

By: Perry, West

S.B. No. 1868

A BILL TO BE ENTITLED

AN ACT

relating to adding certain substances to the Texas Controlled Substances Act and regulating kratom and kratom products; increasing civil penalties; creating criminal offenses; increasing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 444, Health and Safety Code, as added by Chapter 2 (S.B. 497), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Chapter 445, Health and Safety Code, and amended to read as follows:

CHAPTER 445 [444]. MANUFACTURE, DISTRIBUTION, AND SALE OF KRATOM PRODUCTS

Sec. 445.001 [444.001]. DEFINITIONS. In this chapter:

(1) "Food" has the meaning assigned by Section 431.002.

(2) "Kratom" means any part of the leaf of the plant of the species *Mitragyna speciosa*.

(3) "Kratom processor" means a person who:

(A) processes kratom for a kratom product;

(B) manufactures, prepares, or distributes[~~or maintains~~] kratom products for sale;

(C) [~~(B)~~] advertises, represents, or holds oneself out as a manufacturer or[~~or~~] preparer[~~or seller~~] of kratom products;

(D) ~~[(C)]~~ is responsible for ensuring the purity and proper labeling of kratom products; or

(E) ~~[(D)]~~ packages or labels kratom products.

(4) "Kratom product" means a food that contains ~~[including an extract, capsule, or pill, containing any form of]~~ kratom.

(5) "Kratom retailer" means a person ~~[kratom processor]~~ who sells or offers for sale kratom products to consumers or who advertises, represents, or holds oneself out as a person who sells kratom products to consumers.

(6) "Manufacture" has the meaning assigned by Section 431.002.

Sec. 445.002 ~~[444.002]~~. TESTING AND LABELING ~~[LABEL]~~ REQUIRED. (a) Before a kratom product is sold at retail or otherwise introduced into commerce in this state, a sample representing the kratom product must be tested:

(1) by a laboratory that is:

(A) located in this state; and

(B) accredited by an accreditation body in accordance with International Organization for Standardization ISO/IEC 17025 or a comparable or successor standard; and

(2) to determine:

(A) the concentration and identity of the alkaloids in the product; and

(B) the presence or quantity of heavy metals, pesticides, microbial contamination, and any other substances in the product as prescribed by the executive commissioner.

1 (b) A kratom processor shall label each kratom product with
2 the product use directions necessary to ensure safe use of the
3 product by a consumer, including the recommended serving size for
4 the product.

5 (c) ~~[(b)]~~ A kratom retailer may only sell a kratom product
6 that is properly tested and labeled in accordance with this
7 section.

8 (d) A person commits an offense if the person sells or
9 offers for sale a kratom product or a product marketed as containing
10 kratom that is not tested or labeled as required by this section.

11 (e) An offense under this section is a Class A misdemeanor.

12 Sec. 445.003 ~~[444.003]~~. ADULTERATED, CONTAMINATED, AND
13 PROHIBITED KRATOM PRODUCTS. (a) A person commits an offense if
14 the person manufactures, prepares, distributes, sells, or offers
15 for sale ~~[A kratom processor or kratom retailer may not prepare,~~
16 ~~distribute, sell, or offer to sell]~~ a kratom product that:

17 (1) is adulterated with a dangerous non-kratom
18 substance affecting the quality or strength of the product to a
19 degree that renders the product injurious to a consumer;

20 (2) is contaminated with a poisonous or otherwise
21 deleterious non-kratom substance, including any substance
22 designated as a controlled substance by Chapter 481 (Texas
23 Controlled Substances Act);

24 (3) contains a level of 7-hydroxymitragynine in the
25 alkaloid fraction that is greater than 0.1 ~~[two]~~ percent of the
26 overall alkaloid composition of the product; ~~[or]~~

27 (4) contains any artificial or synthetic alkaloids,

including artificial or synthetic 7-hydroxymitragynine and synthetically derived compounds from [a] kratom;

(5) is a prepackaged beverage; or

(6) is a prepackaged food other than:

(A) raw or dried kratom leaves;

(B) ground kratom leaves;

(C) kratom leaf powder; or

(D) clear capsules containing kratom leaf powder

[plant].

(b) An offense under this section is a Class A misdemeanor.

(c) A kratom product described by Subsection (a) is considered to be adulterated for purposes of Chapter 431.

Sec. 445.004 [~~444.004~~]. OFFENSE: [FOR] DISTRIBUTION OR SALE OF KRATOM PRODUCT TO INDIVIDUAL YOUNGER THAN 21 YEARS OF AGE [~~MINOR~~]. (a) A person commits an offense if the person distributes, sells, or exposes for sale a kratom product or a product marketed as containing kratom to an individual younger than 21 [~~18~~] years of age.

(b) An offense under this section is a Class A [~~C~~] misdemeanor.

Sec. 445.005. OFFENSE: SALE OR DELIVERY OF CERTAIN KRATOM PRODUCTS NEAR SCHOOL. (a) In this section, "school" and "premises" have the meanings assigned by Section 481.134.

(b) A person commits an offense if the person sells, offers for sale, or delivers a kratom product or a product marketed as containing kratom in, on, or within 1,000 feet of the premises of a school.

1 (c) An offense under this section is a Class A misdemeanor.

2 Sec. 445.006. OFFENSE: FALSE LABORATORY REPORT. (a) A
3 person commits an offense if the person, with the intent to deceive,
4 forges, falsifies, or alters the results of a laboratory test
5 authorized or required by this chapter.

6 (b) An offense under this section is a felony of the third
7 degree.

8 Sec. 445.007. OFFENSE: SALE OF OTHER PRODUCTS PROHIBITED.

9 (a) A person commits an offense if the person sells or offers for
10 sale a kratom product or a product marketed as containing kratom at
11 a location that also sells or offers for sale the following products
12 or products marketed as the following products:

13 (1) a consumable hemp product as defined by Section
14 443.001;

15 (2) a cigarette, e-cigarette, or tobacco product as
16 defined by Section 161.081; or

17 (3) an alcoholic beverage as defined by Section 1.04,
18 Alcoholic Beverage Code.

19 (b) An offense under this section is a Class A misdemeanor.

20 Sec. 445.0071. OFFENSE: MANUFACTURE, DISTRIBUTION, OR SALE
21 OF KRATOM PRODUCT FOR SMOKING. (a) In this section, "smoking"
22 means burning or igniting a substance and inhaling the smoke or
23 heating a substance and inhaling the resulting vapor or aerosol.

24 (b) A person commits an offense if the person manufactures,
25 distributes, sells, or offers for sale a kratom product or a product
26 marketed as containing kratom for smoking.

27 (c) An offense under this section is a Class A misdemeanor.

1 Sec. 445.0072. OFFENSE: MANUFACTURE, DISTRIBUTION, OR SALE
2 OF PILL OR TABLET CONTAINING KRATOM. (a) A person commits an
3 offense if the person manufactures, distributes, sells, or offers
4 for sale a pill or tablet that contains kratom or that is marketed
5 as containing kratom. For purposes of this subsection, a capsule is
6 not considered to be a pill or tablet.

7 (b) An offense under this section is a Class A misdemeanor.

8 Sec. 445.008 [~~444.005~~]. CIVIL PENALTY. (a) A person who
9 violates this chapter is subject to a civil penalty in the amount
10 of:

11 (1) \$2,500 [~~\$250~~] for the first violation;

12 (2) \$5,000 [~~\$500~~] for the second violation; and

13 (3) \$10,000 [~~\$1,000~~] for each subsequent violation.

14 (b) Each day a violation continues or occurs is a separate
15 violation for purposes of imposing a penalty under this section.

16 (c) [~~A kratom retailer is not liable for a civil penalty~~
17 ~~under this section for a violation of Section 444.002 or 444.003 if~~
18 ~~the kratom retailer proves by a preponderance of the evidence that~~
19 ~~the violation was unintentional and due to the kratom retailer's~~
20 ~~good faith reliance on the representation of another kratom~~
21 ~~processor.~~]

22 [~~(d)~~] The attorney general or the district or county
23 attorney for the county or municipal attorney for the municipality
24 in which the violation is alleged to have occurred may bring an
25 action to recover a civil penalty under this section.

26 Sec. 445.009 [~~444.006~~]. PENALTIES UNDER OTHER LAW. The
27 penalties prescribed by this chapter are in addition to any other

penalties prescribed by law, including penalties prescribed by Chapters 431 and 481.

Sec. 445.010 [~~444.007~~]. RULES. The executive commissioner may adopt rules consistent with this chapter as necessary to ensure the safe consumption and distribution of kratom and kratom products.

SECTION 2. Section 481.002, Health and Safety Code, is amended by adding Subdivision (56) to read as follows:

(56) "Kratom" means any part of the leaf of the plant of the species Mitragyna speciosa.

SECTION 3. Section 481.102, Health and Safety Code, is amended to read as follows:

Sec. 481.102. PENALTY GROUP 1. Penalty Group 1 consists of:

(1) the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, if the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

Allylprodine;

Alphacetylmethadol;

Benzethidine;

Betaprodine;

Clonitazene;

Diampromide;

Diethylthiambutene;

Difenoxin not listed in Penalty Group 3 or 4;

Dimenoxadol;

1	Dimethylthiambutene;
2	Dioxaphetyl butyrate;
3	Dipipanone;
4	Ethylmethylthiambutene;
5	<u>Etodesnitazene;</u>
6	Etonitazene;
7	Etoxeridine;
8	Furethidine;
9	Hydroxypethidine;
10	Ketobemidone;
11	Levophenacylmorphane;
12	Meprodine;
13	Methadol;
14	Moramide;
15	Morpheridine;
16	Noracymethadol;
17	Norlevorphanol;
18	Normethadone;
19	Norpipanone;
20	<u>N-pyrrolidino etonitazene;</u>
21	Phenadoxone;
22	Phenampromide;
23	Phenomorphan;
24	Phenoperidine;
25	Piritramide;
26	Proheptazine;
27	Propoperidine;

Propiram;
Protonitazene;
Tilidine; and
Trimeperidine;

(2) the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, if the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

Acetorphine;
Acetyldihydrocodeine;
Benzylmorphine;
Codeine methylbromide;
Codeine-N-Oxide;
Cyprenorphine;
Desomorphine;
Dihydromorphine;
Drotebanol;
Etorphine, except hydrochloride salt;
Heroin;
Hydromorphenol;
Methyldesorphine;
Methyldihydromorphine;
Monoacetylmorphine;
Morphine methylbromide;
Morphine methylsulfonate;
Morphine-N-Oxide;
Myrophine;

Nicocodeine;
Nicomorphine;
Normorphine;
Pholcodine; and
Thebacon;

(3) the following substances, however produced,
except those narcotic drugs listed in another group:

(A) Opium and opiate not listed in Penalty Group
3 or 4, and a salt, compound, derivative, or preparation of opium or
opiate, other than thebaine derived butorphanol, nalmeffene and its
salts, naloxone and its salts, and naltrexone and its salts, but
including:

Codeine not listed in Penalty Group 3 or 4;
Dihydroetorphine;
Ethylmorphine not listed in Penalty Group 3
or 4;
Granulated opium;
Hydrocodone not listed in Penalty Group 3;
Hydromorphone;
Metopon;
Morphine not listed in Penalty Group 3;
Opium extracts;
Opium fluid extracts;
Oripavine;
Oxycodone;
Oxymorphone;
Powdered opium;

1 Raw opium;

2 Thebaine; and

3 Tincture of opium;

4 (B) a salt, compound, isomer, derivative, or
5 preparation of a substance that is chemically equivalent or
6 identical to a substance described by Paragraph (A), other than the
7 isoquinoline alkaloids of opium;

8 (C) Opium poppy and poppy straw;

9 (D) Cocaine, including:

10 (i) its salts, its optical, position, and
11 geometric isomers, and the salts of those isomers;

12 (ii) coca leaves and a salt, compound,
13 derivative, or preparation of coca leaves; and

14 (iii) a salt, compound, derivative, or
15 preparation of a salt, compound, or derivative that is chemically
16 equivalent or identical to a substance described by Subparagraph
17 (i) or (ii), other than decocainized coca leaves or extractions of
18 coca leaves that do not contain cocaine or ecgonine; ~~and~~

19 (E) concentrate of poppy straw, meaning the crude
20 extract of poppy straw in liquid, solid, or powder form that
21 contains the phenanthrine alkaloids of the opium poppy;

22 (F) kratom alkaloids, other than within kratom,
23 as well as artificial equivalents of the substances naturally
24 created in a plant of the species Mitragyna speciosa, as well as
25 synthetic equivalents of the substances naturally created in a
26 plant of the species Mitragyna speciosa, including:

27 (i) mitragynine;

1 (ii) 7-hydroxymitragynine;

2 (iii) corynantheidine;

3 (iv) speciofoline;

4 (v) speciociliatine;

5 (vi) speciogynine;

6 (vii) paynantheine;

7 (viii) mitraciliatine; and

8 (ix) corynoxine;

9 (G) any salt, isomer, salt of isomer, compound,
10 derivative, extract, or preparation of a substance described by
11 Paragraph (F) with similar pharmacological activity, as well as any
12 other analogue of a substance described by Paragraph (F) intended
13 to interact with human opioid receptors; and

14 (H) Tianeptine and any salt, isomer, salt of
15 isomer, compound, derivative, extract, or preparation of
16 tianeptine with similar pharmacological activity, as well as any
17 other analogue of tianeptine intended to interact with human opioid
18 receptors;

19 (4) the following opiates, including their isomers,
20 esters, ethers, salts, and salts of isomers, if the existence of
21 these isomers, esters, ethers, and salts is possible within the
22 specific chemical designation:

23 Alphaprodine;

24 Anileridine;

25 Bezitramide;

26 Dihydrocodeine not listed in Penalty Group 3 or 4;

27 Diphenoxylate not listed in Penalty Group 3 or 4;

1 Isomethadone;
2 Levomethorphan;
3 Levorphanol;
4 Metazocine;
5 Methadone;
6 Methadone-Intermediate, 4-cyano-2-dimethylamino-
7 4, 4-diphenyl butane;
8 Moramide-Intermediate, 2-methyl-3-morpholino-1,
9 1-diphenyl-propane-carboxylic acid;
10 PEPAP (1-(2-phenethyl)-4-phenyl-4-
11 acetoxypiperidine);
12 Pethidine (Meperidine);
13 Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
14 phenylpiperidine;
15 Pethidine-Intermediate-B, ethyl-4-
16 phenylpiperidine-4 carboxylate;
17 Pethidine-Intermediate-C, 1-methyl-4-
18 phenylpiperidine-4-carboxylic acid;
19 Phenazocine;
20 Piminodine;
21 Racemethorphan; and
22 Racemorphan;
23 (5) Flunitrazepam (trade or other name: Rohypnol);
24 (6) Methamphetamine, including its salts, optical
25 isomers, and salts of optical isomers;
26 (7) Phenylacetone and methylamine, if possessed
27 together with intent to manufacture methamphetamine;

- 1 (8) Phencyclidine, including its salts;
- 2 (9) Gamma hydroxybutyric acid (some trade or other
- 3 names: gamma hydroxybutyrate, GHB), including its salts;
- 4 (10) Ketamine;
- 5 (11) Phenazepam;
- 6 (12) U-47700;
- 7 (13) AH-7921;
- 8 (14) ADB-FUBINACA;
- 9 (15) AMB-FUBINACA; and
- 10 (16) MDMB-CHMICA.

11 SECTION 4. Section [481.103\(a\)](#), Health and Safety Code, is
12 amended to read as follows:

13 (a) Penalty Group 2 consists of:

14 (1) any quantity of the following hallucinogenic
15 substances, their salts, isomers, and salts of isomers, unless
16 specifically excepted, if the existence of these salts, isomers,
17 and salts of isomers is possible within the specific chemical
18 designation:

- 19 5-(2-aminopropyl)benzofuran (5-APB);
- 20 6-(2-aminopropyl)benzofuran (6-APB);
- 21 5-(2-aminopropyl)-2,3-dihydrobenzofuran
- 22 (5-APDB);
- 23 6-(2-aminopropyl)-2,3-dihydrobenzofuran
- 24 (6-APDB);
- 25 5-(2-aminopropyl)indole (5-IT,5-API);
- 26 6-(2-aminopropyl)indole (6-IT,6-API);
- 27 1-(benzofuran-5-yl)-N-methylpropan-2-amine

1 (5-MAPB);
2 1-(benzofuran-6-yl)-N-methylpropan-2-amine
3 (6-MAPB);
4 Benzothiophenylcyclohexylpiperidine (BTCP);
5 8-bromo-alpha-methyl-benzo[1,2-b:4,5-b']difuran-
6 4-ethanamine (trade or other name: Bromo-DragonFLY);
7 Desoxypipradrol (2-benzhydrylpiperidine);
8 2, 5-dimethoxyamphetamine (some trade or other
9 names: 2, 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA);
10 Diphenylprolinol (diphenyl(pyrrolidin-2-yl)
11 methanol, D2PM);
12 Dronabinol (synthetic) in sesame oil and
13 encapsulated in a soft gelatin capsule in a U.S. Food and Drug
14 Administration approved drug product (some trade or other names for
15 Dronabinol: (a6aR-trans)-6a,7,8,10a-tetrahydro- 6,6, 9-
16 trimethyl-3-pentyl-6H- dibenzo [b,d]pyran-1-ol or (-)-delta-9-
17 (trans)- tetrahydrocannabinol);
18 Ethylamine Analog of Phencyclidine (some trade or
19 other names: N-ethyl-1-phenylcyclohexylamine, (1-
20 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine,
21 cyclohexamine, PCE);
22 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone
23 (trade or other name: methoxetamine);
24 Ibogaine (some trade or other names: 7-Ethyl-6,
25 6, beta 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-
26 pyrido [1', 2':1, 2] azepino [5, 4-b] indole; tabernanthe iboga.);
27 5-iodo-2-aminoindane (5-IAI);

1 Mescaline;
 2 5-methoxy-3, 4-methylenedioxy amphetamine;
 3 4-methoxyamphetamine (some trade or other
 4 names: 4-methoxy-alpha-methylphenethylamine;
 5 paramethoxyamphetamine; PMA);
 6 4-methoxymethamphetamine (PMMA);
 7 2-(2-methoxyphenyl)-2-(methylamino)cyclohexanone
 8 (some trade and other names: 2-MeO-ketamine; methoxyketamine);
 9 1-methyl- 4-phenyl-4-propionoxypiperidine (MPPP,
 10 PPMP);
 11 4-methyl-2, 5-dimethoxyamphetamine (some trade
 12 and other names: 4-methyl-2, 5-dimethoxy-alpha-
 13 methylphenethylamine; "DOM"; "STP");
 14 3,4-methylenedioxy methamphetamine (MDMA, MDM);
 15 3,4-methylenedioxy amphetamine;
 16 3,4-methylenedioxy N-ethylamphetamine (Also
 17 known as N-ethyl MDA);
 18 5,6-methylenedioxy-2-aminoindane (MDAI);
 19 Nabilone (Another name for nabilone: (+)-trans-
 20 3-(1,1-dimethylheptyl)- 6,6a, 7,8,10,10a-hexahydro-1-hydroxy- 6,
 21 6-dimethyl-9H-dibenzo[b,d] pyran-9-one;
 22 N-benzylpiperazine (some trade or other
 23 names: BZP; 1-benzylpiperazine);
 24 N-ethyl-3-piperidyl benzilate;
 25 N-hydroxy-3,4-methylenedioxyamphetamine (Also
 26 known as N-hydroxy MDA);
 27 4-methylaminorex;

1 N-methyl-3-piperidyl benzilate;
2 Parahexyl (some trade or other names: 3-Hexyl-1-
3 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d]
4 pyran; Synhexyl);
5 1-Phenylcyclohexylamine;
6 1-Piperidinocyclohexanecarbonitrile (PCC);
7 Pyrrolidine Analog of Phencyclidine (some trade
8 or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);
9 Tetrahydrocannabinols, other than marihuana, and
10 synthetic equivalents of the substances contained in the plant, or
11 in the resinous extractives of Cannabis, or synthetic substances,
12 derivatives, and their metabolites, isomers, acids, salts, and
13 salts of isomers with similar chemical structure and
14 pharmacological activity, including ~~[such as]~~:
15 delta-1 cis or trans tetrahydrocannabinol,
16 and their optical isomers;
17 delta-6 cis or trans tetrahydrocannabinol,
18 and their optical isomers;
19 delta-3, 4 cis or trans
20 tetrahydrocannabinol, and its optical isomers;
21 delta-5, cis or trans tetrahydrocannabinol,
22 and their optical isomers;
23 delta-6a, cis or trans tetrahydrocannabinol,
24 and their optical isomers;
25 delta-7, cis or trans tetrahydrocannabinol,
26 and their optical isomers;
27 delta-7a, cis or trans tetrahydrocannabinol,

1 and their optical isomers;
2 delta-8, cis or trans tetrahydrocannabinol,
3 and their optical isomers;
4 delta-10, cis or trans tetrahydrocannabinol,
5 and their optical isomers;
6 delta-10a, cis or trans
7 tetrahydrocannabinol, and their optical isomers;
8 delta-11, cis or trans tetrahydrocannabinol,
9 and their optical isomers;
10 delta-11-Hydroxy-tetrahydrocannabinol;
11 exo-tetrahydrocannabinol;
12 tetrahydrocannabivarin, including delta-8
13 tetrahydrocannabivarin;
14 11-hydroxy-tetrahydrocannabinol;
15 3-hydroxy-tetrahydrocannabinol;
16 7-hydroxy-tetrahydrocannabinol;
17 hexahydrocannabiphorol-o-ester;
18 hydrogenated forms of tetrahydrocannabinol,
19 including hexahydrocannabinol, hexahydrocannabiphorol, and
20 hexahydrocannabihexol;
21 hydrogenated forms of hexahydrocannabinol,
22 including 8-hydroxyhexahydrocannabinol and
23 10-hydroxyhexahydrocannabinol;
24 ester forms of tetrahydrocannabinol,
25 including delta-8 THC-O-acetate, delta-9 THC-O-acetate, and
26 hexahydrocannabinol-O-acetate;
27 tetrahydrocannabinols with alkyl chain of

four or more carbon atoms, including tetrahydrocannabiphorols,
tetrahydrocannabioctyls, tetrahydrocannabihexols,
tetrahydrocannabidiol, and tetrahydrocannabutols;

tetrahydrocannabinol acetate;

tetrahydrocannabinol methyl ester; or

compounds of these structures, regardless of
numerical designation of atomic positions, since nomenclature of
these substances is not internationally standardized;

Thiophene Analog of Phencyclidine (some trade or
other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl
Analog of Phencyclidine; TCP, TCP);

1-pyrrolidine (some trade or other name: TCPy);

1-(3-trifluoromethylphenyl)piperazine (trade or
other name: TFMPP); and

3,4,5-trimethoxy amphetamine;

(2) Phenylacetone (some trade or other
names: Phenyl-2-propanone; P2P, Benzylmethyl ketone, methyl benzyl
ketone);

(3) unless specifically excepted or unless listed in
another Penalty Group, a material, compound, mixture, or
preparation that contains any quantity of the following substances
having a potential for abuse associated with a depressant or
stimulant effect on the central nervous system:

Aminorex (some trade or other
names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-
phenyl-2-oxazamine);

Amphetamine, its salts, optical isomers, and

1 salts of optical isomers;
2 Cathinone (some trade or other names: 2-amino-1-
3 phenyl-1-propanone, alpha-aminopropiophenone, 2-
4 aminopropiophenone);
5 Etaqualone and its salts;
6 Etorphine Hydrochloride;
7 Fenethylline and its salts;
8 Lisdexamfetamine, including its salts, isomers,
9 and salts of isomers;
10 Mecloqualone and its salts;
11 Methaqualone and its salts;
12 Methcathinone (some trade or other names: 2-
13 methylamino-propionophenone; alpha-(methylamino)propionophenone;
14 2-(methylamino)-1-phenylpropan-1-one; alpha-N-
15 methylaminopropionophenone; monomethylpropion; ephedrone, N-
16 methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR
17 1431);
18 N-Ethylamphetamine, its salts, optical isomers,
19 and salts of optical isomers; and
20 N,N-dimethylamphetamine (some trade or other
21 names: N,N,alpha-trimethylbenzeneethanamine;
22 N,N,alpha-trimethylphenethylamine), its salts, optical isomers,
23 and salts of optical isomers;
24 (4) any compound structurally derived from
25 2-aminopropanal by substitution at the 1-position with any
26 monocyclic or fused-polycyclic ring system, including:
27 (A) compounds further modified by:

(i) substitution in the ring system to any extent (including alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents), whether or not further substituted in the ring system by other substituents;

(ii) substitution at the 3-position with an alkyl substituent; or

(iii) substitution at the 2-amino nitrogen atom with alkyl, benzyl, dialkyl, or methoxybenzyl groups, or inclusion of the 2-amino nitrogen atom in a cyclic structure; and

(B) by example, compounds such as:

4-Methylmethcathinone (Also known as Mephedrone);

3,4-Dimethylmethcathinone (Also known as 3,4-DMMC);

3-Fluoromethcathinone (Also known as 3-FMC);

4-Fluoromethcathinone (Also known as Flephedrone);

3,4-Methylenedioxy-N-methylcathinone (Also known as Methylone);

3,4-Methylenedioxypyrovalerone (Also known as MDPV);

alpha-Pyrrolidinopentiophenone (Also known as alpha-PVP);

Naphthylpyrovalerone (Also known as Naphyrone);

alpha-Methylamino-valerophenone (Also known as Pentedrone);

beta-Keto-N-methylbenzodioxolylpropylamine
(Also known as Butylone);

beta-Keto-N-methylbenzodioxolylpentanamine
(Also known as Pentylone);

beta-Keto-Ethylbenzodioxolylbutanamine
(Also known as Eutylone); and

3,4-methylenedioxy-N-ethylcathinone (Also
known as Ethylone);

(5) any compound structurally derived from tryptamine
(3-(2-aminoethyl)indole) or a ring-hydroxy tryptamine:

(A) by modification in any of the following ways:

(i) by substitution at the amine nitrogen
atom of the sidechain to any extent with alkyl or alkenyl groups or
by inclusion of the amine nitrogen atom of the side chain (and no
other atoms of the side chain) in a cyclic structure;

(ii) by substitution at the carbon atom
adjacent to the nitrogen atom of the side chain (alpha-position)
with an alkyl or alkenyl group;

(iii) by substitution in the 6-membered
ring to any extent with alkyl, alkoxy, haloalkyl, thioalkyl,
alkylenedioxy, or halide substituents; or

(iv) by substitution at the 2-position of
the tryptamine ring system with an alkyl substituent; and

(B) including:

(i) ethers and esters of the controlled
substances listed in this subdivision; and

(ii) by example, compounds such as:

1 alpha-ethyltryptamine;
2 alpha-methyltryptamine;
3 Bufotenine (some trade and other names:
4 3-(beta-Dimethylaminoethyl)-5-hydroxyindole;
5 3-(2-dimethylaminoethyl)- 5- indolol; N, N-dimethylserotonin;
6 5-hydroxy-N, N- dimethyltryptamine; mappine);
7 Diethyltryptamine (some trade and
8 other names: N, N-Diethyltryptamine, DET);
9 Dimethyltryptamine (trade or other
10 name: DMT);
11 5-methoxy-N, N-diisopropyltryptamine
12 (5-MeO-DiPT);
13 O-Acetylpsilocin (Trade or other name:
14 4-Aco-DMT);
15 Psilocin; and
16 Psilocybin;
17 (6) 2,5-Dimethoxyphenethylamine and any compound
18 structurally derived from 2,5-Dimethoxyphenethylamine by
19 substitution at the 4-position of the phenyl ring to any extent
20 (including alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide
21 substituents), including, by example, compounds such as:
22 4-Bromo-2,5-dimethoxyphenethylamine (trade or
23 other name: 2C-B);
24 4-Chloro-2,5-dimethoxyphenethylamine (trade or
25 other name: 2C-C);
26 2,5-Dimethoxy-4-methylphenethylamine (trade or
27 other name: 2C-D);

1 4-Ethyl-2,5-dimethoxyphenethylamine (trade or
2 other name: 2C-E);
3 4-Iodo-2,5-dimethoxyphenethylamine (trade or
4 other name: 2C-I);
5 2,5-Dimethoxy-4-nitrophenethylamine (trade or
6 other name: 2C-N);
7 2,5-Dimethoxy-4-(n)-propylphenethylamine (trade
8 or other name: 2C-P);
9 4-Ethylthio-2,5-dimethoxyphenethylamine (trade
10 or other name: 2C-T-2);
11 4-Isopropylthio-2,5-dimethoxyphenethylamine
12 (trade or other name: 2C-T-4); and
13 2,5-Dimethoxy-4-(n)-propylthiophenethylamine
14 (trade or other name: 2C-T-7); ~~and~~
15 (7) 2,5-Dimethoxyamphetamine and any compound
16 structurally derived from 2,5-Dimethoxyamphetamine by substitution
17 at the 4-position of the phenyl ring to any extent (including alkyl,
18 alkoxy, alkylenedioxy, haloalkyl, or halide substituents),
19 including, by example, compounds such as:
20 4-Ethylthio-2,5-dimethoxyamphetamine (trade or
21 other name: Aleph-2);
22 4-Isopropylthio-2,5-dimethoxyamphetamine (trade
23 or other name: Aleph-4);
24 4-Bromo-2,5-dimethoxyamphetamine (trade or other
25 name: DOB);
26 4-Chloro-2,5-dimethoxyamphetamine (trade or
27 other name: DOC);

2,5-Dimethoxy-4-ethylamphetamine (trade or other
name: DOET);

4-Iodo-2,5-dimethoxyamphetamine (trade or other
name: DOI);

2,5-Dimethoxy-4-methylamphetamine (trade or
other name: DOM);

2,5-Dimethoxy-4-nitroamphetamine (trade or other
name: DON);

4-Isopropyl-2,5-dimethoxyamphetamine (trade or
other name: DOIP); and

2,5-Dimethoxy-4-(n)-propylamphetamine (trade or
other name: DOPR); and

(8) any quantity of the following hallucinogenic
substances, their salts, isomers, salts of isomers, ethers, and
esters unless specifically excepted, if the existence of these
salts, isomers, salts of isomers, ethers, and esters is possible:

Ibotenic acid; and

Muscimol.

SECTION 5. The changes in law made by this Act apply only to
an offense committed on or after the effective date of this Act. An
offense committed before the effective date of this Act is governed
by the law in effect on the date the offense was committed, and the
former law is continued in effect for that purpose. For purposes of
this section, an offense was committed before the effective date of
this Act if any element of the offense occurred before that date.

SECTION 6. To the extent of any conflict, this Act prevails
over another Act of the 89th Legislature, Regular Session, 2025,

S.B. No. 1868

1 relating to nonsubstantive additions to and corrections in enacted
2 codes.

3 SECTION 7. This Act takes effect September 1, 2025.