

By: Huffman

S.B. No. 263

A BILL TO BE ENTITLED

1 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.

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

7 SECTION 1. Subdivisions (5) and (6), Section 481.002,
8 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 Group [~~Groups~~] 1, 1-A, [~~or~~] 2, 2-A,
12 3, or [~~through~~] 4. The term includes the aggregate weight of any
13 mixture, solution, or other substance containing a controlled
14 substance.

15 (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, or
19 2-A; or

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

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

1 amended to read as follows:

2 Sec. 481.1031. PENALTY GROUP 2-A. Penalty Group 2-A
3 consists of any material, compound, mixture, or preparation that
4 contains any quantity of a synthetic chemical substance, including
5 its salts, isomers, and salts of isomers, listed by name in this
6 section or contained within the following structural classes
7 defined in this section [~~compound that is a cannabinoid receptor~~
8 ~~agonist and mimics the pharmacological effect of naturally~~
9 ~~occurring cannabinoids, including~~]:

10 WIN-55,212-2;
11 Naphthoylindole: any compound [~~naphthoylindoles~~]
12 structurally derived from 3-(1-naphthoyl)indole or
13 3-(2-naphthoyl)indole by substitution at the nitrogen atom of the
14 indole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl,
15 haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
16 cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl,
17 (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl
18 [~~2-(4-morpholinyl)ethyl~~], whether or not further substituted in
19 the indole ring to any extent, whether or not substituted in the
20 naphthyl [~~naphthyl~~] ring to any extent, including:

- 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 [~~naphthylmethylindoles~~] structurally derived from
 14 1H-indol-3-yl-(1-naphthyl)methane or
 15 1H-indol-3-yl-(2-naphthyl)methane by substitution at the nitrogen
 16 atom of the indole ring by alkyl, haloalkyl, benzyl, halobenzyl,
 17 alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl,
 18 cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl,
 19 (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl
 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 3-(2-naphthoyl)pyrrole by substitution at the nitrogen atom of the
 18 pyrrole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl,
 19 haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
 20 cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl,
 21 (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl
 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 JWH-145;
 27 JWH-146;

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

11 JWH-171;
 12 JWH-172;
 13 JWH-173; and
 14 JWH-176;

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

24 [~~AM-694,~~
 25 [~~AM-1241,~~
 26 JWH-167;
 27 JWH-203;

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; and
21 RCS-8;

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-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or

1 not further substituted in the indole ring to any extent, whether or
2 not substituted in the phenyl ring to any extent, including:

3 AM-630;

4 AM-679;

5 AM-694;

6 AM-1241;

7 Pravadoline (Other name: WIN 48,098); and

8 RCS-4;

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

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
6 structurally derived from

7 N-(adamantan-1-yl)-1H-indazole-3-carboxamide or

8 N-(adamantan-2-yl)-1H-indazole-3-carboxamide by substitution at
9 the 1-position nitrogen atom of the indazole ring by alkyl,

10 haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy,
11 cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,

12 (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
13 2-(4-morpholinyl)alkyl, whether or not further substituted in the

14 indazole ring to any extent, whether or not substituted in the
15 adamantyl ring to any extent, including:

16 5-Fluoro AKB-48; and

17 AKB-48;

18 Aminooxobutylindazolecarboxamide: any compound
19 structurally derived from

20 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indazole-3-carboxamide
21 by substitution at the 1-position nitrogen atom of the indazole

22 ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl,
23 haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,

24 cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl,
25 (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or

26 not further substituted in the indazole ring to any extent,
27 including:

1 AB-PINACA; and
2 AB-FUBINACA;
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 A-834,735;
14 A-796,260;
15 AB-005;
16 UR-144;
17 5-Bromo UR-144;
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

1 thiazole ring to any extent, whether or not substituted in the
 2 tetramethylcyclopropyl ring to any extent, including:

3 A-836,339;

4 Quinolinyndolecarboxylate: any compound structurally
 5 derived from quinolin-8-yl indole-3-carboxylate by substitution at
 6 the nitrogen atom of the indole ring with 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 quinoline ring to any extent, including:

13 BB-22;

14 5-Fluoro PB-22; and

15 PB-22;

16 Cyclohexylphenol: any compound [~~cyclohexylphenols~~]
 17 structurally derived from 2-(3-hydroxycyclohexyl)phenol by
 18 substitution at the 5-position of the phenolic ring by alkyl,
 19 haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy,
 20 cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
 21 (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
 22 2-(4-morpholinyl)alkyl [~~2-(4-morpholinyl)ethyl~~], whether or not
 23 substituted in the cyclohexyl ring to any extent, including:

24 CP-55,940;

25 CP-47,497;

26 analogues of CP-47,497, including VII, V, VIII, I,
 27 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:

9 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

23 (2) is specifically designed to produce an effect
24 substantially similar to, or greater than, a controlled substance
25 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.

7 SECTION 5. This Act takes effect September 1, 2013.