

## **BILL ANALYSIS**

Senate Research Center

S.B. 1235  
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Criminal Justice  
3/27/2015  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1235 address the continuing problems associated with the prosecution of "pill mills," which are a major supplier of prescription substances that are illegally diverted to be sold as street drugs. Currently, the law defines those subject to these investigations as the owner or operator of a pain management clinic. S.B. 1235 expands this to include individuals who are medical directors or physicians who are affiliated or associated with the pain management clinic in any capacity. This is necessary as the named owners or operators often distance themselves from these clinics by using other individuals to actually perform the distribution of the controlled substance.

In addition, a violation of Chapter 168.202, Occupations Code, which governs the operations of these clinics, is moved under Chapter 165.152, which moves the violation from a misdemeanor to allow prosecution as a third degree felony.

Houston law enforcement and the Harris County District Attorney have requested these changes to assist in the prosecution of the "pill mills" that have flourished in Harris County and continue to be a main source of illegal substance for abuse in their jurisdictions.

As proposed, S.B. 1235 amends current law relating to defining the duties and penalties concerning pain management clinics.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 168.001, Occupations Code, as follows:

Sec. 168.001. New heading: DEFINITIONS. (a) Defines "pain management clinic" and "operator."

SECTION 2. Amends Chapter 168.201(d), Occupations Code, as follows:

(d) Provides that a person who owns or operates a pain management clinic is engaged in the practice of medicine. Requires that this include, but is not limited to, all supervision and delegation activities related to the pain management clinic.

SECTION 3. Amends Chapter 168.202(c), Occupations Code, to provide that a violation of this chapter is subject to criminal prosecution under Chapter 165.152 (Practicing Medicine in Violation of Subtitle), Occupations Code.

SECTION 4. Effective date: September 1, 2015.