By: Huffman

S.B. No. 27

A BILL TO BE ENTITLED

AN ACT

2 relating to the designation for criminal prosecution and other 3 purposes of certain chemicals commonly referred to as synthetic 4 cannabinoids as controlled substances and controlled substance 5 analogues under the Texas Controlled Substances Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Subdivisions (5) and (6), Section 481.002,
Health and Safety Code, are amended to read as follows:

9 (5) "Controlled substance" means a substance, 10 including a drug, an adulterant, and a dilutant, listed in 11 Schedules I through V or Penalty <u>Group</u> [Groups] 1, 1-A, [or] 2<u>, 2-A,</u> 12 <u>3, or</u> [through] 4. The term includes the aggregate weight of any 13 mixture, solution, or other substance containing a controlled 14 substance.

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(6) "Controlled substance analogue" means:

16 (A) a substance with a chemical structure 17 substantially similar to the chemical structure of a controlled 18 substance in Schedule I or II or Penalty Group 1, 1-A, [or] 2<u>, or</u> 19 <u>2-A;</u> or

(B) a substance specifically designed to produce
an effect substantially similar to, or greater than, the effect of a
controlled substance in Schedule I or II or Penalty Group 1, 1-A,
[or] 2, or 2-A.

24 SECTION 2. Section 481.1031, Health and Safety Code, is

amended to read as follows: 1 Sec. 481.1031. PENALTY GROUP 2-A. 2 Penalty Group 2-A consists of any material, compound, mixture, or preparation that 3 contains any quantity of a synthetic chemical substance, including 4 its salts, isomers, and salts of isomers, listed by name in this 5 section or contained within the following structural classes 6 defined in this section [compound that is a cannabinoid receptor 7 agonist and mimics the pharmacological effect of naturally 8 occurring cannabinoids, including]: 9 10 WIN-55,212-2; Naphthoylindole: any compound [naphthoylindoles] 11 12 structurally derived from 3-(1-naphthoyl)indole or 3-(2-naphthoyl) indole by substitution at the nitrogen atom of the 13 indole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, 14 haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, 15 cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, 16 17 (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl [2-(4-morpholinyl)ethyl], whether or not further substituted in 18 the indole ring to any extent, whether or not substituted in the 19 naphthyl [napthyl] ring to any extent, including: 20 21 AM-1220; 22 AM-2201; 23 JWH-004; 24 JWH-007; 25 JWH-009; 26 JWH-015; 27 JWH-016;

1	JWH-018;
2	JWH-019;
3	JWH-020;
4	JWH-046;
5	JWH-047;
6	JWH-048;
7	JWH-049;
8	JWH-050;
9	JWH-073;
10	JWH-076;
11	JWH-079;
12	JWH-080;
13	JWH-081;
14	JWH-082;
15	JWH-083;
16	JWH-093;
17	JWH-094;
18	JWH-095;
19	JWH-096;
20	JWH-097;
21	JWH-098;
22	JWH-099;
23	JWH-100;
24	JWH-116;
25	JWH-122;
26	JWH-148;
27	JWH-149;

1	JWH-153;
2	JWH - 159;
3	JWH-164;
4	JWH - 165;
5	JWH-166;
6	JWH-180;
7	JWH-181;
8	JWH-182;
9	JWH-189;
10	JWH-193;
11	JWH-198;
12	JWH-200;
13	JWH-210;
14	JWH-211;
15	JWH-212;
16	JWH-213;
17	JWH-234;
18	JWH-235;
19	JWH-239;
20	JWH-240;
21	JWH-241;
22	JWH-242;
23	JWH-258;
24	JWH-259;
25	JWH-260;
26	JWH-262;
27	JWH-267;

1	JWH-386;
2	JWH-387;
3	JWH-394;
4	JWH-395;
5	JWH-397;
6	JWH-398;
7	JWH-399;
8	JWH-400;
9	JWH-412;
10	JWH-413; and
11	JWH-414;
12	Naphthylmethylindole: any compound
13	[naphthylmethylindones] structurally derived from
14	1H-indol-3-yl-(1-naphthyl)methane <u>or</u>
15	<u>1H-indol-3-yl-(2-naphthyl)methane</u> by substitution at the nitrogen
16	atom of the indole ring by alkyl, <u>haloalkyl, benzyl, halobenzyl,</u>
17	alkenyl, <u>haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl,</u>
18	cycloalkylmethyl, cycloalkylethyl, <u>(N-methylpiperidin-2-yl)alkyl,</u>
19	(4-tetrahydropyran)alkyl, or <u>2-(4-morpholinyl)alkyl</u>
20	[2-(4-morpholinyl)ethyl], whether or not further substituted in
21	the indole ring to any extent, whether or not substituted in the
22	naphthyl ring to any extent, including:
23	JWH-175;
24	JWH-184;
25	JWH-185;
26	JWH-192;
27	JWH-194;

1	JWH-195;
2	JWH-196;
3	JWH-197; and
4	JWH-199;
5	Naphthylindolecarboxamide: any compound structurally
6	derived from N-(naphthalen-1-yl)-1H-indole-3-carboxamide or
7	N-(naphthalen-2-yl)-1H-indole-3-carboxamide by substitution at
8	the nitrogen atom of the indole ring by alkyl, haloalkyl, benzyl,
9	halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl,
10	hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
11	(N-methylpiperidin-2-yl)alkyl or 2-(4-morpholinyl)alkyl, whether
12	or not further substituted in the indole ring to any extent, whether
13	or not substituted in the naphthyl ring to any extent, including:
14	MN-24 (Other name: NNEI);
15	Naphthoylpyrrole: any compound [naphthoylpyrroles]
16	structurally derived from 3-(1-naphthoyl)pyrrole or
17	<u>3-(2-naphthoyl)pyrrole</u> by substitution at the nitrogen atom of the
18	pyrrole ring by alkyl, <u>haloalkyl, benzyl, halobenzyl,</u> alkenyl,
19	haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
20	cycloalkylethyl, <u>(N-methylpiperidin-2-yl)alkyl</u> ,
21	(4-tetrahydropyran)alkyl, or <u>2-(4-morpholinyl)alkyl</u>
22	[2-(4-morpholinyl)ethyl], whether or not further substituted in
23	the pyrrole ring to any extent, whether or not substituted in the
24	naphthyl ring to any extent, including:
25	JWH-030;
26	.TWH-145 •

1	JWH-147;	
2	JWH-150;	
3	JWH-156;	
4	JWH-243;	
5	JWH-244;	
6	JWH-245;	
7	JWH-246;	
8	JWH-292;	
9	JWH-293;	
10	JWH-307;	
11	JWH-308;	
12	JWH-309;	
13	JWH-346;	
14	JWH-347;	
15	JWH-348;	
16	JWH-363;	
17	JWH-364;	
18	JWH-365;	
19	JWH-366;	
20	JWH-367;	
21	JWH-368;	
22	JWH-369;	
23	JWH-370;	
24	JWH-371;	
25	JWH-372;	
26	JWH-373;	and
27	JWH-392;	

1 Naphthylmethylindene: compound any [naphthylmethylindenes] structurally derived 2 from 3 1-(1-naphthylmethyl)indene or 1-(2-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, 4 5 haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, 6 (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, 7 or 2-(4-morpholinyl)alkyl [2-(4-morpholinyl)ethyl], whether or not 8 further substituted in the indene ring to any extent, whether or not 9 10 substituted in the naphthyl ring to any extent, including: JWH-171; 11 12 JWH-172; JWH-173; and 13

15 Phenylacetylindole: any compound [phenylacetylindoles] structurally derived from 3-phenylacetylindole by substitution at 16 17 the nitrogen atom of the indole ring with alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, 18 19 hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, 20 or 2-(4-morpholinyl)alkyl [2-(4-morpholinyl)ethyl], whether or not 21 further substituted in the indole ring to any extent, whether or not 22 23 substituted in the phenyl ring to any extent, including:

JWH-176;

24 [AM=694; 25 [AM=1241;] 26 JWH=167; 27 JWH=203;

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1	JWH-204;
2	JWH-205;
3	JWH-206;
4	JWH-208;
5	JWH-237;
6	JWH-248;
7	JWH-249;
8	JWH-250;
9	JWH-251;
10	JWH-252;
11	JWH-253;
12	JWH-302;
13	JWH-303;
14	JWH-305;
15	JWH-306;
16	JWH-311;
17	JWH-312;
18	JWH-313;
19	JWH-314; [and]
20	JWH-315; <u>and</u>
21	<u>RCS-8;</u>
22	Benzoylindole: any compound structurally derived from
23	3-benzoylindole by substitution at the nitrogen atom of the indole
24	ring with alkyl, haloalkyl, benzyl, halobenzyl, alkenyl,
25	haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
26	cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl,
27	(4-tetrahvdropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or

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T	not further substituted in the indole ring to any extent, whether or
2	not substituted in the phenyl ring to any extent, including:
3	<u>AM-630;</u>
4	<u>AM-679;</u>
5	<u>AM-694;</u>
6	<u>AM-1241;</u>
7	Pravadoline (Other name: WIN 48,098); and
8	<u>RCS-4;</u>
9	Adamantoylindole: any compound structurally derived
10	from 3-(1-adamantoyl)indole or 3-(2-adamantoyl)indole by
11	substitution at the nitrogen atom of the indole ring with alkyl,
12	haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy,
13	cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
14	(N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
15	2-(4-morpholinyl)alkyl, whether or not further substituted in the
16	indole ring to any extent, whether or not substituted in the
17	adamantyl ring to any extent, including:
18	AB-001; and
19	AM-1248;
20	Adamantylindolecarboxamide: any compound structurally
21	derived from N-(adamantan-1-yl)-1H-indole-3-carboxamide or
22	N-(adamantan-2-yl)-1H-indole-3-carboxamide by substitution at the
23	nitrogen atom of the indole ring by alkyl, haloalkyl, benzyl,
24	halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl,
25	hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
26	(N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
27	2-(4-morpholinyl)alkyl, whether or not further substituted in the

S.B. No. 27 1 indole ring to any extent, whether or not substituted in the 2 adamantyl ring to any extent, including: 3 APICA; and 4 STS-135; 5 Adamantylindazolecarboxamide: any compound derived 6 structurally from N-(adamantan-1-yl)-1H-indazo<u>le-3-carboxamide</u> 7 or 8 N-(adamantan-2-yl)-1H-indazole-3-carboxamide by substitution at the 1-position nitrogen atom of the indazole ring by alkyl, 9 haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, 10 cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, 11 12 (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or not further substituted in the 13 indazole ring to any extent, whether or not substituted in the 14 adamantyl ring to any extent, including: 15 5-Fluoro AKB-48; and 16 17 AKB-48; Aminooxobutylindazolecarboxamide: any compound 18 <u>structurally</u> 19 derived from N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indazole-3-carboxamide 20 by substitution at the 1-position nitrogen atom of the indazole 21 ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, 22 haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, 23 cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, 24 (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or 25 26 not further substituted in the indazole ring to any extent,

27 including:

1	AB-PINACA; and
2	<u>AB-FUBINACA;</u>
3	Tetramethylcyclopropylindole: any compound
4	structurally derived from
5	3-(2,2,3,3-tetramethylcyclopropylcarbonyl)indole by substitution
6	at the nitrogen atom of the indole ring by alkyl, haloalkyl, benzyl,
7	halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl,
8	hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
9	(N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
10	2-(4-morpholinyl)alkyl, whether or not further substituted in the
11	indole ring to any extent, whether or not substituted in the
12	tetramethylcyclopropyl ring to any extent, including:
13	<u>A-834,735;</u>
14	<u>A-796,260;</u>
15	<u>AB-005;</u>
16	<u>UR-144;</u>
17	<u>5-Bromo UR-144;</u>
18	5-Chloro UR-144; and
19	5-Fluoro UR-144 (Other name: XLR-11);
20	Tetramethylcyclopropane-thiazole carboxamide: any
21	compound structurally derived from
22	2,2,3,3-tetramethyl-N-(thiazol-2-ylidene)cyclopropanecarboxamide
23	by substitution at the nitrogen atom of the thiazole ring by alkyl,
24	haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy,
25	cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
26	(N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
27	2-(4-morpholinyl)alkyl, whether or not further substituted in the

S.B. No. 27 1 thiazole ring to any extent, whether or not substituted in the 2 tetramethylcyclopropyl ring to any extent, including: 3 A-836,339; 4 Quinolinylindolecarboxylate: any compound structurally 5 derived from quinolin-8-yl indole-3-carboxylate by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, benzyl, 6 halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, 7 8 hydroxyalkyl, cyc<u>loalkylmethy</u>l, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 9 2-(4-morpholinyl)alkyl, whether or not further substituted in the 10 indole ring to any extent, whether or not substituted in the 11 12 quinoline ring to any extent, including: 13 BB-22; 14 5-Fluoro PB-22; and 15 PB-22; Cyclohexylphenol: any compound [cyclohexylphenols] 16 structurally derived from 2-(3-hydroxycyclohexyl)phenol 17 by substitution at the 5-position of the phenolic ring by alkyl, 18 haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, 19 cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, 20 (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, 21 or 2-(4-morpholinyl)alkyl [2-(4-morpholinyl)ethyl], whether or not 22 substituted in the cyclohexyl ring to any extent, including: 23 24 CP-55,940; CP-47,497; 25 26 analogues of CP-47,497, including VII, V, VIII, I, II, III, IV, IX, X, XI, XII, XIII, XV, and XVI;

1 JWH-337;

2 JWH-344;

3 JWH-345; and

4 JWH-405; and

5 cannabinol derivatives, except where contained in 6 marihuana, including tetrahydro derivatives of cannabinol and 7 3-alkyl homologues of cannabinol or of its tetrahydro derivatives, 8 such as:

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Nabilone;

10 HU-210; and

11 HU-211[; and

12 [WIN-55,212-2].

13 SECTION 3. Section 481.106, Health and Safety Code, is 14 amended to read as follows:

15 Sec. 481.106. CLASSIFICATION OF CONTROLLED SUBSTANCE 16 ANALOGUE. For the purposes of the prosecution of an offense under 17 this subchapter involving the manufacture, delivery, or possession 18 of a controlled substance, Penalty Groups 1, 1-A, [and] 2, and 2-A 19 include a controlled substance analogue that:

20 (1) has a chemical structure substantially similar to 21 the chemical structure of a controlled substance listed in the 22 applicable penalty group; or

(2) is specifically designed to produce an effect
substantially similar to, or greater than, a controlled substance
listed in the applicable penalty group.

26 SECTION 4. The change in law made by this Act applies only 27 to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is 2 governed by the law in effect on the date the offense was committed, 3 and the former law is continued in effect for that purpose. For 4 purposes of this section, an offense was committed before the 5 effective date of this Act if any element of the offense occurred 6 before that date.

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7 SECTION 5. This Act takes effect January 1, 2014.