



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

DAVID L. LAKEY, M.D.
COMMISSIONER

1100 West 49th Street • Austin, Texas 78756
P.O. Box 149347 • Austin, Texas 78714-9347
1-888-963-7111 • www.dshs.state.tx.us
TDD: 1-800-735-2989

The Deputy Administrator of the Drug Enforcement Administration (DEA) placed the substance oripavine into schedule II of the Controlled Substances Act (CSA) effective September 24, 2007. This final rule was published in the Federal Register, Volume 72, Number 184, pages 54208-54210. The Deputy Administrator of the DEA based this action on the following:

- (1) Oripavine is a derivative of thebaine, a natural constituent of opium, hence oripavine has been and continues to be, by virtue of the definition of "narcotic drug", a schedule II controlled substance;
- (2) International control of oripavine in schedule I of the 1961 Single Convention on Narcotic Drugs (1961 Convention) during the 50th session of the Commission on Narcotic Drugs in 2007 prompted the DEA to specifically designate oripavine as a basic class of controlled substance in schedule II of the CSA, and;
- (3) Placing oripavine into schedule II of the CSA satisfies the requirements of schedule I control under the 1961 Convention.

Pursuant to Section 481.034(g), as amended by the 75th legislature, of the Texas Controlled Substances Act, Health and Safety Code, Chapter 481, at least thirty-one days have expired since notice of the above referenced action was published in the Federal Register; and, in my capacity as Commissioner of the Texas Department of State Health Services, I do hereby order that the substance oripavine be added to schedule II of the Texas Controlled Substances Act. Schedule II of said Act is hereby amended to read as follows:

SCHEDULE II

Schedule II consists of:

- Schedule II substances, vegetable origin or chemical synthesis

The following substances, however produced, except those narcotic drugs listed in other schedules:

(1) Opium and opiate, and a salt, compound, derivative, or preparation of opium or opiate, other than thebaine-derived butorphanol, naloxone and its salts, naltrexone and its salts, and nalmefene and its salts, but including:

- (1-1) Codeine;
- (1-2) Dihydroetorphine;
- (1-3) Ethylmorphine;
- (1-4) Etorphine hydrochloride;
- (1-5) Granulated opium;
- (1-6) Hydrocodone;
- (1-7) Hydromorphone;
- (1-8) Metopon;
- (1-9) Morphine;
- (1-10) Opium extracts;
- (1-11) Opium fluid extracts;
- *(1-12) Oripavine
- (1-13) Oxycodone;
- (1-14) Oxymorphone;
- (1-15) Powdered opium;
- (1-16) Raw opium;
- (1-17) Thebaine; and
- (1-18) Tincture of opium.

(2) A salt, compound, isomer, derivative, or preparation of a substance that is chemically equivalent or identical to a substance described by Paragraph (1) of Schedule II substances, vegetable origin or chemical synthesis, other than the isoquinoline alkaloids of opium;

(3) Opium poppy and poppy straw;

(4) Cocaine, including:

(4-1) its salts, its optical, position, and geometric isomers, and the salts of those isomers; and,

(4-2) coca leaves and a salt, compound, derivative, or preparation of coca leaves that is chemically equivalent or identical to a substance described by this paragraph, other than decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine; and

(5) Concentrate of poppy straw, meaning the crude extract of poppy straw in liquid, solid, or powder form that contains the phenanthrene alkaloids of the opium poppy.

- Opiates

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- Schedule II stimulants

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- Schedule II depressants

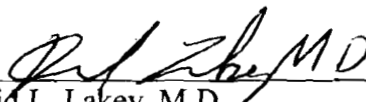
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- Schedule II hallucinogenic substances

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Changes to the schedules are designated by an asterisk (*)

Done in Austin, Texas this 12 day of November, 2007 in witness whereof I hereunto set my hand and seal of office.



David L. Lakey, M.D.
Commissioner