

By: Lozano

H.B. No. 1424

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the designation of certain synthetic compounds to  
3 Penalty Group 2 or 2-A of the Texas Controlled Substances Act;  
4 increasing penalties for certain persons convicted of the  
5 manufacture and delivery of controlled substances.

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

7 SECTION 1. Sections 481.002(5) and (6), Health and Safety  
8 Code, are amended to read as follows:

9 (5) "Controlled substance" means a substance,  
10 including a drug, an adulterant, and a dilutant, listed in  
11 Schedules I through V or Penalty Group [~~Groups~~] 1, 1-A, [~~or~~] 2, 2-A,  
12 3, or [~~through~~] 4. The term includes the aggregate weight of any  
13 mixture, solution, or other substance containing a controlled  
14 substance.

15 (6) "Controlled substance analogue" means:

16 (A) a substance with a chemical structure  
17 substantially similar to the chemical structure of a controlled  
18 substance in Schedule I or II or Penalty Group 1, 1-A, [~~or~~] 2, or  
19 2-A; or

20 (B) a substance specifically designed to produce  
21 an effect substantially similar to, or greater than, the effect of a  
22 controlled substance in Schedule I or II or Penalty Group 1, 1-A,  
23 [~~or~~] 2, or 2-A.

24 SECTION 2. Section 481.103(a), Health and Safety Code, is

1 amended to read as follows:

2 (a) Penalty Group 2 consists of:

3 (1) any quantity of the following hallucinogenic  
4 substances, their salts, isomers, and salts of isomers, unless  
5 specifically excepted, if the existence of these salts, isomers,  
6 and salts of isomers is possible within the specific chemical  
7 designation:

8 alpha-ethyltryptamine;

9 alpha-methyltryptamine;

10 5-(2-aminopropyl)benzofuran (5-APB);

11 6-(2-aminopropyl)benzofuran (6-APB);

12 5-(2-aminopropyl)-2,3-dihydrobenzofuran

13 (5-APDB);

14 6-(2-aminopropyl)-2,3-dihydrobenzofuran

15 (6-APDB);

16 5-(2-aminopropyl)indole (Trade or other names:

17 5-IT, 5-API);

18 6-(2-aminopropyl)indole (Trade or other names:

19 6-IT, 6-API);

20 Benzothiophenylcyclohexylpiperidine (BTCP);

21 4-bromo-2, 5-dimethoxyamphetamine (some trade or

22 other names: 4-bromo-2, 5-dimethoxy-alpha-methylphenethylamine;

23 4-bromo-2, 5-DMA);

24 4-bromo-2, 5-dimethoxyphenethylamine;

25 8-bromo-alpha-methyl-benzo[1,2-b:4,5-b']difuran-

26 4-ethanamine (Trade or other name: Bromo-DragonFLY);

27 Bufotenine (some trade and other names: 3-(beta-

1 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)- 5-  
2 indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-  
3 dimethyltryptamine; mappine);

4 Desoxypipradrol (2-benzhydrylpiperidine);

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

7 2, 5-dimethoxyamphetamine (some trade or other  
8 names: 2, 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA);

9 2, 5-dimethoxy-4-ethylamphetamine (trade or other  
10 name: DOET);

11 2, 5-dimethoxy-4-(n)-propylthiophenethylamine  
12 (trade or other name: 2C-T-7);

13 Dimethyltryptamine (trade or other name: DMT);

14 Diphenylprolinol (diphenyl(pyrrolidin-2-yl)  
15 methanol, D2PM);

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

22 Ethylamine Analog of Phencyclidine (some trade or  
23 other names: N-ethyl-1-phenylcyclohexylamine, (1-  
24 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine,  
25 cyclohexamine, PCE);

26 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone

27 (Trade or other name: methoxetamine);

1 Ibogaine (some trade or other names: 7-Ethyl-6,  
2 6, beta 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-  
3 pyrido [1', 2':1, 2] azepino [5, 4-b] indole; tabernanthe iboga.);  
4 5-iodo-2-aminoindane (5-IAI);  
5 Mescaline;  
6 5-methoxy-N, N-diisopropyltryptamine  
7 (5-MeO-DIPT);  
8 5-methoxy-N, N-diallyltryptamine (5MeO-DALT);  
9 5-methoxy-3, 4-methylenedioxy amphetamine;  
10 4-methoxyamphetamine (some trade or other names:  
11 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine;  
12 PMA);  
13 4-methoxymethamphetamine (PMMA);  
14 2-(2-methoxyphenyl)-2-(methylamino)cyclohexanone  
15 (Trade or other names: 2-MeO-ketamine; methoxyketamine);  
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 5,6-methylenedioxy-2-aminoindane (MDAI);  
26 Nabilone (Another name for nabilone: (+)-trans-  
27 3-(1,1-dimethylheptyl)- 6,6a, 7,8,10,10a-hexahydro-1-hydroxy- 6,

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

1 and their optical isomers;

2                               delta-3,           4           cis           or           trans  
3 tetrahydrocannabinol, and its optical isomers;

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

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

10                              1-pyrrolidine (some trade or other name: TCPy);

11                              1-(3-trifluoromethylphenyl)piperazine (trade or  
12 other name: TFMPP); and

13                              3,4,5-trimethoxy amphetamine;

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

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

22                              Aminorex (some trade or other names: aminoxaphen;  
23 2-amino-5-phenyl-2-oxazoline;                              4,5-dihydro-5-  
24 phenyl-2-oxazolamine);

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

27                              Cathinone (some trade or other names: 2-amino-1-

1 phenyl-1-propanone, alpha-aminopropiophenone, 2-  
2 aminopropiophenone);  
3 Etaqualone and its salts;  
4 Etorphine Hydrochloride;  
5 Fenethylamine and its salts;  
6 Lisdexamfetamine, including its salts, isomers,  
7 and salts of isomers;  
8 Mecloqualone and its salts;  
9 Methaqualone and its salts;  
10 Methcathinone (some trade or other names: 2-  
11 methylamino-propionophenone; alpha-(methylamino)propionophenone;  
12 2-(methylamino)-1-phenylpropan-1-one; alpha-N-  
13 methylaminopropionophenone; monomethylpropion; ephedrone, N-  
14 methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR  
15 1431);  
16 N-Ethylamphetamine, its salts, optical isomers,  
17 and salts of optical isomers; and  
18 N,N-dimethylamphetamine (some trade or other  
19 names: N,N,alpha-trimethylbenzeneethanamine;  
20 N,N,alpha-trimethylphenethylamine), its salts, optical isomers,  
21 and salts of optical isomers; and  
22 (4) any compound structurally derived from  
23 2-aminopropanal by substitution at the 1-position with any  
24 monocyclic or fused-polycyclic ring system, including:  
25 (A) compounds further modified by:  
26 (i) substitution in the ring system to any  
27 extent (including alkyl, alkoxy, alkylendioxy, haloalkyl,

1 hydroxyl, or halide substituents), whether or not further  
2 substituted in the ring system by other substituents;

3 (ii) substitution at the 3-position with an  
4 acyclic alkyl substituent; or

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

8 (B) by example, compounds such as:

9 4-Methoxymethcathinone (Also known as  
10 Methedrone);

11 4-Methylmethcathinone (Also known as  
12 Mephedrone);

13 3,4-Dimethylmethcathinone (Also known as  
14 3,4-DMMC);

15 3-Fluoromethcathinone (Also known as 3-FMC);

16 4-Fluoromethcathinone (Also known as  
17 Flephedrone);

18 3,4-Methylenedioxy-N-methylcathinone (Also  
19 known as Methylone);

20 3,4-Methylenedioxypropylpyrovalerone (Also known  
21 as MDPV);

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

24 Naphthylpyrovalerone (Also known as  
25 Naphyrone);

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



1                   beta-Keto-N-methylbenzodioxolylpentanamine

2 (Also known as Pentylone);

3                   beta-Keto-Ethylbenzodioxolylbutanamine

4 (Also known as Eutylone); and

5                   3,4-methylenedioxy-N-ethylcathinone (Also  
6 known as Ethylone).

7           SECTION 3. Section [481.1031](#), Health and Safety Code, is  
8 amended to read as follows:

9           Sec. 481.1031. PENALTY GROUP 2-A. Penalty Group 2-A  
10 consists of any quantity of a synthetic chemical compound that is a  
11 cannabinoid receptor agonist and mimics the pharmacological effect  
12 of naturally occurring cannabinoids, including:

13                   naphthoylindoles           structurally           derived           from  
14 3-(1-naphthoyl)indole with or without [~~by~~] substitution at the  
15 nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl,  
16 cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)  
17 methyl,           cyanoalkyl,           (N-methylpyrrolidin-2-yl)methyl,  
18 (tetrahydropyran-4-yl)methyl,   ((N-methyl)-3-morpholinyl)methyl,  
19 or 2-(4-morpholinyl)ethyl, whether or not further substituted in  
20 the indole ring to any extent, whether or not substituted in the  
21 naphthyl ring to any extent, including:

22                   AM-2201;

23                   JWH-004;

24                   JWH-007;

25                   JWH-009;

26                   JWH-015;

27                   JWH-016;

- 1 JWH-018;
- 2 JWH-019;
- 3 JWH-020;
- 4 JWH-046;
- 5 JWH-047;
- 6 JWH-048;
- 7 JWH-049;
- 8 JWH-050;
- 9 JWH-073;
- 10 JWH-076;
- 11 JWH-079;
- 12 JWH-080;
- 13 JWH-081;
- 14 JWH-082;
- 15 JWH-083;
- 16 JWH-093;
- 17 JWH-094;
- 18 JWH-095;
- 19 JWH-096;
- 20 JWH-097;
- 21 JWH-098;
- 22 JWH-099;
- 23 JWH-100;
- 24 JWH-116;
- 25 JWH-122;
- 26 JWH-148;
- 27 JWH-149;

- 1 JWH-153;
- 2 JWH-159;
- 3 JWH-164;
- 4 JWH-165;
- 5 JWH-166;
- 6 JWH-180;
- 7 JWH-181;
- 8 JWH-182;
- 9 JWH-189;
- 10 JWH-193;
- 11 JWH-198;
- 12 JWH-200;
- 13 JWH-210;
- 14 JWH-211;
- 15 JWH-212;
- 16 JWH-213;
- 17 JWH-234;
- 18 JWH-235;
- 19 JWH-239;
- 20 JWH-240;
- 21 JWH-241;
- 22 JWH-242;
- 23 JWH-258;
- 24 JWH-259;
- 25 JWH-260;
- 26 JWH-262;
- 27 JWH-267;

1 JWH-386;  
2 JWH-387;  
3 JWH-394;  
4 JWH-395;  
5 JWH-397;  
6 JWH-398;  
7 JWH-399;  
8 JWH-400;  
9 JWH-412;  
10 JWH-413; and  
11 JWH-414;

12 naphthylmethylindones structurally derived from  
13 1H-indol-3-yl-(1-naphthyl)methane with or without [~~by~~  
14 substitution at the nitrogen atom of the indole ring by alkyl,  
15 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
16 (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-  
17 2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-  
18 morpholinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not  
19 further substituted in the indole ring to any extent, whether or not  
20 substituted in the naphthyl ring to any extent, including:

21 JWH-175;  
22 JWH-184;  
23 JWH-185;  
24 JWH-192;  
25 JWH-194;  
26 JWH-195;  
27 JWH-196;

1                   JWH-197; and  
2                   JWH-199;  
3                   naphthoylpyrroles       structurally       derived       from  
4 3-(1-naphthoyl)pyrrole with or without [~~by~~] substitution at the  
5 nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,  
6 cycloalkylmethyl,    cycloalkylethyl,    (N-methylpiperidin-2-yl)  
7 methyl,            cyanoalkyl,            (N-methylpyrrolidin-2-yl)methyl,  
8 (tetrahydropyran-4-yl)methyl,    ((N-methyl)-3-morpholinyl)methyl,  
9 or 2-(4-morpholinyl)ethyl, whether or not further substituted in  
10 the pyrrole ring to any extent, whether or not substituted in the  
11 naphthyl ring to any extent, including:

- 12                   JWH-030;
- 13                   JWH-145;
- 14                   JWH-146;
- 15                   JWH-147;
- 16                   JWH-150;
- 17                   JWH-156;
- 18                   JWH-243;
- 19                   JWH-244;
- 20                   JWH-245;
- 21                   JWH-246;
- 22                   JWH-292;
- 23                   JWH-293;
- 24                   JWH-307;
- 25                   JWH-308;
- 26                   JWH-309;
- 27                   JWH-346;

- 1 JWH-347;
- 2 JWH-348;
- 3 JWH-363;
- 4 JWH-364;
- 5 JWH-365;
- 6 JWH-366;
- 7 JWH-367;
- 8 JWH-368;
- 9 JWH-369;
- 10 JWH-370;
- 11 JWH-371;
- 12 JWH-372;
- 13 JWH-373; and
- 14 JWH-392;

15 naphthylmethylindenes structurally derived from  
16 1-(1-naphthylmethyl)indene with or without [~~by~~] substitution at  
17 the 3-position of the indene ring by alkyl, haloalkyl, alkenyl,  
18 cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)  
19 methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl,  
20 (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl,  
21 or 2-(4-morpholinyl)ethyl, whether or not further substituted in  
22 the indene ring to any extent, whether or not substituted in the  
23 naphthyl ring to any extent, including:

- 24 JWH-171;
- 25 JWH-172;
- 26 JWH-173; and
- 27 JWH-176;

1           phenylacetylindoles       structurally       derived       from  
2 3-phenylacetylindole with or without [~~by~~] substitution at the  
3 nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl,  
4 cycloalkylmethyl,    cycloalkylethyl,    (N-methylpiperidin-2-yl)  
5 methyl,            cyanoalkyl,           (N-methylpyrrolidin-2-yl)methyl,  
6 (tetrahydropyran-4-yl)methyl,   ((N-methyl)-3-morpholinyl)methyl,  
7 or 2-(4-morpholinyl)ethyl, whether or not further substituted in  
8 the indole ring to any extent, whether or not substituted in the  
9 phenyl ring to any extent, including:

10                   AM-694;  
11                   AM-1241;  
12                   JWH-167;  
13                   JWH-203;  
14                   JWH-204;  
15                   JWH-205;  
16                   JWH-206;  
17                   JWH-208;  
18                   JWH-237;  
19                   JWH-248;  
20                   JWH-249;  
21                   JWH-250;  
22                   JWH-251;  
23                   JWH-252;  
24                   JWH-253;  
25                   JWH-302;  
26                   JWH-303;  
27                   JWH-305;

1 JWH-306;  
2 JWH-311;  
3 JWH-312;  
4 JWH-313;  
5 JWH-314; and  
6 JWH-315;

7 cyclohexylphenols structurally derived from  
8 2-(3-hydroxycyclohexyl)phenol with or without [by] substitution at  
9 the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl,  
10 cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)  
11 methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl,  
12 (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl,  
13 or 2-(4-morpholinyl)ethyl, whether or not substituted in the  
14 cyclohexyl ring to any extent, including:

15 CP-55,940;  
16 CP-47,497;  
17 analogues of CP-47,497, including VII, V, VIII, I,  
18 II, III, IV, IX, X, XI, XII, XIII, XV, and XVI;  
19 JWH-337;  
20 JWH-344;  
21 JWH-345; and  
22 JWH-405; [~~and~~]

23 benzoylindoles structurally derived from  
24 3-(1-naphthoyl)indole with or without substitution at the nitrogen  
25 atom of the indole ring with alkyl, haloalkyl, alkenyl,  
26 cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)  
27 methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl,



1 (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl,  
2 or 2-(4-morpholinyl)ethyl, whether or not further substituted in  
3 the indole ring to any extent, whether or not substituted in the  
4 phenyl ring to any extent, including:

5 1-pentyl-3-(4-methoxybenzoyl)indole (RCS-4); and

6 1-[2-(4-morpholinyl)ethyl]-2-methyl-3-(4-  
7 methoxybenzoyl)indole (Pravadoline or WIN 48,098); and

8 cannabinoil derivatives, except where contained in  
9 marihuana, including tetrahydro derivatives of cannabinoil and  
10 3-alkyl homologues of cannabinoil or of its tetrahydro derivatives,  
11 such as:

12 Nabilone;

13 HU-210;

14 HU-211; and

15 WIN-55,212-2.

16 SECTION 4. Section 481.106, Health and Safety Code, is  
17 amended to read as follows:

18 Sec. 481.106. CLASSIFICATION OF CONTROLLED SUBSTANCE  
19 ANALOGUE. For the purposes of the prosecution of an offense under  
20 this subchapter involving the manufacture, delivery, or possession  
21 of a controlled substance, Penalty Groups 1, 1-A, ~~and~~ 2, and 2-A  
22 include a controlled substance analogue that:

23 (1) has a chemical structure substantially similar to  
24 the chemical structure of a controlled substance listed in the  
25 applicable penalty group; or

26 (2) is specifically designed to produce an effect  
27 substantially similar to, or greater than, a controlled substance

1 listed in the applicable penalty group.

2 SECTION 5. Section 481.119(a), Health and Safety Code, is  
3 amended to read as follows:

4 (a) A person commits an offense if the person knowingly  
5 manufactures, delivers, or possesses with intent to deliver a  
6 controlled substance listed in a schedule by an action of the  
7 commissioner under this chapter but not listed in a penalty group.  
8 An offense under this subsection is a Class A misdemeanor, except  
9 that the offense is:

10 (1) a state jail felony, if the person has been  
11 previously convicted of an offense under this subsection; or

12 (2) a felony of the third degree, if the person has  
13 been previously convicted two or more times of an offense under this  
14 subsection.

15 SECTION 6. The changes in law made by this Act apply only to  
16 an offense committed on or after the effective date of this Act. An  
17 offense committed before the effective date of this Act is governed  
18 by the law in effect on the date the offense was committed, and the  
19 former law is continued in effect for that purpose. For purposes of  
20 this section, an offense was committed before the effective date of  
21 this Act if any element of the offense occurred before that date.

22 SECTION 7. This Act takes effect September 1, 2015.