

1-1 By: Price, Fallon H.B. No. 2804  
 1-2 (Senate Sponsor - Taylor of Collin)  
 1-3 (In the Senate - Received from the House May 5, 2017;  
 1-4 May 5, 2017, read first time and referred to Committee on Criminal  
 1-5 Justice; May 19, 2017, reported favorably by the following vote:  
 1-6 Yeas 7, Nays 0; May 19, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED  
 1-19 AN ACT

1-20 relating to the emergency scheduling of certain controlled  
 1-21 substances for the purpose of the prosecution and punishment of  
 1-22 certain offenses under the Texas Controlled Substances Act;  
 1-23 expanding the application of certain criminal offenses.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. The heading to Section 481.0355, Health and  
 1-26 Safety Code, is amended to read as follows:

1-27 Sec. 481.0355. EMERGENCY SCHEDULING; LEGISLATIVE REPORT.

1-28 SECTION 2. Section 481.0355, Health and Safety Code, is  
 1-29 amended by amending Subsections (c), (d), (f), and (g) and adding  
 1-30 Subsections (f-1) and (h) to read as follows:

1-31 (c) Before emergency scheduling a substance as a controlled  
 1-32 substance under this section, the commissioner shall consult with  
 1-33 the Department of Public Safety [~~regarding the chemical structure~~  
 1-34 ~~of compounds contained in that substance,~~] and may emergency  
 1-35 schedule the substance only in accordance with any recommendations  
 1-36 provided by the department.

1-37 (d) In determining whether a substance poses an imminent  
 1-38 hazard to the public safety, the commissioner shall consider [~~in~~  
 1-39 ~~addition to the factors provided by Section 481.034(d)~~]:

1-40 (1) the scope, duration, [~~and~~] symptoms, or  
 1-41 significance of abuse;

1-42 (2) the degree of detriment that abuse of the  
 1-43 substance may cause;

1-44 (3) whether the substance has been temporarily  
 1-45 scheduled under federal law; and

1-46 (4) whether the substance has been temporarily or  
 1-47 permanently scheduled under the law of another state.

1-48 (f) Except as otherwise provided by Subsection (f-1), an  
 1-49 [An] emergency scheduling under this section expires on September 1  
 1-50 of each odd-numbered year for any scheduling that occurs before  
 1-51 January 1 of that year.

1-52 (f-1) The commissioner may extend the emergency scheduling  
 1-53 of a substance under this section not more than once and for a  
 1-54 period not to exceed one year by publishing the extension in the  
 1-55 Texas Register. If the commissioner extends the emergency  
 1-56 scheduling of a substance, an emergency exists for purposes of  
 1-57 Section 481.036(c) and the action takes effect on the date the  
 1-58 extension is published in the Texas Register.

1-59 (g) The commissioner shall post notice about each emergency  
 1-60 scheduling of a substance or each extension of an emergency  
 1-61 scheduling of a substance under this section on the Internet

2-1 website of the Department of State Health Services.

2-2 (h) Not later than December 1 of each even-numbered year,  
2-3 the commissioner shall submit a report about each emergency  
2-4 scheduling action taken under this section during the preceding  
2-5 two-year period to the governor, the lieutenant governor, the  
2-6 speaker of the house of representatives, and each legislative  
2-7 standing committee with primary jurisdiction over the department  
2-8 and each legislative standing committee with primary jurisdiction  
2-9 over criminal justice matters.

2-10 SECTION 3. (a) Sections 481.0355(c) and (d), Health and  
2-11 Safety Code, as amended by this Act, apply only to a controlled  
2-12 substance emergency scheduled under that section on or after the  
2-13 effective date of this Act.

2-14 (b) Section 481.0355(f-1), Health and Safety Code, as added  
2-15 by this Act, applies to an extension that occurs on or after the  
2-16 effective date of this Act, regardless of whether the controlled  
2-17 substance was emergency scheduled under Section 481.0355, Health  
2-18 and Safety Code, before, on, or after that date.

2-19 SECTION 4. This Act takes effect September 1, 2017.

2-20

\* \* \* \* \*