

By: Huffman

S.B. No. 28

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the addition of certain substances to Penalty Groups
3 1-A and 2 of the Texas Controlled Substances Act for criminal
4 prosecution and other purposes.

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

6 SECTION 1. Section 481.002(50), Health and Safety Code, is
7 amended to read as follows:

8 (50) "Abuse unit" means:

9 (A) except as provided by Paragraph (B):

10 (i) a single unit on or in any adulterant,
11 dilutant, or similar carrier medium, including marked or perforated
12 blotter paper, a tablet, gelatin wafer, sugar cube, or stamp, or
13 other medium that contains any amount of a controlled substance
14 listed in Penalty Group 1-A, if the unit is commonly used in abuse
15 of that substance; or

16 (ii) each quarter-inch square section of
17 paper, if the adulterant, dilutant, or carrier medium is paper not
18 marked or perforated into individual abuse units; or

19 (B) if the controlled substance is in liquid or
20 solid form, 40 micrograms of the controlled substance including any
21 adulterant or dilutant.

22 SECTION 2. Section 481.1021, Health and Safety Code, is
23 amended to read as follows:

24 Sec. 481.1021. PENALTY GROUP 1-A. (a) Penalty Group 1-A

1 consists of:

2 (1) lysergic acid diethylamide (LSD), including its
3 salts, isomers, and salts of isomers; and

4 (2) compounds structurally derived from
5 2,5-dimethoxyphenethylamine by substitution at the 1-amino
6 nitrogen atom with a benzyl substituent, including:

7 (A) compounds further modified by:

8 (i) substitution in the phenethylamine ring
9 at the 4- position to any extent (including alkyl, alkoxy,
10 alkylenedioxy, haloalkyl, or halide substituents); or

11 (ii) substitution in the benzyl ring to any
12 extent (including alkyl, alkoxy, alkylenedioxy, haloalkyl, or
13 halide substituents); and

14 (B) by example, compounds such as:

15 4-Bromo-2,5-dimethoxy-N-(2-methoxybenzyl)
16 phenethylamine (trade or other names: 25B-NBOMe, 2C-B-NBOMe);

17 4-Chloro-2,5-dimethoxy-N-(2-methoxybenzyl)
18 phenethylamine (trade or other names: 25C-NBOMe, 2C-C-NBOMe);

19 2,5-Dimethoxy-4-methyl-N-(2-methoxybenzyl)
20 phenethylamine (trade or other names: 25D-NBOMe, 2C-D-NBOMe);

21 4-Ethyl-2,5-dimethoxy-N-(2-methoxybenzyl)
22 phenethylamine (trade or other names: 25E-NBOMe, 2C-E-NBOMe);

23 2,5-Dimethoxy-N-(2-
24 methoxybenzyl)phenethylamine (trade or other names: 25H-NBOMe,
25 2C-H-NBOMe);

26 4-Iodo-2,5-dimethoxy-N-(2-methoxybenzyl)
27 phenethylamine (trade or other names: 25I-NBOMe, 2C-I-NBOMe);

1 4-Iodo-2,5-dimethoxy-N-
2 benzylphenethylamine (trade or other name: 25I-NB);
3 4-Iodo-2,5-dimethoxy-N-(2,3-
4 methylenedioxybenzyl)phenethylamine (trade or other name:
5 25I-NBMD);
6 4-Iodo-2,5-dimethoxy-N-(2-
7 fluorobenzyl)phenethylamine (trade or other name: 25I-NBF);
8 4-Iodo-2,5-dimethoxy-N-(2-hydroxybenzyl)
9 phenethylamine (trade or other name: 25I-NBOH);
10 2,5-Dimethoxy-4-nitro-N-(2-methoxybenzyl)
11 phenethylamine (trade or other names: 25N-NBOMe, 2C-N-NBOMe); and
12 2,5-Dimethoxy-4-(n)-propyl-N-(2-
13 methoxybenzyl)phenethylamine (trade or other names: 25P-NBOMe,
14 2C-P-NBOMe).

15 (b) To the extent Subsection (a)(2) conflicts with this
16 subtitle or another law, the subtitle or other law prevails.

17 SECTION 3. Sections 481.103(a) and (c), Health and Safety
18 Code, are amended to read as follows:

19 (a) Penalty Group 2 consists of:

20 (1) any quantity of the following hallucinogenic
21 substances, their salts, isomers, and salts of isomers, unless
22 specifically excepted, if the existence of these salts, isomers,
23 and salts of isomers is possible within the specific chemical
24 designation:

- 25 alpha-ethyltryptamine;
- 26 alpha-methyltryptamine;
- 27 ~~[4-bromo-2,5-dimethoxyamphetamine (some trade or~~

1 ~~other names: 4-bromo-2, 5-dimethoxy-alpha-methylphenethylamine;~~
2 ~~4-bromo-2, 5-DMA);~~
3 ~~[4-bromo-2, 5-dimethoxyphenethylamine];~~
4 Bufotenine (some trade and other names: 3-(beta-
5 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)- 5-
6 indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-
7 dimethyltryptamine; mappine);
8 Diethyltryptamine (some trade and other
9 names: N, N-Diethyltryptamine, DET);
10 2, 5-dimethoxyamphetamine (some trade or other
11 names: 2, 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA);
12 ~~[2, 5-dimethoxy-4-ethylamphetamine (trade or~~
13 ~~other name: DOET);~~
14 ~~[2, 5-dimethoxy-4-(n)-propylthiophenethylamine~~
15 ~~(trade or other name: 2C-T-7);]~~
16 Dimethyltryptamine (trade or other name: DMT);
17 Dronabinol (synthetic) in sesame oil and
18 encapsulated in a soft gelatin capsule in a U.S. Food and Drug
19 Administration approved drug product (some trade or other names for
20 Dronabinol: (a6aR-trans)-6a,7,8,10a-tetrahydro- 6,6, 9-
21 trimethyl-3-pentyl-6H- dibenzo [b,d]pyran-1-ol or (-)-delta-9-
22 (trans)- tetrahydrocannabinol);
23 Ethylamine Analog of Phencyclidine (some trade or
24 other names: N-ethyl-1-phenylcyclohexylamine, (1-
25 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine,
26 cyclohexamine, PCE);
27 Ibogaine (some trade or other names: 7-Ethyl-6,

1 6, beta 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-
2 pyrido [1', 2':1, 2] azepino [5, 4-b] indole; tabernanthe iboga.);
3 Mescaline;
4 5-methoxy-N, N-diisopropyltryptamine;
5 5-methoxy-3, 4-methylenedioxy amphetamine;
6 4-methoxyamphetamine (some trade or other
7 names: 4-methoxy-alpha-methylphenethylamine;
8 paramethoxyamphetamine; PMA);
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 Nabilone (Another name for nabilone: (+)-trans-
19 3-(1,1-dimethylheptyl)- 6,6a, 7,8,10,10a-hexahydro-1-hydroxy- 6,
20 6-dimethyl-9H-dibenzo[b,d] pyran-9-one;
21 N-benzylpiperazine (some trade or other
22 names: BZP; 1-benzylpiperazine);
23 N-ethyl-3-piperidyl benzilate;
24 N-hydroxy-3,4-methylenedioxyamphetamine (Also
25 known as N-hydroxy MDA);
26 4-methylaminorex;
27 N-methyl-3-piperidyl benzilate;

1 Parahexyl (some trade or other names: 3-Hexyl-1-
2 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d]
3 pyran; Synhexyl);

4 1-Phenylcyclohexylamine;

5 1-Piperidinocyclohexanecarbonitrile (PCC);

6 Psilocin;

7 Psilocybin;

8 Pyrrolidine Analog of Phencyclidine (some trade
9 or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);

10 Tetrahydrocannabinols, other than marihuana, and
11 synthetic equivalents of the substances contained in the plant, or
12 in the resinous extractives of Cannabis, or synthetic substances,
13 derivatives, and their isomers with similar chemical structure and
14 pharmacological activity 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 compounds of these structures, regardless of
22 numerical designation of atomic positions, since nomenclature of
23 these substances is not internationally standardized;

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

27 1-pyrrolidine (some trade or other name: TCPy);

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

3 3,4,5-trimethoxy amphetamine;

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

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

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

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

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

20 Etorphine Hydrochloride;

21 Fenethylamine and its salts;

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

24 Mecloqualone and its salts;

25 Methaqualone and its salts;

26 Methcathinone (some trade or other names: 2-
27 methylamino-propiofenone; alpha-(methylamino)propiofenone;

1 2-(methylamino)-1-phenylpropan-1-one; alpha-N-
2 methylaminopropiophenone; monomethylpropion; ephedrone, N-
3 methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR
4 1431);

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

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

11 (4) any compound structurally derived from
12 2-aminopropanal by substitution at the 1-position with any
13 monocyclic or fused-polycyclic ring system, including:

14 (A) compounds further modified by:

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

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

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

24 (B) by example, compounds such as:

25 4-Methylmethcathinone (Also known as
26 Mephedrone);

27 3,4-Dimethylmethcathinone (Also known as

1 3,4-DMMC);
2 3-Fluoromethcathinone (Also known as 3-FMC);
3 4-Fluoromethcathinone (Also known as
4 Flephedrone);
5 3,4-Methylenedioxy-N-methylcathinone (Also
6 known as Methylone);
7 3,4-Methylenedioxypropylvalerone (Also known
8 as MDPV);
9 alpha-Pyrrolidinopentiophenone (Also known
10 as alpha-PVP);
11 Naphthylpyrovalerone (Also known as
12 Naphyrone);
13 alpha-Methylamino-valerophenone (Also known
14 as Pentedrone);
15 beta-Keto-N-methylbenzodioxolylpropylamine
16 (Also known as Butylone);
17 beta-Keto-N-methylbenzodioxolylpentanamine
18 (Also known as Pentylone);
19 beta-Keto-Ethylbenzodioxolylbutanamine
20 (Also known as Eutylone); and
21 3,4-methylenedioxy-N-ethylcathinone (Also
22 known as Ethylone);
23 (5) 2,5-Dimethoxyphenethylamine and any compound
24 structurally derived from 2,5-Dimethoxyphenethylamine by
25 substitution at the 4-position of the phenyl ring to any extent
26 (including alkyl, alkoxy, alkylendioxy, haloalkyl, or halide
27 substituents), including, by example, compounds such as:

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

1 4-Isopropylthio-2,5-dimethoxyamphetamine (trade
2 or other name: Aleph-4);
3 4-Bromo-2,5-dimethoxyamphetamine (trade or other
4 name: DOB);
5 4-Chloro-2,5-dimethoxyamphetamine (trade or
6 other name: DOC);
7 2,5-Dimethoxy-4-ethylamphetamine (trade or other
8 name: DOET);
9 4-Iodo-2,5-dimethoxyamphetamine (trade or other
10 name: DOI);
11 2,5-Dimethoxy-4-methylamphetamine (trade or
12 other name: DOM);
13 2,5-Dimethoxy-4-nitroamphetamine (trade or other
14 name: DON);
15 4-Isopropyl-2,5-dimethoxyamphetamine (trade or
16 other name: DOIP); and
17 2,5-Dimethoxy-4-(n)-propylamphetamine (trade or
18 other name: DOPR).

19 (c) To the extent Subsection (a)(4), (5), or (6) conflicts
20 with this subtitle or another law, the subtitle or other law
21 prevails.

22 SECTION 4. The change in law made by this Act applies only
23 to an offense committed on or after the effective date of this Act.
24 An offense committed before the effective date of this Act is
25 governed by the law in effect on the date the offense was committed,
26 and the former law is continued in effect for that purpose. For
27 purposes of this section, an offense was committed before the

S.B. No. 28

1 effective date of this Act if any element of the offense occurred
2 before that date.

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