

BILL ANALYSIS

S.B. 172
By: Huffman
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are reports that Texas has seen a significant increase in the amount of synthetic drugs being sold and possessed in recent years and that law enforcement and prosecutors are prevented from policing these dangerous substances because there are no laws in place to address the issue. The drugs often have psychedelic effects on a user that are similar to the effects from a hallucinogenic drug. The drugs can be in both liquid and powder form and laced into paper or mixed with edible goods. Reported side effects of these synthetic drugs include violent shaking, vomiting, insomnia, paranoia, and seizures. Interested parties contend that there has also been an increase in adolescent deaths due to ingestion of these drugs. S.B. 172 seeks to provide law enforcement and crime laboratories with tools to hold individuals involved with these drugs accountable and to make Texas safer.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 172 amends the Health and Safety Code to expand the definition of "abuse unit" for purposes of the Texas Controlled Substances Act to include 40 micrograms of a controlled substance in solid form, including any adulterant or dilutant. The bill adds certain substances to the controlled substances listed in Penalty Groups 1-A and 2 of the act, removes certain substances from the controlled substances listed in Penalty Group 2, and establishes that, to the extent the bill's provisions adding certain substances to each penalty group conflict with another law, the other law prevails. The bill establishes that if a substance listed in Penalty Group 2 is also listed in another penalty group, the listing in the other group controls. The bill establishes that, if a substance listed in Penalty Group 2 is approved by the Federal Drug Administration, the inclusion of that substance in that penalty group does not apply and prohibits the conviction of a person for the manufacture, delivery, or possession of the substance.

EFFECTIVE DATE

September 1, 2015.