

By: Bonnen

H.B. No. 1011

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the addition of certain synthetic derivatives of
3 marihuana and Saliva divinorum and its derivatives and extracts to
4 the Texas Controlled Substances Act.

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

6 SECTION 1. Section 481.103(a), Health and Safety Code, is
7 amended to read as follows:

8 (a) Penalty Group 2 consists of:

9 (1) any quantity of the following hallucinogenic
10 substances, their salts, isomers, and salts of isomers, unless
11 specifically excepted, if the existence of these salts, isomers,
12 and salts of isomers is possible within the specific chemical
13 designation:

14 alpha-ethyltryptamine;

15 alpha-methyltryptamine;

16 4-bromo-2, 5-dimethoxyamphetamine (some trade or
17 other names: 4-bromo-2, 5-dimethoxy-alpha-methylphenethylamine;
18 4-bromo-2, 5-DMA);

19 4-bromo-2, 5-dimethoxyphenethylamine;

20 Bufotenine (some trade and other names: 3-(beta-
21 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)- 5-
22 indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-
23 dimethyltryptamine; mappine);

24 Diethyltryptamine (some trade and other names: N,

1 N-Diethyltryptamine, DET);
2 2, 5-dimethoxyamphetamine (some trade or other
3 names: 2, 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA);
4 2, 5-dimethoxy-4-ethylamphetamine (trade or other
5 name: DOET);
6 2, 5-dimethoxy-4-(n)-propylthiophenethylamine
7 (trade or other name: 2C-T-7);
8 Dimethyltryptamine (trade or other name: DMT);
9 Dronabinol (synthetic) in sesame oil and
10 encapsulated in a soft gelatin capsule in a U.S. Food and Drug
11 Administration approved drug product (some trade or other names for
12 Dronabinol: (a6aR-trans)-6a,7,8,10a-tetrahydro- 6,6, 9-
13 trimethyl-3-pentyl-6H- dibenzo [b,d]pyran-1-ol or (-)-delta-9-
14 (trans)- tetrahydrocannabinol);
15 Ethylamine Analog of Phencyclidine (some trade or
16 other names: N-ethyl-1-phenylcyclohexylamine, (1-
17 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine,
18 cyclohexamine, PCE);
19 Ibogaine (some trade or other names: 7-Ethyl-6, 6,
20 beta 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-
21 pyrido [1', 2':1, 2] azepino [5, 4-b] indole; tabernanthe iboga.);
22 Mescaline;
23 5-methoxy-N, N-diisopropyltryptamine;
24 5-methoxy-3, 4-methylenedioxy amphetamine;
25 4-methoxyamphetamine (some trade or other names:
26 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine;
27 PMA);

1 1-methyl- 4-phenyl-4-propionoxypiperidine (MPPP,
2 PPMP);
3 4-methyl-2, 5-dimethoxyamphetamine (some trade
4 and other names: 4-methyl-2, 5-dimethoxy-alpha-
5 methylphenethylamine; "DOM"; "STP");
6 3,4-methylenedioxy methamphetamine (MDMA, MDM);
7 3,4-methylenedioxy amphetamine;
8 3,4-methylenedioxy N-ethylamphetamine (Also
9 known as N-ethyl MDA);
10 Nabilone (Another name for nabilone: (+)-trans-
11 3-(1,1-dimethylheptyl)- 6,6a, 7,8,10,10a-hexahydro-1-hydroxy- 6,
12 6-dimethyl-9H-dibenzo[b,d] pyran-9-one;
13 N-benzylpiperazine (some trade or other names:
14 BZP; 1-benzylpiperazine);
15 N-ethyl-3-piperidyl benzilate;
16 N-hydroxy-3,4-methylenedioxyamphetamine (Also
17 known as N-hydroxy MDA);
18 4-methylaminorex;
19 N-methyl-3-piperidyl benzilate;
20 Parahexyl (some trade or other names: 3-Hexyl-1-
21 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d]
22 pyran; Synhexyl);
23 1-Phenylcyclohexylamine;
24 1-Piperidinocyclohexanecarbonitrile (PCC);
25 Psilocin;
26 Psilocybin;
27 Pyrrolidine Analog of Phencyclidine (some trade

1 or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);

2 Tetrahydrocannabinols, other than marihuana, and
3 synthetic equivalents of the substances contained in the plant, or
4 in the resinous extractives of Cannabis, or synthetic substances,
5 derivatives, and their isomers with similar chemical structure and
6 pharmacological activity such as:

7 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-
8 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c] chromen-1-
9 ol) (Also known as HU-210);

10 1-butyl-3-(1-naphthoyl)indole (Also known
11 as JWH-073);

12 delta-1 cis or trans tetrahydrocannabinol,
13 and their optical isomers;

14 delta-6 cis or trans tetrahydrocannabinol,
15 and their optical isomers;

16 delta-3, 4 cis or trans
17 tetrahydrocannabinol, and its optical isomers;

18 1-pentyl-3-(1-naphthoyl)indole (Also known
19 as JWH-018);

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

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

26 1-pyrrolidine (some trade or other name: TCPy);

27 1-(3-trifluoromethylphenyl)piperazine (trade or

1 other name: TFMPP); and

2 3,4,5-trimethoxy amphetamine;

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

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

11 Aminorex (some trade or other names: aminoxaphen;
12 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-phenyl-2-
13 oxazolamine);

14 Amphetamine, its salts, optical isomers, and
15 salts of optical isomers;

16 Cathinone (some trade or other names: 2-amino-1-
17 phenyl-1-propanone, alpha-aminopropiophenone, 2-
18 aminopropiophenone);

19 Etorphine Hydrochloride;

20 Fenethylline and its salts;

21 Lisdexamfetamine, including its salts, isomers,
22 and salts of isomers;

23 Mecloqualone and its salts;

24 Methaqualone and its salts;

25 Methcathinone (some trade or other names: 2-
26 methylamino-propiofenone; alpha-(methylamino)propiofenone;
27 2-(methylamino)-1-phenylpropan-1-one; alpha-N-

1 methylaminopropiophenone; monomethylpropion; ephedrone, N-
2 methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR
3 1431);

4 N-Ethylamphetamine, its salts, optical isomers,
5 and salts of optical isomers; and

6 N,N-dimethylamphetamine (some trade or other
7 names: N,N,alpha-trimethylbenzeneethaneamine;
8 N,N,alpha-trimethylphenethylamine), its salts, optical isomers,
9 and salts of optical isomers.

10 SECTION 2. Section 481.104(a), Health and Safety Code, is
11 amended to read as follows:

12 (a) Penalty Group 3 consists of:

13 (1) a material, compound, mixture, or preparation that
14 contains any quantity of the following substances having a
15 potential for abuse associated with a stimulant effect on the
16 central nervous system:

17 Methylphenidate and its salts; and

18 Phenmetrazine and its salts;

19 (2) a material, compound, mixture, or preparation that
20 contains any quantity of the following substances having a
21 potential for abuse associated with a depressant effect on the
22 central nervous system:

23 a substance that contains any quantity of a
24 derivative of barbituric acid, or any salt of a derivative of
25 barbituric acid not otherwise described by this subsection;

26 a compound, mixture, or preparation containing
27 amobarbital, secobarbital, pentobarbital, or any salt of any of

1 these, and one or more active medicinal ingredients that are not
2 listed in any penalty group;

3 a suppository dosage form containing amobarbital,
4 secobarbital, pentobarbital, or any salt of any of these drugs, and
5 approved by the United States Food and Drug Administration for
6 marketing only as a suppository;

- 7 Alprazolam;
- 8 Amobarbital;
- 9 Bromazepam;
- 10 Camazepam;
- 11 Chlordiazepoxide;
- 12 Chlorhexadol;
- 13 Clobazam;
- 14 Clonazepam;
- 15 Clorazepate;
- 16 Clotiazepam;
- 17 Cloxazolam;
- 18 Delorazepam;
- 19 Diazepam;
- 20 Estazolam;
- 21 Ethyl loflazepate;
- 22 Fludiazepam;
- 23 Flurazepam;
- 24 Glutethimide;
- 25 Halazepam;
- 26 Haloxzolam;
- 27 Ketazolam;

- 1 Loprazolam;
- 2 Lorazepam;
- 3 Lormetazepam;
- 4 Lysergic acid, including its salts, isomers, and
- 5 salts of isomers;
- 6 Lysergic acid amide, including its salts,
- 7 isomers, and salts of isomers;
- 8 Mebutamate;
- 9 Medazepam;
- 10 Methyprylon;
- 11 Midazolam;
- 12 Nimetazepam;
- 13 Nitrazepam;
- 14 Nordiazepam;
- 15 Oxazepam;
- 16 Oxazolam;
- 17 Pentazocine, its salts, derivatives, or compounds
- 18 or mixtures thereof;
- 19 Pentobarbital;
- 20 Pinazepam;
- 21 Prazepam;
- 22 Quazepam;
- 23 Secobarbital;
- 24 Sulfondiethylmethane;
- 25 Sulfonethylmethane;
- 26 Sulfonmethane;
- 27 Temazepam;

1 Tetrazeepam;

2 Tiletamine and zolazepam in combination, and its
3 salts. (some trade or other names for a tiletamine-zolazepam
4 combination product: Telazol, for tiletamine: 2-(ethylamino)-
5 2-(2-thienyl)-cyclohexanone, and for zolazepam: 4-(2-
6 fluorophenyl)-6, 8-dihydro-1,3,8,-trimethylpyrazolo-[3,4-
7 e](1,4)-d diazepin-7(1H)-one, flupyrazapon);

8 Triazolam;

9 Zaleplon;

10 Zolpidem; and

11 Zopiclone;

12 (3) Nalorphine;

13 (4) a material, compound, mixture, or preparation
14 containing limited quantities of the following narcotic drugs, or
15 any of their salts:

16 not more than 1.8 grams of codeine, or any of its
17 salts, per 100 milliliters or not more than 90 milligrams per dosage
18 unit, with an equal or greater quantity of an isoquinoline alkaloid
19 of opium;

20 not more than 1.8 grams of codeine, or any of its
21 salts, per 100 milliliters or not more than 90 milligrams per dosage
22 unit, with one or more active, nonnarcotic ingredients in
23 recognized therapeutic amounts;

24 not more than 300 milligrams of dihydrocodeinone
25 (hydrocodone), or any of its salts, per 100 milliliters or not more
26 than 15 milligrams per dosage unit, with a fourfold or greater
27 quantity of an isoquinoline alkaloid of opium;

1 not more than 300 milligrams of dihydrocodeinone
2 (hydrocodone), or any of its salts, per 100 milliliters or not more
3 than 15 milligrams per dosage unit, with one or more active,
4 nonnarcotic ingredients in recognized therapeutic amounts;

5 not more than 1.8 grams of dihydrocodeine, or any
6 of its salts, per 100 milliliters or not more than 90 milligrams per
7 dosage unit, with one or more active, nonnarcotic ingredients in
8 recognized therapeutic amounts;

9 not more than 300 milligrams of ethylmorphine, or
10 any of its salts, per 100 milliliters or not more than 15 milligrams
11 per dosage unit, with one or more active, nonnarcotic ingredients
12 in recognized therapeutic amounts;

13 not more than 500 milligrams of opium per 100
14 milliliters or per 100 grams, or not more than 25 milligrams per
15 dosage unit, with one or more active, nonnarcotic ingredients in
16 recognized therapeutic amounts;

17 not more than 50 milligrams of morphine, or any of
18 its salts, per 100 milliliters or per 100 grams with one or more
19 active, nonnarcotic ingredients in recognized therapeutic amounts;
20 and

21 not more than 1 milligram of difenoxin and not
22 less than 25 micrograms of atropine sulfate per dosage unit;

23 (5) a material, compound, mixture, or preparation that
24 contains any quantity of the following substances:

25 Barbital;

26 Chloral betaine;

27 Chloral hydrate;

1 Ethchlorvynol;
2 Ethinamate;
3 Meproamate;
4 Methohexital;
5 Methylphenobarbital (Mephobarbital);
6 Paraldehyde;
7 Petrichloral; and
8 Phenobarbital;

9 (6) Peyote, unless unharvested and growing in its
10 natural state, meaning all parts of the plant classified
11 botanically as Lophophora, whether growing or not, the seeds of the
12 plant, an extract from a part of the plant, and every compound,
13 manufacture, salt, derivative, mixture, or preparation of the
14 plant, its seeds, or extracts;

15 (7) unless listed in another penalty group, a
16 material, compound, mixture, or preparation that contains any
17 quantity of the following substances having a stimulant effect on
18 the central nervous system, including the substance's salts,
19 optical, position, or geometric isomers, and salts of the
20 substance's isomers, if the existence of the salts, isomers, and
21 salts of isomers is possible within the specific chemical
22 designation:

23 Benzphetamine;
24 Cathine [(+)-norpseudoephedrine];
25 Chlorphentermine;
26 Clortermine;
27 Diethylpropion;

- 1 Fencamfamin;
- 2 Fenfluramine;
- 3 Fenproporex;
- 4 Mazindol;
- 5 Mefenorex;
- 6 Modafinil;
- 7 Pemoline (including organometallic complexes and
- 8 their chelates);
- 9 Phendimetrazine;
- 10 Phentermine;
- 11 Pipradrol;
- 12 Sibutramine; and
- 13 SPA [(-)-1-dimethylamino-1,2-diphenylethane];

14 (8) unless specifically excepted or unless listed in
15 another penalty group, a material, compound, mixture, or
16 preparation that contains any quantity of the following substance,
17 including its salts:

- 18 Dextropropoxyphene (Alpha-(+)-4-dimethylamino-
- 19 1,2-diphenyl-3-methyl-2-propionoxybutane); ~~and~~

20 (9) an anabolic steroid, including any drug or
21 hormonal substance, or any substance that is chemically or
22 pharmacologically related to testosterone, other than an estrogen,
23 progestin, dehydroepiandrosterone, or corticosteroid, and promotes
24 muscle growth, including the following drugs and substances and any
25 salt, ester, or ether of the following drugs and substances:

- 26 Androstenediol;
- 27 Androstenedione;

- 1 Androstenediol;
- 2 Androstenedione;
- 3 Bolasterone;
- 4 Boldenone;
- 5 Calusterone;
- 6 Clostebol;
- 7 Dehydrochlormethyltestosterone;
- 8 Delta-1-dihydrotestosterone;
- 9 Dihydrotestosterone (4-dihydrotestosterone);
- 10 Drostanolone;
- 11 Ethylestrenol;
- 12 Fluoxymesterone;
- 13 Formebolone;
- 14 Furazabol;
- 15 13beta-ethyl-17beta-hydroxygon-4-en-3-one;
- 16 4-hydroxytestosterone;
- 17 4-hydroxy-19-nortestosterone;
- 18 Mestanolone;
- 19 Mesterolone;
- 20 Methandienone;
- 21 Methandriol;
- 22 Methenolone;
- 23 17alpha-methyl-3beta, 17 beta-dihydroxy-5alpha-
- 24 androstane;
- 25 17alpha-methyl-3alpha, 17 beta-dihydroxy-5alpha-
- 26 androstane;
- 27 17alpha-methyl-3beta, 17beta-dihydroxyandrost-4-

1 ene;
2 17alpha-methyl-4-hydroxynandrolone;
3 Methyldienolone;
4 Methyltestosterone;
5 Methyltrienolone;
6 17alpha-methyl-delta-1-dihydrotestosterone;
7 Mibolerone;
8 Nandrolone;
9 Norandrostenediol;
10 Norandrostenedione;
11 Norbolethone;
12 Norclostebol;
13 Norethandrolone;
14 Normethandrolone;
15 Oxandrolone;
16 Oxymesterone;
17 Oxymetholone;
18 Stanozolol;
19 Stenbolone;
20 Testolactone;
21 Testosterone;
22 Tetrahydrogestrinone; and
23 Trenbolone; and
24 (10) Salvia divinorum, unless unharvested and growing
25 in its natural state, meaning all parts of that plant, whether
26 growing or not, the seeds of that plant, an extract from a part of
27 that plant, and every compound, manufacture, salt, derivative,

1 mixture, or preparation of that plant, its seeds, or extracts,
2 including Salvinorin A.

3 SECTION 3. This Act takes effect September 1, 2011.