

1-1 By: Huffman S.B. No. 263
1-2 (In the Senate - Filed January 23, 2013; January 29, 2013,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 8, 2013, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 8, 2013,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Carona	X		
1-12	Hinojosa	X		
1-13	Patrick	X		
1-14	Rodriguez	X		
1-15	Schwertner	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 263 By: Hinojosa

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the designation for criminal prosecution and other
1-20 purposes of certain chemicals commonly referred to as synthetic
1-21 cannabinoids as controlled substances and controlled substance
1-22 analogues under the Texas Controlled Substances Act.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subdivisions (5) and (6), Section 481.002,
1-25 Health and Safety Code, are amended to read as follows:

1-26 (5) "Controlled substance" means a substance,
1-27 including a drug, an adulterant, and a dilutant, listed in
1-28 Schedules I through V or Penalty Group ~~[Groups]~~ 1, 1-A, ~~[or]~~ 2, 2-A,
1-29 3, or ~~[through]~~ 4. The term includes the aggregate weight of any
1-30 mixture, solution, or other substance containing a controlled
1-31 substance.

1-32 (6) "Controlled substance analogue" means:

1-33 (A) a substance with a chemical structure
1-34 substantially similar to the chemical structure of a controlled
1-35 substance in Schedule I or II or Penalty Group 1, 1-A, ~~[or]~~ 2, or
1-36 2-A; or

1-37 (B) a substance specifically designed to produce
1-38 an effect substantially similar to, or greater than, the effect of a
1-39 controlled substance in Schedule I or II or Penalty Group 1, 1-A,
1-40 ~~[or]~~ 2, or 2-A.

1-41 SECTION 2. Section 481.1031, Health and Safety Code, is
1-42 amended to read as follows:

1-43 Sec. 481.1031. PENALTY GROUP 2-A. Penalty Group 2-A
1-44 consists of any material, compound, mixture, or preparation that
1-45 contains any quantity of a synthetic chemical substance, including
1-46 its salts, isomers, and salts of isomers, listed by name in this
1-47 section or contained within the following structural classes
1-48 defined in this section ~~[compound that is a cannabinoid receptor~~
1-49 ~~agonist and mimics the pharmacological effect of naturally~~
1-50 ~~occurring cannabinoids, including]:~~

1-51 WIN-55,212-2;

1-52 Naphthoylindole: any compound ~~[naphthoylindoles]~~
1-53 structurally derived from 3-(1-naphthoyl)indole or
1-54 3-(2-naphthoyl)indole by substitution at the nitrogen atom of the
1-55 indole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl,
1-56 haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
1-57 cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl,

1-58 (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl
1-59 [2-(4-morpholinyl)ethyl], whether or not further substituted in
1-60 the indole ring to any extent, whether or not substituted in the

2-1 naphthyl [~~naphthyl~~] ring to any extent, including:
2-2 AM-1220;
2-3 AM-2201;
2-4 JWH-004;
2-5 JWH-007;
2-6 JWH-009;
2-7 JWH-015;
2-8 JWH-016;
2-9 JWH-018;
2-10 JWH-019;
2-11 JWH-020;
2-12 JWH-046;
2-13 JWH-047;
2-14 JWH-048;
2-15 JWH-049;
2-16 JWH-050;
2-17 JWH-073;
2-18 JWH-076;
2-19 JWH-079;
2-20 JWH-080;
2-21 JWH-081;
2-22 JWH-082;
2-23 JWH-083;
2-24 JWH-093;
2-25 JWH-094;
2-26 JWH-095;
2-27 JWH-096;
2-28 JWH-097;
2-29 JWH-098;
2-30 JWH-099;
2-31 JWH-100;
2-32 JWH-116;
2-33 JWH-122;
2-34 JWH-148;
2-35 JWH-149;
2-36 JWH-153;
2-37 JWH-159;
2-38 JWH-164;
2-39 JWH-165;
2-40 JWH-166;
2-41 JWH-180;
2-42 JWH-181;
2-43 JWH-182;
2-44 JWH-189;
2-45 JWH-193;
2-46 JWH-198;
2-47 JWH-200;
2-48 JWH-210;
2-49 JWH-211;
2-50 JWH-212;
2-51 JWH-213;
2-52 JWH-234;
2-53 JWH-235;
2-54 JWH-239;
2-55 JWH-240;
2-56 JWH-241;
2-57 JWH-242;
2-58 JWH-258;
2-59 JWH-259;
2-60 JWH-260;
2-61 JWH-262;
2-62 JWH-267;
2-63 JWH-386;
2-64 JWH-387;
2-65 JWH-394;
2-66 JWH-395;
2-67 JWH-397;
2-68 JWH-398;
2-69 JWH-399;

- 3-1 JWH-400;
 3-2 JWH-412;
 3-3 JWH-413; and
 3-4 JWH-414;
- 3-5 Naphthylmethylinole: any compound
 3-6 [naphthylmethylinoles] structurally derived from
 3-7 1H-indol-3-yl-(1-naphthyl)methane or
 3-8 1H-indol-3-yl-(2-naphthyl)methane by substitution at the nitrogen
 3-9 atom of the indole ring by alkyl, haloalkyl, benzyl, halobenzyl,
 3-10 alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl,
 3-11 cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl,
 3-12 (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl
 3-13 [2-(4-morpholinyl)ethyl], whether or not further substituted in
 3-14 the indole ring to any extent, whether or not substituted in the
 3-15 naphthyl ring to any extent, including:
 3-16 JWH-175;
 3-17 JWH-184;
 3-18 JWH-185;
 3-19 JWH-192;
 3-20 JWH-194;
 3-21 JWH-195;
 3-22 JWH-196;
 3-23 JWH-197; and
 3-24 JWH-199;
- 3-25 Naphthylindolecarboxamide: any compound structurally
 3-26 derived from N-(naphthalen-1-yl)-1H-indole-3-carboxamide or
 3-27 N-(naphthalen-2-yl)-1H-indole-3-carboxamide by substitution at
 3-28 the nitrogen atom of the indole ring by alkyl, haloalkyl, benzyl,
 3-29 halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl,
 3-30 hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
 3-31 (N-methylpiperidin-2-yl)alkyl or 2-(4-morpholinyl)alkyl, whether
 3-32 or not further substituted in the indole ring to any extent, whether
 3-33 or not substituted in the naphthyl ring to any extent, including:
 3-34 MN-24 (Other name: NNEI);
- 3-35 Naphthoylpyrrole: any compound [naphthoylpyrroles]
 3-36 structurally derived from 3-(1-naphthoyl)pyrrole or
 3-37 3-(2-naphthoyl)pyrrole by substitution at the nitrogen atom of the
 3-38 pyrrole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl,
 3-39 haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
 3-40 cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl,
 3-41 (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl
 3-42 [2-(4-morpholinyl)ethyl], whether or not further substituted in
 3-43 the pyrrole ring to any extent, whether or not substituted in the
 3-44 naphthyl ring to any extent, including:
 3-45 JWH-030;
 3-46 JWH-145;
 3-47 JWH-146;
 3-48 JWH-147;
 3-49 JWH-150;
 3-50 JWH-156;
 3-51 JWH-243;
 3-52 JWH-244;
 3-53 JWH-245;
 3-54 JWH-246;
 3-55 JWH-292;
 3-56 JWH-293;
 3-57 JWH-307;
 3-58 JWH-308;
 3-59 JWH-309;
 3-60 JWH-346;
 3-61 JWH-347;
 3-62 JWH-348;
 3-63 JWH-363;
 3-64 JWH-364;
 3-65 JWH-365;
 3-66 JWH-366;
 3-67 JWH-367;
 3-68 JWH-368;
 3-69 JWH-369;

- 4-1 JWH-370;
4-2 JWH-371;
4-3 JWH-372;
4-4 JWH-373; and
4-5 JWH-392;
4-6 Naphthylmethylindene: any compound
4-7 [naphthylmethylindenes] structurally derived from
4-8 1-(1-naphthylmethyl)indene or 1-(2-naphthylmethyl)indene by
4-9 substitution at the 3-position of the indene ring by alkyl,
4-10 haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy,
4-11 cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
4-12 (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
4-13 2-(4-morpholinyl)alkyl [~~2-(4-morpholinyl)ethyl~~], whether or not
4-14 further substituted in the indene ring to any extent, whether or not
4-15 substituted in the naphthyl ring to any extent, including:
4-16 JWH-171;
4-17 JWH-172;
4-18 JWH-173; and
4-19 JWH-176;
4-20 Phenylacetylindole: any compound [phenylacetylindoles]
4-21 structurally derived from 3-phenylacetylindole by substitution at
4-22 the nitrogen atom of the indole ring with alkyl, haloalkyl, benzyl,
4-23 halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl,
4-24 hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
4-25 (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
4-26 2-(4-morpholinyl)alkyl [~~2-(4-morpholinyl)ethyl~~], whether or not
4-27 further substituted in the indole ring to any extent, whether or not
4-28 substituted in the phenyl ring to any extent, including:
4-29 ~~[AM-694;~~
4-30 ~~[AM-1241;]~~
4-31 JWH-167;
4-32 JWH-203;
4-33 JWH-204;
4-34 JWH-205;
4-35 JWH-206;
4-36 JWH-208;
4-37 JWH-237;
4-38 JWH-248;
4-39 JWH-249;
4-40 JWH-250;
4-41 JWH-251;
4-42 JWH-252;
4-43 JWH-253;
4-44 JWH-302;
4-45 JWH-303;
4-46 JWH-305;
4-47 JWH-306;
4-48 JWH-311;
4-49 JWH-312;
4-50 JWH-313;
4-51 JWH-314; ~~and~~
4-52 JWH-315; and
4-53 RCS-8;
4-54 Benzoylindole: any compound structurally derived from
4-55 3-benzoylindole by substitution at the nitrogen atom of the indole
4-56 ring with alkyl, haloalkyl, benzyl, halobenzyl, alkenyl,
4-57 haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
4-58 cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl,
4-59 (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or
4-60 not further substituted in the indole ring to any extent, whether or
4-61 not substituted in the phenyl ring to any extent, including:
4-62 AM-630;
4-63 AM-679;
4-64 AM-694;
4-65 AM-1241;
4-66 Pravadoline (Other name: WIN 48,098); and
4-67 RCS-4;
4-68 Adamantoylindole: any compound structurally derived
4-69 from 3-(1-adamantoyl)indole or 3-(2-adamantoyl)indole by

- 5-1 substitution at the nitrogen atom of the indole ring with alkyl,
5-2 haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy,
5-3 cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
5-4 (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
5-5 2-(4-morpholinyl)alkyl, whether or not further substituted in the
5-6 indole ring to any extent, whether or not substituted in the
5-7 adamantyl ring to any extent, including:
5-8 AB-001; and
5-9 AM-1248;
5-10 Adamantylindolecarboxamide: any compound structurally
5-11 derived from N-(adamantan-1-yl)-1H-indole-3-carboxamide or
5-12 N-(adamantan-2-yl)-1H-indole-3-carboxamide by substitution at the
5-13 nitrogen atom of the indole ring by alkyl, haloalkyl, benzyl,
5-14 halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl,
5-15 hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
5-16 (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
5-17 2-(4-morpholinyl)alkyl, whether or not further substituted in the
5-18 indole ring to any extent, whether or not substituted in the
5-19 adamantyl ring to any extent, including:
5-20 APICA; and
5-21 STS-135;
5-22 Adamantylindazolecarboxamide: any compound
5-23 structurally derived from
5-24 N-(adamantan-1-yl)-1H-indazole-3-carboxamide or
5-25 N-(adamantan-2-yl)-1H-indazole-3-carboxamide by substitution at
5-26 the 1-position nitrogen atom of the indazole ring by alkyl,
5-27 haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy,
5-28 cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
5-29 (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
5-30 2-(4-morpholinyl)alkyl, whether or not further substituted in the
5-31 indazole ring to any extent, whether or not substituted in the
5-32 adamantyl ring to any extent, including:
5-33 5-Fluoro AKB-48; and
5-34 AKB-48;
5-35 Aminoxybutylindazolecarboxamide: any compound
5-36 structurally derived from
5-37 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indazole-3-carboxamide
5-38 by substitution at the 1-position nitrogen atom of the indazole
5-39 ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl,
5-40 haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
5-41 cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl,
5-42 (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or
5-43 not further substituted in the indazole ring to any extent,
5-44 including:
5-45 AB-PINACA; and
5-46 AB-FUBINACA;
5-47 Tetramethylcyclopropylindole: any compound
5-48 structurally derived from
5-49 3-(2,2,3,3-tetramethylcyclopropylcarbonyl)indole by substitution
5-50 at the nitrogen atom of the indole ring by alkyl, haloalkyl, benzyl,
5-51 halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl,
5-52 hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
5-53 (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
5-54 2-(4-morpholinyl)alkyl, whether or not further substituted in the
5-55 indole ring to any extent, whether or not substituted in the
5-56 tetramethylcyclopropyl ring to any extent, including:
5-57 A-834,735;
5-58 A-796,260;
5-59 AB-005;
5-60 UR-144;
5-61 5-Bromo UR-144;
5-62 5-Chloro UR-144; and
5-63 5-Fluoro UR-144 (Other name: XLR-11);
5-64 Tetramethylcyclopropane-thiazole carboxamide: any
5-65 compound structurally derived from
5-66 2,2,3,3-tetramethyl-N-(thiazol-2-ylidene)cyclopropanecarboxamide
5-67 by substitution at the nitrogen atom of the thiazole ring by alkyl,
5-68 haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy,
5-69 cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,

6-1 (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
 6-2 2-(4-morpholinyl)alkyl, whether or not further substituted in the
 6-3 thiazole ring to any extent, whether or not substituted in the
 6-4 tetramethylcyclopropyl ring to any extent, including:

6-5 A-836,339;

6-6 Quinolinyndolecarboxylate: any compound structurally
 6-7 derived from quinolin-8-yl indole-3-carboxylate by substitution at
 6-8 the nitrogen atom of the indole ring with alkyl, haloalkyl, benzyl,
 6-9 halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl,
 6-10 hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
 6-11 (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
 6-12 2-(4-morpholinyl)alkyl, whether or not further substituted in the
 6-13 indole ring to any extent, whether or not substituted in the
 6-14 quinoline ring to any extent, including:

6-15 BB-22;

6-16 5-Fluoro PB-22; and

6-17 PB-22;

6-18 Cyclohexylphenol: any compound [cyclohexylphenols]
 6-19 structurally derived from 2-(3-hydroxycyclohexyl)phenol by
 6-20 substitution at the 5-position of the phenolic ring by alkyl,
 6-21 haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy,
 6-22 cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
 6-23 (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
 6-24 2-(4-morpholinyl)alkyl [2-(4-morpholinyl)ethyl], whether or not
 6-25 substituted in the cyclohexyl ring to any extent, including:

6-26 CP-55,940;

6-27 CP-47,497;

6-28 analogues of CP-47,497, including VII, V, VIII, I,
 6-29 II, III, IV, IX, X, XI, XII, XIII, XV, and XVI;

6-30 JWH-337;

6-31 JWH-344;

6-32 JWH-345; and

6-33 JWH-405; and

6-34 cannabinol derivatives, except where contained in
 6-35 marihuana, including tetrahydro derivatives of cannabinol and
 6-36 3-alkyl homologues of cannabinol or of its tetrahydro derivatives,
 6-37 such as:

6-38 Nabilone;

6-39 HU-210; and

6-40 HU-211[, and

6-41 [WIN-55,212-2].

6-42 SECTION 3. Section 481.106, Health and Safety Code, is
 6-43 amended to read as follows:

6-44 Sec. 481.106. CLASSIFICATION OF CONTROLLED SUBSTANCE
 6-45 ANALOGUE. For the purposes of the prosecution of an offense under
 6-46 this subchapter involving the manufacture, delivery, or possession
 6-47 of a controlled substance, Penalty Groups 1, 1-A, ~~and~~ 2, and 2-A
 6-48 include a controlled substance analogue that:

6-49 (1) has a chemical structure substantially similar to
 6-50 the chemical structure of a controlled substance listed in the
 6-51 applicable penalty group; or

6-52 (2) is specifically designed to produce an effect
 6-53 substantially similar to, or greater than, a controlled substance
 6-54 listed in the applicable penalty group.

6-55 SECTION 4. The change in law made by this Act applies only
 6-56 to an offense committed on or after the effective date of this Act.
 6-57 An offense committed before the effective date of this Act is
 6-58 governed by the law in effect on the date the offense was committed,
 6-59 and the former law is continued in effect for that purpose. For
 6-60 purposes of this section, an offense was committed before the
 6-61 effective date of this Act if any element of the offense occurred
 6-62 before that date.

6-63 SECTION 5. This Act takes effect September 1, 2013.

6-64

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