

BILL ANALYSIS

Senate Research Center

S.B. 173
By: Huffman
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

K2 (aka Spice, Genie, Fire & Ice) is marketed as incense, but is actually a product that has been sprayed with a chemical compound that mimics the effects of THC, the active ingredient in marijuana, and is being smoked to produce intoxicating effects.

K2/Spice is banned in 43 states and undetectable in toxicology screenings. The substances are not banned in Texas and have a high potential for abuse with no medical benefit.

Unbeknownst to the user, smoking K2/Spice can have dangerous consequences that put the user's health at great risk. The reported side effects include hallucination, severe agitation, elevated heart rate and/or blood pressure, chest pains, black outs, tremors, seizures, and cardiac infarction.

S.B. 173 covers all 12 of the potential cores and ring structures from which synthetic compounds can be made. Lab technicians and chemists have only recently discovered this process.

With all core structures and rings made illegal, S.B. 173 will now cover 100 percent of synthetic cases statewide that district attorney offices have seen.

As proposed, S.B. 173 amends current law relating to the designation for criminal prosecution and other purposes of certain chemicals commonly referred to as synthetic cannabinoids as controlled substances and controlled substance analogues under the Texas Controlled Substances Act.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 481.002, Health and Safety Code, by amending Subdivisions (5) and (6) to redefine "controlled substance" and "controlled substance analogue."

SECTION 2. Amends Section 481.1031, Health and Safety Code, as follows:

Sec. 481.1031. PENALTY GROUP 2-A. Provides that Penalty Group 2-A consists of any material, compound, mixture, or preparation that contains any quantity of a synthetic chemical substance, including its salts, isomers, and salts of isomers, listed by name in this section or contained within certain structural classes defined in this section, rather than providing that Penalty Group 2-A consists of any quantity of a synthetic chemical compound that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring cannabinoids. Sets forth the list of included chemical substances.

SECTION 3. Amends Section 481.106, Health and Safety Code, as follows:

Sec. 481.106. CLASSIFICATION OF CONTROLLED SUBSTANCE ANALOGUE.
Provides that for the purposes of the prosecution of an offense under this subchapter

involving the manufacture, delivery, or possession of a controlled substance, Penalty Groups 1, 1-A, 2, and 2-A include a controlled substance analogue that has a chemical structure substantially similar to the chemical structure of a controlled substance listed in the applicable penalty group, or is specifically designed to produce an effect substantially similar to, or greater than, a controlled substance listed in the applicable penalty group.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2015.