

By: Clardy

H.B. No. 595

A BILL TO BE ENTITLED

AN ACT

relating to the addition of certain substances to Penalty Groups 1-A and 2 of the Texas Controlled Substances Act for criminal prosecution and other purposes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivision (50), Section 481.002, Health and Safety Code, is amended to read as follows:

(50) "Abuse unit" means:

(A) except as provided by Paragraph (B):

(i) a single unit on or in any adulterant, dilutant, or similar carrier medium, including marked or perforated blotter paper, a tablet, gelatin wafer, sugar cube, or stamp, or other medium that contains any amount of a controlled substance listed in Penalty Group 1-A, if the unit is commonly used in abuse of that substance; or

(ii) each quarter-inch square section of paper, if the adulterant, dilutant, or carrier medium is paper not marked or perforated into individual abuse units; or

(B) if the controlled substance is in liquid or solid form, 40 micrograms of the controlled substance including any adulterant or dilutant.

SECTION 2. Section 481.1021, Health and Safety Code, is amended to read as follows:

Sec. 481.1021. PENALTY GROUP 1-A. (a) Penalty Group 1-A

1 consists of:

2 (1) lysergic acid diethylamide (LSD), including its
3 salts, isomers, and salts of isomers; and

4 (2) compounds structurally derived from
5 2,5-dimethoxyphenethylamine by substitution at the 1-amino
6 nitrogen atom with a benzyl substituent, including:

7 (A) compounds further modified by:

8 (i) substitution in the phenethylamine ring
9 at the 4- position to any extent (including alkyl, alkoxy,
10 alkylenedioxy, haloalkyl, or halide substituents); or

11 (ii) substitution in the benzyl ring to any
12 extent (including alkyl, alkoxy, alkylenedioxy, haloalkyl, or
13 halide substituents); and

14 (B) by example, compounds such as:

15 4-Bromo-2,5-dimethoxy-N-(2-
16 methoxybenzyl)phenethylamine (trade or other names: 25B-NBOMe,
17 2C-B-NBOMe);

18 4-Chloro-2,5-dimethoxy-N-(2-
19 methoxybenzyl)phenethylamine (trade or other names: 25C-NBOMe,
20 2C-C-NBOMe);

21 2,5-Dimethoxy-4-methyl-N-(2-
22 methoxybenzyl)phenethylamine (trade or other names: 25D-NBOMe,
23 2C-D-NBOMe);

24 4-Ethyl-2,5-dimethoxy-N-(2-
25 methoxybenzyl)phenethylamine (trade or other names: 25E-NBOMe,
26 2C-E-NBOMe);

27 2,5-Dimethoxy-N-(2-

1 methoxybenzyl)phenethylamine (trade or other names: 25H-NBOMe,
2 2C-H-NBOMe);
3 4-Iodo-2,5-dimethoxy-N-(2-
4 methoxybenzyl)phenethylamine (trade or other names: 25I-NBOMe,
5 2C-I-NBOMe);
6 4-Iodo-2,5-dimethoxy-N-
7 benzylphenethylamine (trade or other name: 25I-NB);
8 4-Iodo-2,5-dimethoxy-N-(2,3-
9 methylenedioxybenzyl)phenethylamine (trade or other name:
10 25I-NBMD);
11 4-Iodo-2,5-dimethoxy-N-(2-
12 fluorobenzyl)phenethylamine (trade or other name: 25I-NBF);
13 4-Iodo-2,5-dimethoxy-N-(2-
14 hydroxybenzyl)phenethylamine (trade or other name: 25I-NBOH);
15 2,5-Dimethoxy-4-nitro-N-(2-
16 methoxybenzyl)phenethylamine (trade or other names: 25N-NBOMe,
17 2C-N-NBOMe); and
18 2,5-Dimethoxy-4-(n)-propyl-N-(2-
19 methoxybenzyl)phenethylamine (trade or other names: 25P-NBOMe,
20 2C-P-NBOMe).

21 (b) To the extent Subsection (a)(2) conflicts with this
22 subtitle or another law, the subtitle or other law prevails.

23 SECTION 3. Subsections (a) and (c), Section [481.103](#), Health
24 and Safety Code, are amended to read as follows:

25 (a) Penalty Group 2 consists of:

26 (1) any quantity of the following hallucinogenic
27 substances, their salts, isomers, and salts of isomers, unless

specifically excepted, if the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

alpha-ethyltryptamine;

alpha-methyltryptamine;

~~[4-bromo-2, 5-dimethoxyamphetamine (some trade or other names: 4-bromo-2, 5-dimethoxy-alpha-methylphenethylamine, 4-bromo-2, 5-DMA);~~

~~[4-bromo-2, 5-dimethoxyphenethylamine;]~~

Bufotenine (some trade and other names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)- 5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine);

Diethyltryptamine (some trade and other names: N, N-Diethyltryptamine, DET);

2, 5-dimethoxyamphetamine (some trade or other names: 2, 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA);

~~[2, 5-dimethoxy-4-ethylamphetamine (trade or other name: DOET);~~

~~[2, 5-dimethoxy-4-(n)-propylthiophenethylamine (trade or other name: 2C-T-7);]~~

Dimethyltryptamine (trade or other name: DMT);

Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product (some trade or other names for Dronabinol: (a6aR-trans)-6a,7,8,10a-tetrahydro- 6,6, 9-trimethyl-3-pentyl-6H- dibenzo [b,d]pyran-1-ol or (-)-delta-9-

1 (trans)-tetrahydrocannabinol);
2 Ethylamine Analog of Phencyclidine (some trade or
3 other names: N-ethyl-1-phenylcyclohexylamine,
4 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl)
5 ethylamine, cyclohexamine, PCE);
6 Ibogaine (some trade or other names: 7-Ethyl-6, 6,
7 beta 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6,
8 9-methano-5H-pyrido [1', 2':1, 2] azepino [5, 4-b] indole;
9 tabernanthe iboga.);
10 Mescaline;
11 5-methoxy-N, N-diisopropyltryptamine;
12 5-methoxy-3, 4-methylenedioxy amphetamine;
13 4-methoxyamphetamine (some trade or other names:
14 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine;
15 PMA);
16 1-methyl- 4-phenyl-4-propionoxypiperidine (MPPP,
17 PPMP);
18 4-methyl-2, 5-dimethoxyamphetamine (some trade
19 and other names: 4-methyl-2, 5-dimethoxy-alpha-
20 methylphenethylamine; "DOM"; "STP");
21 3,4-methylenedioxy methamphetamine (MDMA, MDM);
22 3,4-methylenedioxy amphetamine;
23 3,4-methylenedioxy N-ethylamphetamine (Also
24 known as N-ethyl MDA);
25 Nabilone (Another name for nabilone: (+)-trans-
26 3-(1,1-dimethylheptyl)- 6,6a, 7,8,10,10a-hexahydro-1-hydroxy- 6,
27 6-dimethyl-9H-dibenzo[b,d] pyran-9-one;

1 N-benzylpiperazine (some trade or other names:
2 BZP; 1-benzylpiperazine);
3 N-ethyl-3-piperidyl benzilate;
4 N-hydroxy-3,4-methylenedioxyamphetamine (Also
5 known as N-hydroxy MDA);
6 4-methylaminorex;
7 N-methyl-3-piperidyl benzilate;
8 Parahexyl (some trade or other names:
9 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6,
10 9-trimethyl-6H-dibenzo [b, d] pyran; Synhexyl);
11 1-Phenylcyclohexylamine;
12 1-Piperidinocyclohexanecarbonitrile (PCC);
13 Psilocin;
14 Psilocybin;
15 Pyrrolidine Analog of Phencyclidine (some trade
16 or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);
17 Tetrahydrocannabinols, other than marihuana, and
18 synthetic equivalents of the substances contained in the plant, or
19 in the resinous extractives of Cannabis, or synthetic substances,
20 derivatives, and their isomers with similar chemical structure and
21 pharmacological activity such as:
22 delta-1 cis or trans tetrahydrocannabinol,
23 and their optical isomers;
24 delta-6 cis or trans tetrahydrocannabinol,
25 and their optical isomers;
26 delta-3, 4 cis or trans
27 tetrahydrocannabinol, and its optical isomers;

compounds of these structures, regardless of numerical designation of atomic positions, since nomenclature of these substances is not internationally standardized;

Thiophene Analog of Phencyclidine (some trade or other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl Analog of Phencyclidine; TPCP, TCP);

1-pyrrolidine (some trade or other name: TCPy);

1-(3-trifluoromethylphenyl)piperazine (trade or other name: TFMPP); and

3,4,5-trimethoxy amphetamine;

(2) Phenylacetone (some trade or other names: Phenyl-2-propanone; P2P, Benzylmethyl ketone, methyl benzyl ketone);

(3) unless specifically excepted or unless listed in another Penalty Group, a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant or stimulant effect on the central nervous system:

Aminorex (some trade or other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-phenyl-2-oxazolamine);

Amphetamine, its salts, optical isomers, and salts of optical isomers;

Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone);

Etorphine Hydrochloride;

1 Fenethylline and its salts;
2 Lisdexamfetamine, including its salts, isomers,
3 and salts of isomers;
4 Mecloqualone and its salts;
5 Methaqualone and its salts;
6 Methcathinone (some trade or other names:
7 2-methylamino-propionophenone; alpha-(methylamino)propionophenone;
8 2-(methylamino)-1-phenylpropan-1-one; alpha-N-
9 methylaminopropionophenone; monomethylpropion; ephedrone,
10 N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR
11 1431);
12 N-Ethylamphetamine, its salts, optical isomers,
13 and salts of optical isomers; and
14 N,N-dimethylamphetamine (some trade or other
15 names: N,N,alpha-trimethylbenzeneethaneamine; N,N,alpha-
16 trimethylphenethylamine), its salts, optical isomers, and salts of
17 optical isomers; ~~and~~
18 (4) any compound structurally derived from
19 2-aminopropanal by substitution at the 1-position with any
20 monocyclic or fused-polycyclic ring system, including:
21 (A) compounds further modified by:
22 (i) substitution in the ring system to any
23 extent (including alkyl, alkoxy, alkylendioxy, haloalkyl, or
24 halide substituents), whether or not further substituted in the
25 ring system by other substituents;
26 (ii) substitution at the 3-position with an
27 alkyl substituent; or

(iii) substitution at the 2-amino nitrogen atom with alkyl or dialkyl groups, or inclusion of the 2-amino nitrogen atom in a cyclic structure; and

(B) by example, compounds such as:

4-Methylmethcathinone (Also known as Mephedrone);

3,4-Dimethylmethcathinone (Also known as 3,4-DMMC);

3-Fluoromethcathinone (Also known as 3-FMC);

4-Fluoromethcathinone (Also known as Flephedrone);

3,4-Methylenedioxy-N-methylcathinone (Also known as Methylone);

3,4-Methylenedioxypyrovalerone (Also known as MDPV);

alpha-Pyrrolidinopentiophenone (Also known as alpha-PVP);

Naphthylpyrovalerone (Also known as Naphyrone);

alpha-Methylamino-valerophenone (Also known as Pentedrone);

beta-Keto-N-methylbenzodioxolylpropylamine (Also known as Butylone);

beta-Keto-N-methylbenzodioxolylpentanamine (Also known as Pentylone);

beta-Keto-Ethylbenzodioxolylbutanamine (Also known as Eutylone); and

3,4-methylenedioxy-N-ethylcathinone (Also known as Ethylone);

(5) 2,5-Dimethoxyphenethylamine and any compound structurally derived from 2,5-Dimethoxyphenethylamine by substitution at the 4-position of the phenyl ring to any extent (including alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents), including, by example, compounds such as:

4-Bromo-2,5-dimethoxyphenethylamine (trade or other name: 2C-B);

4-Chloro-2,5-dimethoxyphenethylamine (trade or other name: 2C-C);

2,5-Dimethoxy-4-methylphenethylamine (trade or other name: 2C-D);

4-Ethyl-2,5-dimethoxyphenethylamine (trade or other name: 2C-E);

4-Iodo-2,5-dimethoxyphenethylamine (trade or other name: 2C-I);

2,5-Dimethoxy-4-nitrophenethylamine (trade or other name: 2C-N);

2,5-Dimethoxy-4-(n)-propylphenethylamine (trade or other name: 2C-P);

4-Ethylthio-2,5-dimethoxyphenethylamine (trade or other name: 2C-T-2);

4-Isopropylthio-2,5-dimethoxyphenethylamine (trade or other name: 2C-T-4); and

2,5-Dimethoxy-4-(n)-propylthiophenethylamine (trade or other name: 2C-T-7); and

1 (6) 2,5-Dimethoxyamphetamine and any compound
2 structurally derived from 2,5-Dimethoxyamphetamine by substitution
3 at the 4- position of the phenyl ring to any extent (including
4 alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents),
5 including, by example, compounds such as:

6 4-Ethylthio-2,5-dimethoxyamphetamine (trade or
7 other name: Aleph-2);

8 4-Isopropylthio-2,5-dimethoxyamphetamine (trade
9 or other name: Aleph-4);

10 4-Bromo-2,5-dimethoxyamphetamine (trade or other
11 name: DOB);

12 4-Chloro-2,5-dimethoxyamphetamine (trade or
13 other name: DOC);

14 2,5-Dimethoxy-4-ethylamphetamine (trade or other
15 name: DOET);

16 4-Iodo-2,5-dimethoxyamphetamine (trade or other
17 name: DOI);

18 2,5-Dimethoxy-4-methylamphetamine (trade or
19 other name: DOM);

20 2,5-Dimethoxy-4-nitroamphetamine (trade or other
21 name: DON);

22 4-Isopropyl-2,5-dimethoxyamphetamine (trade or
23 other name: DOIP); and

24 2,5-Dimethoxy-4-(n)-propylamphetamine (trade or
25 other name: DOPR).

26 (c) To the extent Subsection (a)(4), (5), or (6) conflicts
27 with this subtitle or another law, the subtitle or other law

1 prevails.

2 SECTION 4. The change in law made by this Act applies only
3 to an offense committed on or after the effective date of this Act.
4 An offense committed before the effective date of this Act is
5 governed by the law in effect on the date the offense was committed,
6 and the former law is continued in effect for that purpose. For
7 purposes of this section, an offense was committed before the
8 effective date of this Act if any element of the offense occurred
9 before that date.

10 SECTION 5. This Act takes effect September 1, 2015.