

1 HB2
2 207646-1
3 By Representatives Holmes and Allen
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 07/17/2020

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 Food and Drug
18 Administration of the United States Department of
19 Health and Human Services.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

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

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

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

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3 "§20-2-25.

4 "The controlled substances listed in this section
5 are included in Schedule II:

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

12 "a. Opium and opiate and any salt, compound,
13 derivative, or preparation of opium or opiate.

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

18 "c. Opium poppy and poppy straw.

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

25 "e. Tianeptine and any salt, sulfate, free acid, or
26 other preparation of Tianeptine, and any salt, sulfate, free
27 acid, compound, derivative, precursor, or preparation thereof

1 which is substantially chemically equivalent or identical with
2 Tianeptine."

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

7 "a. Alphaprodine;

8 "b. Anileridine;

9 "c. Bezitramide;

10 "d. Dihydrocodeine;

11 "e. Diphenoxylate;

12 "f. Fentanyl;

13 "g. Isomethadone;

14 "h. Levomethorphan;

15 "i. Levorphanol;

16 "j. Metazocine;

17 "k. Methadone;

18 "m. Moramide - Intermediate,

19 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;

20 "n. Pethidine;

21 "o. Pethidine - Intermediate-A,

22 4-cyano-1-methyl-4-phenylpiperidine;

23 "p. Pethidine - Intermediate-B,

24 ethyl-4-phenylpiperidine-4-carboxylate;

25 "q. Pethidine - Intermediate-C,

26 1-methyl-4-phenylpiperidine-4-carboxylic acid;

27 "r. Phenazocine;

- 1 "s. Piminodine;
- 2 "t. Racemethorphan;
- 3 "u. Racemorphan."

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

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