

BILL ANALYSIS

Senate Research Center

S.B. 1583
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 of the chemical make-up of synthetic drugs, lawmakers cannot outlaw them by name or chemical compound. Consequently, at the state level, it is difficult to prosecute manufacturers or distributors for a drug by name or chemical make-up.

S.B. 1583 classifies any synthetic cannabinoid or cathinone designer drug that is not regulated by the United States Food and Drug Administration or the state, and that is similar to other Schedule I or II controlled substances, as a Schedule I drug. The bill further adds that any drug fitting that description that is created or sold with intent to circumvent the law is a Schedule I controlled substance.

By including any synthetic cannabinoid or cathinone on Schedule I, law enforcement can apply the penalties for these controlled substances to a more general set of synthetic drugs, taking away the need for a specific list in law of names or compounds, and putting lawmakers a step ahead of the drug manufacturers. Schedule I controlled substances are currently subject to the penalties outlined in Chapter 481 (Texas Controlled Substances Act), Health and Safety Code.

As proposed, S.B. 1583 amends current law relating to classifying synthetic cannabinoid or cathinone as a Schedule I controlled substance 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 Subchapter B, Chapter 481, Health and Safety Code, by adding Section 481.038, as follows:

Sec. 481.038. SYNTHETIC CANNABINOID OR CATHINONE. (a) Provides that Schedule I includes any synthetic cannabinoid or cathinone designer drug that is not regulated by the United States Food and Drug Administration or by the laws of this state but that is similar by structure or pharmacological effect to a Schedule I or II controlled substance that is regulated under federal law or the laws of this state. Provides that, in this subsection, "similar" means a substance that contains one or more subunits in common with, or that mimics the pharmacological effect of, a Schedule I or II controlled substance.

(b) Provides that any compound of a designer drug described by Subsection (a) that is manufactured, formulated, sold, distributed, or marketed with the intent to circumvent the law under this chapter or federal law is a Schedule I controlled substance.

(c) Provides that examples of synthetic cannabinoid designer drugs include substances that are generated using a three-component pharmacophore model.

Provides 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.

(d) Provides that nothing in this section affects an exemption provided under state law to a person who possesses for a lawful purpose a chemical formula defined as a controlled substance.

SECTION 2. Effective date: September 1, 2015.