

BILL ANALYSIS

S.B. 1583
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Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In recent years, more than 300 synthetic designer drugs with names such as "Spice," "N-bombe," and "K2," have gained popularity in the United States. Because manufacturers change the chemical make-up of synthetic drugs in an effort to skirt legal prohibitions on controlled substances, interested parties contend that state law falls behind the manufacture of new, harmful drugs. Consequently, law enforcement often lacks the authority to prosecute manufacturers or distributors of new synthetic drugs. S.B. 1583 seeks to keep lawmakers a step ahead of drug manufacturers and allow the state to remain contemporary regarding future synthetic drug changes and permutations.

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. 1583 amends the Health and Safety Code to include among the substances in Schedule I of the Texas Controlled Substances Act any synthetic cannabinoid or cathinone designer drug that is not regulated by the U.S. Food and Drug Administration or by state law but that is similar by structure or pharmacological effect to a Schedule I or II controlled substance that is regulated under federal or state law. The bill establishes that a substance is similar by structure or pharmacological effect to a Schedule I or II controlled substance if the substance contains a majority of functional features in a similar chemical structural arrangement or otherwise mimics the pharmacological effect of a Schedule I or II controlled substance.

S.B. 1583 establishes that any compound of a synthetic cannabinoid or cathinone designer drug that is manufactured, formulated, sold, distributed, or marketed with the intent to circumvent the Texas Controlled Substances Act or federal law is a Schedule I controlled substance. The bill includes as examples of synthetic cannabinoid designer drugs substances that are generated using a three-component pharmacophore model and establishes that synthetic cannabinoid designer drugs that contain one or more components of a controlled substance in Schedule I or II under federal or state law are analogues of Schedule I or II controlled substances. The bill expressly does not affect an exemption provided under state law to a person who possesses for a lawful purpose a chemical formula defined as a controlled substance.

EFFECTIVE DATE

September 1, 2015.