

1-1 By: Huffman S.B. No. 264  
1-2 (In the Senate - Filed January 25, 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. 264 By: Hinojosa

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

1-19 relating to the addition of certain substances to Penalty Groups  
1-20 1-A and 2 of the Texas Controlled Substances Act for criminal  
1-21 prosecution and other purposes.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subdivision (50), Section 481.002, Health and  
1-24 Safety Code, is amended to read as follows:

1-25 (50) "Abuse unit" means:

1-26 (A) except as provided by Paragraph (B):

1-27 (i) a single unit on or in any adulterant,  
1-28 dilutant, or similar carrier medium, including marked or perforated  
1-29 blotter paper, a tablet, gelatin wafer, sugar cube, or stamp, or  
1-30 other medium that contains any amount of a controlled substance  
1-31 listed in Penalty Group 1-A, if the unit is commonly used in abuse  
1-32 of that substance; or

1-33 (ii) each quarter-inch square section of  
1-34 paper, if the adulterant, dilutant, or carrier medium is paper not  
1-35 marked or perforated into individual abuse units; or

1-36 (B) if the controlled substance is in liquid or  
1-37 solid form, 40 micrograms of the controlled substance including any  
1-38 adulterant or dilutant.

1-39 SECTION 2. Section 481.1021, Health and Safety Code, is  
1-40 amended to read as follows:

1-41 Sec. 481.1021. PENALTY GROUP 1-A. (a) Penalty Group 1-A  
1-42 consists of:

1-43 (1) lysergic acid diethylamide (LSD), including its  
1-44 salts, isomers, and salts of isomers; and

1-45 (2) compounds structurally derived from  
1-46 2,5-dimethoxyphenethylamine by substitution at the 1-amino  
1-47 nitrogen atom with a benzyl substituent, including:

1-48 (A) compounds further modified by:

1-49 (i) substitution in the phenethylamine ring  
1-50 at the 4- position to any extent (including alkyl, alkoxy,  
1-51 alkylenedioxy, haloalkyl, or halide substituents); or

1-52 (ii) substitution in the benzyl ring to any  
1-53 extent (including alkyl, alkoxy, alkylenedioxy, haloalkyl, or  
1-54 halide substituents); and

1-55 (B) by example, compounds such as:

1-56 4-Bromo-2,5-dimethoxy-N-(2-methoxybenzyl)  
1-57 phenethylamine (trade or other names: 25B-NBOMe, 2C-B-NBOMe);

1-58 4-Chloro-2,5-dimethoxy-N-(2-methoxybenzyl)

1-59 phenethylamine (trade or other names: 25C-NBOMe, 2C-C-NBOMe);

1-60 2,5-Dimethoxy-4-methyl-N-(2-methoxybenzyl)

2-1 phenethylamine (trade or other names: 25D-NBOMe, 2C-D-NBOMe);  
 2-2 4-Ethyl-2,5-dimethoxy-N-(2-methoxybenzyl)  
 2-3 phenethylamine (trade or other names: 25E-NBOMe, 2C-E-NBOMe);  
 2-4 2,5-Dimethoxy-N-(2-  
 2-5 methoxybenzyl)phenethylamine (trade or other names: 25H-NBOMe,  
 2-6 2C-H-NBOMe);  
 2-7 4-Iodo-2,5-dimethoxy-N-(2-methoxybenzyl)  
 2-8 phenethylamine (trade or other names: 25I-NBOMe, 2C-I-NBOMe);  
 2-9 4-Iodo-2,5-dimethoxy-N-  
 2-10 benzylphenethylamine (trade or other name: 25I-NB);  
 2-11 4-Iodo-2,5-dimethoxy-N-(2,3-  
 2-12 methylenedioxybenzyl)phenethylamine (trade or other name:  
 2-13 25I-NBMD);  
 2-14 4-Iodo-2,5-dimethoxy-N-(2-  
 2-15 fluorobenzyl)phenethylamine (trade or other name: 25I-NBF);  
 2-16 4-Iodo-2,5-dimethoxy-N-(2-hydroxybenzyl)  
 2-17 phenethylamine (trade or other name: 25I-NBOH);  
 2-18 2,5-Dimethoxy-4-nitro-N-(2-methoxybenzyl)  
 2-19 phenethylamine (trade or other names: 25N-NBOMe, 2C-N-NBOMe); and  
 2-20 2,5-Dimethoxy-4-(n)-propyl-N-(2-  
 2-21 methoxybenzyl)phenethylamine (trade or other names: 25P-NBOMe,  
 2-22 2C-P-NBOMe).  
 2-23 (b) To the extent Subsection (a)(2) conflicts with this  
 2-24 subtitle or another law, the subtitle or other law prevails.  
 2-25 SECTION 3. Subsections (a) and (c), Section 481.103, Health  
 2-26 and Safety Code, are amended to read as follows:  
 2-27 (a) Penalty Group 2 consists of:  
 2-28 (1) any quantity of the following hallucinogenic  
 2-29 substances, their salts, isomers, and salts of isomers, unless  
 2-30 specifically excepted, if the existence of these salts, isomers,  
 2-31 and salts of isomers is possible within the specific chemical  
 2-32 designation:  
 2-33 alpha-ethyltryptamine;  
 2-34 alpha-methyltryptamine;  
 2-35 ~~[4-bromo-2,5-dimethoxyamphetamine (some trade or~~  
 2-36 ~~other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine,~~  
 2-37 ~~4-bromo-2,5-DMA);~~  
 2-38 ~~[4-bromo-2,5-dimethoxyphenethylamine;]~~  
 2-39 Bufotenine (some trade and other names: 3-(beta-  
 2-40 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-  
 2-41 indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-  
 2-42 dimethyltryptamine; mappine);  
 2-43 Diethyltryptamine (some trade and other  
 2-44 names: N, N-Diethyltryptamine, DET);  
 2-45 2,5-dimethoxyamphetamine (some trade or other  
 2-46 names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);  
 2-47 ~~[2,5-dimethoxy-4-ethylamphetamine (trade or~~  
 2-48 ~~other name: DOET);~~  
 2-49 ~~[2,5-dimethoxy-4-(n)-propylthiophenethylamine~~  
 2-50 ~~(trade or other name: 2C-T-7);]~~  
 2-51 Dimethyltryptamine (trade or other name: DMT);  
 2-52 Dronabinol (synthetic) in sesame oil and  
 2-53 encapsulated in a soft gelatin capsule in a U.S. Food and Drug  
 2-54 Administration approved drug product (some trade or other names for  
 2-55 Dronabinol: (a6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-  
 2-56 trimethyl-3-pentyl-6H-dibenzo [b,d]pyran-1-ol or (-)-delta-9-  
 2-57 (trans)-tetrahydrocannabinol);  
 2-58 Ethylamine Analog of Phencyclidine (some trade or  
 2-59 other names: N-ethyl-1-phenylcyclohexylamine, (1-  
 2-60 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine,  
 2-61 cyclohexamine, PCE);  
 2-62 Ibogaine (some trade or other names: 7-Ethyl-6,  
 2-63 6, beta 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6,9-methano-5H-  
 2-64 pyrido [1', 2':1, 2] azepino [5, 4-b] indole; tabernanthe iboga.);  
 2-65 Mescaline;  
 2-66 5-methoxy-N, N-diisopropyltryptamine;  
 2-67 5-methoxy-3,4-methylenedioxy amphetamine;  
 2-68 4-methoxyamphetamine (some trade or other  
 2-69 names: 4-methoxy-alpha-methylphenethylamine;

3-1 paramethoxyamphetamine; PMA);  
 3-2 1-methyl- 4-phenyl-4-propionoxypiperidine (MPPP,  
 3-3 PPMP);  
 3-4 4-methyl-2, 5-dimethoxyamphetamine (some trade  
 3-5 and other names: 4-methyl-2, 5-dimethoxy-alpha-  
 3-6 methylphenethylamine; "DOM"; "STP");  
 3-7 3,4-methylenedioxy methamphetamine (MDMA, MDM);  
 3-8 3,4-methylenedioxy amphetamine;  
 3-9 3,4-methylenedioxy N-ethylamphetamine (Also  
 3-10 known as N-ethyl MDA);  
 3-11 Nabilone (Another name for nabilone: (+)-trans-  
 3-12 3-(1,1-dimethylheptyl)- 6,6a, 7,8,10,10a-hexahydro-1-hydroxy- 6,  
 3-13 6-dimethyl-9H-dibenzo[b,d] pyran-9-one;  
 3-14 N-benzylpiperazine (some trade or other  
 3-15 names: BZP; 1-benzylpiperazine);  
 3-16 N-ethyl-3-piperidyl benzilate;  
 3-17 N-hydroxy-3,4-methylenedioxyamphetamine (Also  
 3-18 known as N-hydroxy MDA);  
 3-19 4-methylaminorex;  
 3-20 N-methyl-3-piperidyl benzilate;  
 3-21 Parahexyl (some trade or other names: 3-Hexyl-1-  
 3-22 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d]  
 3-23 pyran; Synhexyl);  
 3-24 1-Phenylcyclohexylamine;  
 3-25 1-Piperidinocyclohexanecarbonitrile (PCC);  
 3-26 Psilocin;  
 3-27 Psilocybin;  
 3-28 Pyrrolidine Analog of Phencyclidine (some trade  
 3-29 or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);  
 3-30 Tetrahydrocannabinols, other than marihuana, and  
 3-31 synthetic equivalents of the substances contained in the plant, or  
 3-32 in the resinous extractives of Cannabis, or synthetic substances,  
 3-33 derivatives, and their isomers with similar chemical structure and  
 3-34 pharmacological activity such as:  
 3-35 delta-1 cis or trans tetrahydrocannabinol,  
 3-36 and their optical isomers;  
 3-37 delta-6 cis or trans tetrahydrocannabinol,  
 3-38 and their optical isomers;  
 3-39 delta-3, 4 cis or trans  
 3-40 tetrahydrocannabinol, and its optical isomers;  
 3-41 compounds of these structures, regardless of  
 3-42 numerical designation of atomic positions, since nomenclature of  
 3-43 these substances is not internationally standardized;  
 3-44 Thiophene Analog of Phencyclidine (some trade or  
 3-45 other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl  
 3-46 Analog of Phencyclidine; TPCP, TCP);  
 3-47 1-pyrrolidine (some trade or other name: TCPy);  
 3-48 1-(3-trifluoromethylphenyl)piperazine (trade or  
 3-49 other name: TFMPP); and  
 3-50 3,4,5-trimethoxy amphetamine;  
 3-51 (2) Phenylacetone (some trade or other  
 3-52 names: Phenyl-2-propanone; P2P, Benzylmethyl ketone, methyl benzyl  
 3-53 ketone);  
 3-54 (3) unless specifically excepted or unless listed in  
 3-55 another Penalty Group, a material, compound, mixture, or  
 3-56 preparation that contains any quantity of the following substances  
 3-57 having a potential for abuse associated with a depressant or  
 3-58 stimulant effect on the central nervous system:  
 3-59 Aminorex (some trade or other  
 3-60 names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-  
 3-61 phenyl-2-oxazolamine);  
 3-62 Amphetamine, its salts, optical isomers, and  
 3-63 salts of optical isomers;  
 3-64 Cathinone (some trade or other names: 2-amino-1-  
 3-65 phenyl-1-propanone, alpha-aminopropiophenone, 2-  
 3-66 aminopropiophenone);  
 3-67 Etorphine Hydrochloride;  
 3-68 Fenethylamine and its salts;  
 3-69 Lisdexamfetamine, including its salts, isomers,

4-1 and salts of isomers;

4-2 Mecloqualone and its salts;

4-3 Methaqualone and its salts;

4-4 Methcathinone (some trade or other names: 2-

4-5 methylamino-propiofenone; alpha-(methylamino)propiofenone;

4-6 2-(methylamino)-1-phenylpropan-1-one; alpha-N-

4-7 methylaminopropiofenone; monomethylpropion; ephedrone, N-

4-8 methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR

4-9 1431);

4-10 N-Ethylamphetamine, its salts, optical isomers,

4-11 and salts of optical isomers; and

4-12 N,N-dimethylamphetamine (some trade or other

4-13 names: N,N,alpha-trimethylbenzeneethaneamine;

4-14 N,N,alpha-trimethylphenethylamine), its salts, optical isomers,

4-15 and salts of optical isomers; ~~and~~

4-16 (4) any compound structurally derived from

4-17 2-aminopropanal by substitution at the 1-position with any

4-18 monocyclic or fused-polycyclic ring system, including:

4-19 (A) compounds further modified by:

4-20 (i) substitution in the ring system to any

4-21 extent (including alkyl, alkoxy, alkylendioxy, haloalkyl, or

4-22 halide substituents), whether or not further substituted in the

4-23 ring system by other substituents;

4-24 (ii) substitution at the 3-position with an

4-25 alkyl substituent; or

4-26 (iii) substitution at the 2-amino nitrogen

4-27 atom with alkyl or dialkyl groups, or inclusion of the 2-amino

4-28 nitrogen atom in a cyclic structure; and

4-29 (B) by example, compounds such as:

4-30 4-Methylmethcathinone (Also known as

4-31 Mephedrone);

4-32 3,4-Dimethylmethcathinone (Also known as

4-33 3,4-DMMC);

4-34 3-Fluoromethcathinone (Also known as 3-FMC);

4-35 4-Fluoromethcathinone (Also known as

4-36 Flephedrone);

4-37 3,4-Methylenedioxy-N-methylcathinone (Also

4-38 known as Methylone);

4-39 3,4-Methylenedioxypropylvalerone (Also known

4-40 as MDPV);

4-41 alpha-Pyrrolidinopentiophenone (Also known

4-42 as alpha-PVP);

4-43 Naphthylpyrovalerone (Also known as

4-44 Naphyrone);

4-45 alpha-Methylamino-valerophenone (Also known

4-46 as Pentedrone);

4-47 beta-Keto-N-methylbenzodioxolylpropylamine

4-48 (Also known as Butylone);

4-49 beta-Keto-N-methylbenzodioxolylpentanamine

4-50 (Also known as Pentylone);

4-51 beta-Keto-Ethylbenzodioxolylbutanamine

4-52 (Also known as Eutylone); and

4-53 3,4-methylenedioxy-N-ethylcathinone (Also

4-54 known as Ethylone);

4-55 (5) 2,5-Dimethoxyphenethylamine and any compound

4-56 structurally derived from 2,5-Dimethoxyphenethylamine by

4-57 substitution at the 4-position of the phenyl ring to any extent

4-58 (including alkyl, alkoxy, alkylendioxy, haloalkyl, or halide

4-59 substituents), including, by example, compounds such as:

4-60 4-Bromo-2,5-dimethoxyphenethylamine (trade or

4-61 other name: 2C-B);

4-62 4-Chloro-2,5-dimethoxyphenethylamine (trade or

4-63 other name: 2C-C);

4-64 2,5-Dimethoxy-4-methylphenethylamine (trade or

4-65 other name: 2C-D);

4-66 4-Ethyl-2,5-dimethoxyphenethylamine (trade or

4-67 other name: 2C-E);

4-68 4-Iodo-2,5-dimethoxyphenethylamine (trade or

4-69 other name: 2C-I);

5-1 2,5-Dimethoxy-4-nitrophenethylamine (trade or  
5-2 other name: 2C-N);  
5-3 2,5-Dimethoxy-4-(n)-propylphenethylamine (trade  
5-4 or other name: 2C-P);  
5-5 4-Ethylthio-2,5-dimethoxyphenethylamine (trade  
5-6 or other name: 2C-T-2);  
5-7 4-Isopropylthio-2,5-dimethoxyphenethylamine  
5-8 (trade or other name: 2C-T-4); and  
5-9 2,5-Dimethoxy-4-(n)-propylthiophenethylamine  
5-10 (trade or other name: 2C-T-7); and  
5-11 (6) 2,5-Dimethoxyamphetamine and any compound  
5-12 structurally derived from 2,5-Dimethoxyamphetamine by substitution  
5-13 at the 4- position of the phenyl ring to any extent (including  
5-14 alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents),  
5-15 including, by example, compounds such as:  
5-16 4-Ethylthio-2,5-dimethoxyamphetamine (trade or  
5-17 other name: Aleph-2);  
5-18 4-Isopropylthio-2,5-dimethoxyamphetamine (trade  
5-19 or other name: Aleph-4);  
5-20 4-Bromo-2,5-dimethoxyamphetamine (trade or other  
5-21 name: DOB);  
5-22 4-Chloro-2,5-dimethoxyamphetamine (trade or  
5-23 other name: DOC);  
5-24 2,5-Dimethoxy-4-ethylamphetamine (trade or other  
5-25 name: DOET);  
5-26 4-Iodo-2,5-dimethoxyamphetamine (trade or other  
5-27 name: DOI);  
5-28 2,5-Dimethoxy-4-methylamphetamine (trade or  
5-29 other name: DOM);  
5-30 2,5-Dimethoxy-4-nitroamphetamine (trade or other  
5-31 name: DON);  
5-32 4-Isopropyl-2,5-dimethoxyamphetamine (trade or  
5-33 other name: DOIP); and  
5-34 2,5-Dimethoxy-4-(n)-propylamphetamine (trade or  
5-35 other name: DOPR).  
5-36 (c) To the extent Subsection (a)(4), (5), or (6) conflicts  
5-37 with this subtitle or another law, the subtitle or other law  
5-38 prevails.  
5-39 SECTION 4. The change in law made by this Act applies only  
5-40 to an offense committed on or after the effective date of this Act.  
5-41 An offense committed before the effective date of this Act is  
5-42 governed by the law in effect on the date the offense was committed,  
5-43 and the former law is continued in effect for that purpose. For  
5-44 purposes of this section, an offense was committed before the  
5-45 effective date of this Act if any element of the offense occurred  
5-46 before that date.  
5-47 SECTION 5. This Act takes effect September 1, 2013.

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