

1 HB234
2 196038-1
3 By Representatives Holmes, Mooney, Fincher, Dismukes, Sorrell,
4 Carns, Wingo, Hanes and Whorton
5 RFD: Health
6 First Read: 20-MAR-19

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8 SYNOPSIS: This bill would add certain named chemical
9 compounds of Tianeptine to Schedule II of the
10 controlled substances list. Possession,
11 distribution, and trafficking of these compounds
12 would be deemed unlawful and violators would be
13 subject to criminal penalties for distribution.

14 Placing Tianeptine on Schedule II would
15 allow for future legal possession and use by
16 medical prescription if Tianeptine ever were to be
17 approved for human medical use by the FDA.

18 Amendment 621 of the Constitution of Alabama
19 of 1901, now appearing as Section 111.05 of the
20 Official Recompilation of the Constitution of
21 Alabama of 1901, as amended, prohibits a general
22 law whose purpose or effect would be to require a
23 new or increased expenditure of local funds from
24 becoming effective with regard to a local
25 governmental entity without enactment by a 2/3 vote
26 unless: it comes within one of a number of
27 specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates
2 funds, or provides a local source of revenue, to
3 the entity for the purpose.

4 The purpose or effect of this bill would be
5 to require a new or increased expenditure of local
6 funds within the meaning of the amendment. However,
7 the bill does not require approval of a local
8 governmental entity or enactment by a 2/3 vote to
9 become effective because it comes within one of the
10 specified exceptions contained in the amendment.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
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16 To amend Section 20-2-25, Code of Alabama 1975,
17 relating to Schedule II of the controlled substances list, to
18 include additional controlled substances; and in connection
19 therewith would have as its purpose of effect the requirement
20 of a new or increased expenditure of local funds within the
21 meaning of Amendment 621 of the Constitution of Alabama of
22 1901, now appearing as Section 111.05 of the Official
23 Recompilation of the Constitution of Alabama of 1901, as
24 amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 20-2-25, Code of Alabama 1975, is
27 amended to read as follows:

1 "§20-2-25.

2 "The controlled substances listed in this section
3 are included in Schedule II:

4 "(1) Any of the following substances, except those
5 narcotic drugs listed in other schedules, whether produced
6 directly or indirectly by extraction from substances of
7 vegetable origin or independently by means of chemical
8 synthesis or by combination of extraction and chemical
9 synthesis:

10 "a. Opium and opiate and any salt, compound,
11 derivative, or preparation of opium or opiate.

12 "b. Any salt, compound, isomer, derivative, or
13 preparation thereof which is chemically equivalent or
14 identical with any of the substances referred to in paragraph
15 a, but not including the isoquinoline alkaloids of opium.

16 "c. Opium poppy and poppy straw.

17 "d. Coca leaves and any salt, compound, derivative,
18 or preparation of coca leaves and any salt, compound,
19 derivative, or preparation thereof which is chemically
20 equivalent or identical with any of these substances, but not
21 including decocainized coca leaves or extractions which do not
22 contain cocaine or ecgonine.

23 "e. Tianeptine and any salt, sulfate, free acid, or
24 other preparation of Tianeptine, and any salt, sulfate, free
25 acid, compound, derivative, precursor, or preparation thereof
26 which is substantially chemically equivalent or identical with
27 Tianeptine."

1 "(2) Any of the following opiates, including their
2 isomers, esters, ethers, salts, and salts of isomers, whenever
3 the existence of these isomers, esters, ethers, and salts is
4 possible within the specific chemical designation:

5 "a. Alphaprodine;

6 "b. Anileridine;

7 "c. Bezitramide;

8 "d. Dihydrocodeine;

9 "e. Diphenoxylate;

10 "f. Fentanyl;

11 "g. Isomethadone;

12 "h. Levomethorphan;

13 "i. Levorphanol;

14 "j. Metazocine;

15 "k. Methadone;

16 "m. Moramide - Intermediate,

17 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;

18 "n. Pethidine;

19 "o. Pethidine - Intermediate-A,

20 4-cyano-1-methyl-4-phenylpiperidine;

21 "p. Pethidine - Intermediate-B,

22 ethyl-4-phenylpiperidine-4-carboxylate;

23 "q. Pethidine - Intermediate-C,

24 1-methyl-4-phenylpiperidine-4-carboxylic acid;

25 "r. Phenazocine;

26 "s. Piminodine;

27 "t. Racemethorphan;

1 "u. Racemorphan."

2 Section 2. Although this bill would have as its
3 purpose or effect the requirement of a new or increased
4 expenditure of local funds, the bill is excluded from further
5 requirements and application under Amendment 621, now
6 appearing as Section 111.05 of the Official Recompilation of
7 the Constitution of Alabama of 1901, as amended, because the
8 bill defines a new crime or amends the definition of an
9 existing crime.

10 Section 3. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.