HB2
207646-1
By Representatives Holmes and Allen
RFD: Judiciary
First Read: 02-FEB-21
PFD: 07/17/2020
SYNOPSIS: This bill would add certain named chemical compounds of Tianeptine to Schedule II of the controlled substances list. Possession, distribution, and trafficking of these compounds would be deemed unlawful and violators would be subject to criminal penalties for distribution.

Placing Tianeptine on Schedule II would allow for future legal possession and use by medical prescription if Tianeptine ever were to be approved for human medical use by the Food and Drug Administration of the United States Department of Health and Human Services.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote
unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

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

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
Section 1. Section 20-2-25, Code of Alabama 1975, is amended to read as follows:

"§20-2-25.

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

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

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

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

"c. Opium poppy and poppy straw.

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

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

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

"a. Alphaprodine;
"b. Anileridine;
"c. Bezitramide;
"d. Dihydrocodeine;
"e. Diphenoxylate;
"f. Fentanyl;
"g. Isomethadone;
"h. Levomethorphan;
"i. Levorphanol;
"j. Metazocine;
"k. Methadone;
"m. Moramide - Intermediate,
2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
"n. Pethidine;
"o. Pethidine - Intermediate-A,
4-cyano-1-methyl-4-phenylpiperidine;
"p. Pethidine - Intermediate-B,
ethyl-4-phenylpiperidine-4-carboxylate;
"q. Pethidine - Intermediate-C,
1-methyl-4-phenylpiperidine-4-carboxylic acid;
"r. Phenazocine;
"s. Piminodine;
"t. Racemethorphan;
"u. Racemorphan."

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

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