

BILL ANALYSIS

S.B. 173
By: Huffman
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been reported that the increased presence of synthetic marihuana in Texas is causing growing concern due to the dangerous side effects of using the drug, including hallucinations, seizures, convulsions, and, in extreme cases, death. Interested parties note that synthetic marihuana is made in a lab and is different and more powerful than traditional marihuana. Some crime lab technicians have had difficulty proving that synthetic marihuana mimics the pharmacological effect of a naturally occurring cannabinoid because of insufficient research and literature regarding the effects of synthetic marihuana, which the parties contend has severely inhibited prosecutions across the state. Additionally, a skilled chemist may be able to change the chemical makeup of a substance enough to circumvent the law and make the law difficult to enforce. S.B. 173 seeks to address these issues.

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. 173 amends the Health and Safety Code to change the substances listed in Penalty Group 2-A of the Texas Controlled Substances Act from any quantity of a synthetic chemical compound that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring cannabinoids to any material, compound, mixture, or preparation that contains any quantity of certain natural or synthetic chemical substances listed by name or contained within one of the structural classes defined by the bill. The bill revises the controlled substances listed and defines certain chemical structural classes in Penalty Group 2-A. The bill establishes that Penalty Group 2-A, for the purposes of the prosecution of an offense under the Texas Controlled Substances Act involving the manufacture, delivery, or possession of a controlled substance, includes a controlled substance analogue that has a chemical structure substantially similar to the chemical structure of a controlled substance listed in Penalty Group 2-A or is specifically designed to produce an effect substantially similar to, or greater than, a controlled substance in Penalty Group 2-A.

EFFECTIVE DATE

September 1, 2015.