A BILL TO BE ENTITLED

AN ACT

relating to the addition of Salvia divinorum and its derivatives
and extracts to Penalty Group 3 of the Texas Controlled Substances
Act.

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

SECTION 1. Section 481.104(a), Health and Safety Code, is
amended to read as follows:

(a) Penalty Group 3 consists of:

(1) a material, compound, mixture, or preparation that
contains any quantity of the following substances having a
potential for abuse associated with a stimulant effect on the
central nervous system:

Methylphenidate and its salts; and
Phenmetrazine and its salts;

(2) a material, compound, mixture, or preparation that
contains any quantity of the following substances having a
potential for abuse associated with a depressant effect on the
central nervous system:

a substance that contains any quantity of a
derivative of barbituric acid, or any salt of a derivative of
barbituric acid not otherwise described by this subsection;
a compound, mixture, or preparation containing
amobarbital, secobarbital, pentobarbital, or any salt of any of
these, and one or more active medicinal ingredients that are not
listed in any penalty group;
a suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs, and approved by the United States Food and Drug Administration for marketing only as a suppository;
Alprazolam;
Amobarbital;
Bromazepam;
Camazepam;
Chlordiazepoxide;
Chlorhexadol;
Clobazam;
Clonazepam;
Clorazepate;
Clotiazepam;
Cloxazolam;
Delorazepam;
Diazepam;
Estazolam;
Ethyl loflazepate;
Fludiazepam;
Flurazepam;
Glutethimide;
Halazepam;
Haloxzolam;
Ketazolam;
Loprazolam;
H.B. No. 126

1 Lorazepam;
2 Lormetazepam;
3 Lysergic acid, including its salts, isomers, and salts of isomers;
4 Lysergic acid amide, including its salts, isomers, and salts of isomers;
5 Mebutamate;
6 Medazepam;
7 Methyprylon;
8 Midazolam;
9 Nimetazepam;
10 Nitrazepam;
11 Nordiazepam;
12 Oxazepam;
13 Oxazolam;
14 Pentazocine, its salts, derivatives, or compounds or mixtures thereof;
15 Pentobarbital;
16 Pinazepam;
17 Praegem;
18 Quazepam;
19 Secobarbital;
20 Sulfondiethylmethane;
21 Sulfonethylmethane;
22 Sulfonmethane;
23 Temazepam;
24 Tetrazepam;
Tiletamine and zolazepam in combination, and its salts. (some trade or other names for a tiletamine-zolazepam combination product: Telazol, for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone, and for zolazepam: 4-(2-fluorophenyl)-6, 8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e](1,4)-diazepin-7(1H)-one, flupyrazapon);

Triazolam;
Zaleplon; and
Zolpidem;

(3) Nalorphine;

(4) A material, compound, mixture, or preparation containing limited quantities of the following narcotic drugs, or any of their salts:

not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

not more than 300 milligrams of dihydrocodeinone (hydrocodone), or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

not more than 300 milligrams of dihydrocodeinone
(hydrocodone), or any of its salts, per 100 milliliters or not more
than 15 milligrams per dosage unit, with one or more active,
nonnarcotic ingredients in recognized therapeutic amounts;
not more than 1.8 grams of dihydrocodeine, or any
of its salts, per 100 milliliters or not more than 90 milligrams per
dosage unit, with one or more active, nonnarcotic ingredients in
recognized therapeutic amounts;
not more than 300 milligrams of ethylmorphine, or
any of its salts, per 100 milliliters or not more than 15 milligrams
per dosage unit, with one or more active, nonnarcotic ingredients in
recognized therapeutic amounts;
not more than 500 milligrams of opium per 100
milliliters or per 100 grams, or not more than 25 milligrams per
dosage unit, with one or more active, nonnarcotic ingredients in
recognized therapeutic amounts;
not more than 50 milligrams of morphine, or any of
its salts, per 100 milliliters or per 100 grams with one or more
active, nonnarcotic ingredients in recognized therapeutic amounts;
and
not more than 1 milligram of difenoxin and not
less than 25 micrograms of atropine sulfate per dosage unit;
(5) a material, compound, mixture, or preparation that
contains any quantity of the following substances:
Barbital;
Chloral betaine;
Chloral hydrate;
Ethchlorvynol;
Ethinamate;
Meprobamate;
Methohexital;
Methylphenobarbital (Mephobarbital);
Paraldehyde;
Petrichloral; and
Phenobarbital;

(6) Peyote, unless unharvested and growing in its natural state, meaning all parts of the plant classified botanically as Lophophora, whether growing or not, the seeds of the plant, an extract from a part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts;

(7) unless listed in another penalty group, a material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including the substance's salts, optical, position, or geometric isomers, and salts of the substance's isomers, if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

Benzphetamine;
Cathine [(+)-norpseudoephedrine];
Chlorphentermine;
Clortermine;
Diethylpropion;
Fencamfamin;
Penfluramine;
Fenproporex;
Mazindol;
Mefenorex;
Modafinil;
Pemoline (including organometallic complexes and their chelates);
Phendimetrazine;
Phentermine;
Pipradrol;
Sibutramine; and
SPA \((-\text{-})-1\text{-dimethylamino}-1,2\text{-diphenylethane}\);

(8) unless specifically excepted or unless listed in another penalty group, a material, compound, mixture, or preparation that contains any quantity of the following substance, including its salts:
Dextropropoxyphene (\text{Alpha-(+)}-4\text{-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane}); [and]

(9) an anabolic steroid or any substance that is chemically or pharmacologically related to testosterone, other than an estrogen, progestin, or corticosteroid, and promotes muscle growth, including:
Boldenone;
Chlorotestosterone (4-chlordihydrotestosterone);
Clostebol;
Dehydrochlormethyltestosterone;
Dihydrotestosterone (4-dihydrotestosterone);
Drostanolone;
Ethylestrenol;
Fluoxymesterone;
Formebulone;
Mesterolone;
Methandienone;
Methandranone;
Methandriol;
Methandrostenolone;
Methenolone;
Methyltestosterone;
Mibolerone;
Nandrolone;
Norethandrolone;
Oxandrolone;
Oxymesterone;
Oxymetholone;
Stanolone;
Stanozolol;
Testolactone;
Testosterone; and
Trenbolone; and

(10) Salvia divinorum, unless unharvested and growing
in its natural state, meaning all parts of that plant, whether
growing or not, the seeds of that plant, an extract from a part of
that plant, and every compound, manufacture, salt, derivative,
mixture, or preparation of that plant, its seeds, or extracts,
including Salvinorin A.

SECTION 2. This Act takes effect September 1, 2009.