By: Oliverson, Garcia of Bexar, et al. H.B. No. 4813

A BILL TO BE ENTITLED

AN ACT

relating to the scheduling of certain controlled substances in response to certain actions by the United States Food and Drug Administration with respect to those substances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 481.034, Health and Safety Code, is amended by amending Subsections (a), (b), and (g) and adding Subsection (g-1) to read as follows:

(a) The commissioner shall annually establish the schedules of controlled substances. These annual schedules shall include the complete list of all controlled substances from the previous schedules and modifications in the federal schedules of controlled substances as required by Subsection (g) or (g-1). Any further additions to and deletions from these schedules, any rescheduling of substances, and any other modifications made by the commissioner to these schedules of controlled substances shall be made:

(1) in accordance with Section 481.035;

(2) in a manner consistent with this subchapter; and

(3) with approval of the executive commissioner.

(b) Except for alterations in schedules required by Subsection (g) or (g-1), the commissioner may not make an alteration in a schedule unless the commissioner holds a public hearing on the matter in Austin and obtains approval from the executive commissioner.

(g) Except as otherwise provided by this subsection or Subsection (g-1), if a substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice of that fact is given to the commissioner, the commissioner similarly shall control the substance under this chapter. After the expiration of a 30-day period beginning on the day after the date of publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, the commissioner similarly shall designate, reschedule, or delete the substance, unless the commissioner objects during the period. If the commissioner objects, the commissioner shall publish the reasons for the objection and give all interested parties an opportunity to be heard. At the conclusion of the hearing, the commissioner shall publish a decision, which is final unless altered by statute. On publication of an objection by the commissioner, control as to that particular substance under this chapter is stayed until the commissioner publishes the commissioner's decision.

(g-1) If a controlled substance is approved for medical use by the United States Food and Drug Administration under Section 505, Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 355), the substance is subsequently deleted as a controlled substance or rescheduled and placed on a lower schedule under federal law, and notice of those facts is given to the commissioner, as soon as practicable the commissioner similarly shall delete or reschedule the substance under this chapter.

SECTION 2. The changes in law made by this Act apply only to

a controlled substance deleted as a controlled substance or rescheduled and placed on a lower schedule under federal law on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2025.