By: Carter H.B. No. 1671

A BILL TO BE ENTITLED

AN ACT

relating to the designation of certain synthetic cannabinoids as controlled substances and controlled substance analogues under the Texas Controlled Substances Act.

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

SECTION 1. Section 481.002, Health and Safety Code, is amended by amending Subdivision (6) and adding Subdivision (54) to read as follows:

(6) "Controlled substance analogue" means:

(A) a substance with a chemical structure substantially similar to the chemical structure of a controlled substance in Schedule I or II or Penalty Group 1, 1-A, [~~or~~] 2, or 2-A; 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.

(54) "Isostere" means a chemical compound that is structurally derived from another chemical compound by:

(A) substitution of an atom or group of atoms in or on a chain or cyclic structure with a different atom or group of atoms;

(B) addition of one or more atoms to or within a chain or cyclic structure;

(C) elision of one or more atoms from a chain or cyclic structure;

(D) changing the degree or position of unsaturation in a chain or cyclic structure; or

(E) any combination of modifications described by Paragraph (A), (B), (C), or (D).

SECTION 2. Section 481.1031, Health and Safety Code, is amended to read as follows:

Sec. 481.1031. PENALTY GROUP 2-A. Penalty Group 2-A consists of any quantity of a synthetic chemical compound that is a cannabinoid receptor agonist [~~and mimics the pharmacological effect of naturally occurring cannabinoids~~], including:

(1) compounds [~~naphthoylindoles~~] structurally derived from indole or from any isostere of indole [~~3-(1-naphthoyl)indole~~] by substitution at both the 1-position [~~nitrogen atom~~] of the indole ring system with any [~~by~~] alkyl group, cycloalkyl group, or (cycloalkyl)alkyl group, or with an isostere or derivative of any of these groups, and the 3-position of the indole ring system with any alkyl group, cycloalkyl group, or (cycloalkyl)alkyl group, or with an isostere or derivative of any of these groups, regardless of [~~, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl,~~] whether the indole ring system is [~~or not~~] further substituted [~~in the indole ring~~] to any extent at other ring system positions by additional groups, such as [~~, whether or not substituted in the napthyl ring to any extent, including~~]:

AKB-48;

AM-679;

AM-694;

AM-1235;

AM-1241;

AM-2201;

AM-2232;

EAM-2201;

JWH-004;

JWH-007;

JWH-009;

JWH-015;

JWH-016;

JWH-018;

JWH-019;

JWH-020;

JWH-046;

JWH-047;

JWH-048;

JWH-049;

JWH-050;

JWH-073;

JWH-076;

JWH-079;

JWH-080;

JWH-081;

JWH-082;

JWH-083;

JWH-093;

JWH-094;

JWH-095;

JWH-096;

JWH-097;

JWH-098;

JWH-099;

JWH-100;

JWH-116;

JWH-122;

JWH-148;

JWH-149;

JWH-153;

JWH-159;

JWH-164;

JWH-165;

JWH-166;

JWH-167;

JWH-171;

JWH-172;

JWH-173;

JWH-175;

JWH-176;

JWH-180;

JWH-181;

JWH-182;

JWH-184;

JWH-185;

JWH-189;

JWH-192;

JWH-193;

JWH-194;

JWH-195;

JWH-196;

JWH-197;

JWH-198;

JWH-199;

JWH-200;

JWH-203;

JWH-204;

JWH-205;

JWH-206;

JWH-208;

JWH-210;

JWH-211;

JWH-212;

JWH-213;

JWH-234;

JWH-235;

JWH-237;

JWH-239;

JWH-240;

JWH-241;

JWH-242;

JWH-248;

JWH-249;

JWH-250;

JWH-251;

JWH-252;

JWH-253;

JWH-258;

JWH-259;

JWH-260;

JWH-262;

JWH-267;

JWH-302;

JWH-303;

JWH-305;

JWH-306;

JWH-311;

JWH-312;

JWH-313;

JWH-314;

JWH-315;

JWH-386;

JWH-387;

JWH-394;

JWH-395;

JWH-397;

JWH-398;

JWH-399;

JWH-400;

JWH-412;

JWH-413; [~~and~~]

JWH-414;

MAM-2201;

UR-144; and

XLR-11;

(2) compounds [~~naphthylmethylindones structurally derived from 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent, including:~~

[~~JWH-175;~~

[~~JWH-184;~~

[~~JWH-185;~~

[~~JWH-192;~~

[~~JWH-194;~~

[~~JWH-195;~~

[~~JWH-196;~~

[~~JWH-197; and~~

[~~JWH-199;~~

[~~naphthoylpyrroles~~] structurally derived from pyrrole or from any isostere of pyrrole [~~3-(1-naphthoyl)pyrrole~~] by substitution at both the 1-position [~~nitrogen atom~~] of the pyrrole ring system with any [~~by~~] alkyl group, cycloalkyl group, or (cycloalkyl)alkyl group, or with an isostere or derivative of any

of these groups, and the 3-position of the pyrrole ring system with any alkyl group, cycloalkyl group, or (cycloalkyl)alkyl group, or with an isostere or derivative of any of these groups, regardless of[~~, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl,~~] whether the pyrrole ring system is [~~or not~~] further substituted [~~in the pyrrole ring~~] to any extent at other ring system positions by additional groups, such as[~~, whether or not substituted in the naphthyl ring to any extent, including~~]:

JWH-030;

JWH-145;

JWH-146;

JWH-147;

JWH-150;

JWH-156;

JWH-243;

JWH-244;

JWH-245;

JWH-246;

JWH-292;

JWH-293;

JWH-307;

JWH-308;

JWH-309;

JWH-346;

JWH-347;

JWH-348;

JWH-363;

JWH-364;

JWH-365;

JWH-366;

JWH-367;

JWH-368;

JWH-369;

JWH-370;

JWH-371;

JWH-372;

JWH-373; and

JWH-392;

(3) compounds [~~naphthylmethylindenes structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent, including:~~

[~~JWH-171,~~

[~~JWH-172,~~

[~~JWH-173; and~~

[~~JWH-176,~~

[~~phenylacetylindoles structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent, including:~~

[~~AM-694,~~

[~~AM-1241,~~

[~~JWH-167,~~

[~~JWH-203,~~

[~~JWH-204,~~

[~~JWH-205,~~

[~~JWH-206,~~

[~~JWH-208,~~

[~~JWH-237,~~

[~~JWH-248,~~

[~~JWH-249,~~

[~~JWH-250,~~

[~~JWH-251,~~

[~~JWH-252,~~

[~~JWH-253,~~

[~~JWH-302,~~

[~~JWH-303,~~

[~~JWH-305,~~

[~~JWH-306,~~

[~~JWH-311,~~

[~~JWH-312,~~

[~~JWH-313,~~

[~~JWH-314; and~~

[~~JWH-315,~~

[~~cyclohexylphenols~~] structurally derived from 2-cyclohexylphenol, or from any isostere of 2-cyclohexylphenol, [~~2-(3-hydroxycyclohexyl)phenol~~] by substitution at the 5-position

of the phenyl [~~phenolic~~] ring with any [~~by~~] alkyl group, a cycloalkyl group, or a (cycloalkyl)alkyl group, or with an isostere of any of these groups[~~, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl~~], regardless of whether further [~~or not~~] substituted in the cyclohexyl ring or in the phenyl ring to any extent, such as [~~including~~]:

CP-55,940;

CP-47,497;

analogues of CP-47,497, including VII, V, VIII, I, II, III, IV, IX, X, XI, XII, XIII, XV, and XVI;

JWH-337;

JWH-344;

JWH-345; and

JWH-405; and

(4) cannabinol derivatives, except where contained in marihuana, including tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives, such as:

Nabilone;

HU-210;

HU-211; and

WIN-55,212-2.

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

Sec. 481.106. CLASSIFICATION OF CONTROLLED SUBSTANCE ANALOGUE. For the purposes of the prosecution of an offense under this subchapter involving the manufacture, delivery, or possession

of a controlled substance, Penalty Groups 1, 1-A, [~~and~~] 2, and 2-A include a controlled substance analogue that:

(1) has a chemical structure substantially similar to the chemical structure of a controlled substance listed in the 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.

SECTION 4. The change in law made by this Act applies 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 5. This Act takes effect September 1, 2013.