



**TEXAS DEPARTMENT OF HEALTH
AUSTIN, TEXAS
INTER-OFFICE MEMORANDUM**

TO: Charles E. Bell, M.D.
Executive Deputy Commissioner

THRU: Susan K. Steeg, General Counsel
Office of General Counsel

THRU: Debra C. Stabeno, M.P.H.
Deputy Commissioner for Programs

FROM: Richard B. Bays
Associate Commissioner for
Consumer Health Protection

DATE: October 11, 2001

SUBJECT: Order Amending Controlled Substance Schedules

- Pursuant to Section 481.034(g), as amended by the 75th legislature, of the Texas Controlled Substances, Act Chapter 481, Health and Safety Code, your signature as Executive Deputy Commissioner and the seal of the Department are required on the attached order. Please note date of signing to be entered in the last paragraph of the order.
- If you concur, please return the original document bearing your signature and seal to the Drugs and Medical Devices Division where it will be retained as an official record.

Attachments

The Acting Administrator of the Drug Enforcement Administration (DEA) has issued a final rule listing the substance dichloralphenazone, including its salts, isomers, and salts of isomers in Schedule IV of the Federal Controlled Substances Act (CSA). Dichloralphenazone is a sedative typically used in combination with isometheptene mucate and acetaminophen in formulating prescription pharmaceuticals for the relief of tension and vascular headache. Since dichloralphenazone is a compound containing chloral hydrate, it is likewise a Schedule IV depressant. This action was based on the following:

- (1) dichloralphenazone is a compound containing two molecules of chloral hydrate and one molecule of phenazone;
- (2) chloral hydrate is a Schedule IV depressant; and,
- (3) since dichloralphenazone has not been recognized as a compound containing chloral hydrate and confusion has existed with regard to its control status, the DEA issued a proposed rule in the Federal Register on December 11, 2000 to expressly list dichloralphenazone as a Schedule IV depressant.

Pursuant to Section 481.034(g), as amended by the 75th legislature, of the Texas Controlled Substances Act, Chapter 481, Health and Safety Code, 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 Executive Deputy Commissioner of the Texas Department of Health, I do hereby order that the substance dichloralphenazone be added to Schedule IV of the Texas Controlled Substances Act. Schedule IV of said Act is hereby amended to read as follows:

SCHEDULE IV

Schedule IV consists of:

! Schedule IV depressants

except as provided by the Texas Controlled Substances Act, Health and Safety Code, Section 481.033, a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

- (1) Alprazolam;
- (2) Barbitol;
- (3) Bromazepam;
- (4) Camazepam;
- (5) Chloral betaine;
- (6) Chloral hydrate;
- (7) Chlordiazepoxide;
- (8) Clobazam;
- (9) Clonazepam;
- (10) Clorazepate;
- (11) Clotiazepam;
- (12) Cloxazolam;
- (13) Delorazepam;
- (14) Diazepam;
- * (15) Dichloralphenazone
- (16) Estazolam;
- (17) Ethchlorvynol;
- (18) Ethinamate;
- (19) Ethyl loflazepate;

- (20) Fludiazepam;
- (21) Flunitrazepam;
- (22) Flurazepam;
- (23) Halazepam;
- (24) Haloxazolam;
- (25) Ketazolam;
- (26) Loprazolam;
- (27) Lorazepam;
- (28) Lormetazepam;
- (29) Mebutamate;
- (30) Medazepam;
- (31) Meprobamate;
- (32) Methohexital;
- (33) Methylphenobarbital (mephobarbital);
- (34) Midazolam;
- (35) Nimetazepam;
- (36) Nitrazepam;
- (37) Nordiazepam;
- (38) Oxazepam;
- (39) Oxazolam;
- (40) Paraldehyde;
- (41) Petrichloral;
- (42) Phenobarbital;
- (43) Pinazepam;
- (44) Prazepam;
- (45) Quazepam;
- (46) Temazepam;
- (47) Tetrazepam;
- (48) Triazolam;
- (49) Zaleplon: and
- (50) Zolpidem;

! Schedule IV stimulants

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! Schedule IV narcotics

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

Done in Austin, Texas this _____ day of _____, 2001 in witness where of I here unto set my hand and seal of office.

Charles E. Bell, M.D.
Executive Deputy Commissioner