

BILL ANALYSIS

C.S.H.B. 2118
By: Coleman
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, certain complex synthetic substances that are marketed and sold as bath salts are legally sold in Texas. These dangerous substances are not subject to the Texas Controlled Substances Act nor are they regulated by federal law because they are not marketed for human consumption, but can be snorted, injected, or smoked and cause paranoia, hallucinations, and psychosis. It has been reported that users of the substances exhibit violent behavior and that such use has led to suicide. Other states have issued emergency bans or have passed legislation banning the substances. By adding the compounds that make up these bath salts to the list of substances regulated under the Texas Controlled Substances Act, the possession, manufacture, and delivery of these compounds will be a punishable offense in Texas.

C.S.H.B. 2118 seeks to address this issue by adding the substances used to make certain bath salts to Penalty Group 2 of the Texas Controlled Substances Act.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2118 amends the Health and Safety Code to expand the list of substances in Penalty Group 2 of the Texas Controlled Substances Act to include any compound structurally derived from 2-aminopropanal by substitution at the 1-position with any monocyclic or fused-polycyclic ring system. The bill includes in this category compounds further modified by the following: substitution in the ring system to any extent (including alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents), whether or not further substituted in the ring system by other substituents; substitution at the 3-position with an alkyl substituent; or substitution at the 2-amino nitrogen atom with alkyl or dialkyl groups, or inclusion of the 2-amino nitrogen atom in a cyclic structure. The bill further includes in this category, 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-Methylenedioxypropylpyrovalerone (also known as MDPV); alpha-Pyrrolidinopentiophenone (also known as alpha-PVP); Naphthylpyrovalerone (also known as Naphyrone); 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). The bill specifies that to the extent that its provisions conflict with provisions of another law, the other law prevails.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2118 differs from the original by including in the list of substances in Penalty Group 2 of the Texas Controlled Substances Act 4-Fluoromethcathinone, rather than 4-fluoromethcathinone as in the original; 3,4-Methylenedioxy-N-methylcathinone, rather than 3,4-Methylenedioxy-N-methcathinone as in the original; and beta-Keto-N-methylbenzodioxolylpropylamine, rather than B-keto-N-methylbenzodioxolylpropylamine as in the original. The substitute contains a provision not included in the original specifying that to the extent the bill's provisions conflict with another law, the other law prevails.