and Safety Code to revise procedures for the emergency scheduling of a substance as a controlled substance by removing the specification that the purpose for which the commissioner of state health services is required to consult with the Department of Public Safety (DPS) before emergency scheduling a substance is in regard to the chemical structure of compounds contained in that substance, by removing the requirement that the commissioner consider certain additional factors provided by the Texas Controlled Substances Act in determining whether a substance poses an imminent hazard to the public safety, and by requiring the commissioner to consider the significance of abuse of the substance in making that determination. The bill authorizes the commissioner to extend the emergency scheduling of a substance as a controlled substance not more than once and for a period not to exceed one year by publishing the extension in the Texas Register. The bill establishes that, if such action is taken, an emergency exists that, for purposes of publishing schedules, necessitates earlier action to avoid an imminent hazard to the public safety and that such action takes effect on the date the extension is published in the Texas Register. The bill requires the commissioner to post notice about each extension of an emergency scheduling of a substance as a controlled substance on the Department of State Health Services website. The bill requires the commissioner, not later than December 1 of each even-numbered year, to submit a report about each emergency scheduling action taken during the preceding two-year period to the governor, the lieutenant governor, the speaker of the house of representatives, and each legislative standing committee with primary jurisdiction over DPS and each legislative standing committee with primary jurisdiction over criminal justice matters.

### **EFFECTIVE DATE**

September 1, 2017.

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