

By: Huffman, et al.
(Clardy, Herrero)

S.B. No. 172

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. Section 481.002(50), 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-methoxybenzyl)
 16 phenethylamine (trade or other names: 25B-NBOMe, 2C-B-NBOMe);

17 4-Chloro-2,5-dimethoxy-N-(2-methoxybenzyl)
 18 phenethylamine (trade or other names: 25C-NBOMe, 2C-C-NBOMe);

19 2,5-Dimethoxy-4-methyl-N-(2-methoxybenzyl)
 20 phenethylamine (trade or other names: 25D-NBOMe, 2C-D-NBOMe);

21 4-Ethyl-2,5-dimethoxy-N-(2-methoxybenzyl)
 22 phenethylamine (trade or other names: 25E-NBOMe, 2C-E-NBOMe);

23 2,5-Dimethoxy-N-(2-
 24 methoxybenzyl)phenethylamine (some trade and other names:
 25 25H-NBOMe, 2C-H-NBOMe);

26 4-Iodo-2,5-dimethoxy-N-(2-methoxybenzyl)
 27 phenethylamine (some trade and other names: 25I-NBOMe,

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

16 (b) To the extent Subsection (a)(2) conflicts with another
17 provision of this subtitle or another law, the other provision or
18 the other law prevails.

19 SECTION 3. Section [481.103](#), Health and Safety Code, is
20 amended by amending Subsections (a) and (c) and adding Subsection
21 (d) to read as follows:

22 (a) Penalty Group 2 consists of:

23 (1) any quantity of the following hallucinogenic
24 substances, their salts, isomers, and salts of isomers, unless
25 specifically excepted, if the existence of these salts, isomers,
26 and salts of isomers is possible within the specific chemical
27 designation:

1 5-(2-aminopropyl)benzofuran (5-APB);
 2 6-(2-aminopropyl)benzofuran (6-APB);
 3 5-(2-aminopropyl)-2,3-dihydrobenzofuran
 4 (5-APDB);
 5 6-(2-aminopropyl)-2,3-dihydrobenzofuran
 6 (6-APDB);
 7 5-(2-aminopropyl)indole (5-IT,5-API);
 8 6-(2-aminopropyl)indole (6-IT,6-API);
 9 1-(benzofuran-5-yl)-N-methylpropan-2-amine
 10 (5-MAPB);
 11 1-(benzofuran-6-yl)-N-methylpropan-2-amine
 12 (6-MAPB);
 13 Benzothiophenylcyclohexylpiperidine (BTCP);
 14 8-bromo-alpha-methyl-benzo[1,2-b:4,5-b']difuran-
 15 4-ethanamine (trade or other name: Bromo-DragonFLY);
 16 Desoxypipradrol (2-benzhydrylpiperidine);
 17 ~~[alpha-ethyltryptamine;~~
 18 ~~[alpha-methyltryptamine;~~
 19 ~~[4-bromo-2,5-dimethoxyamphetamine (some trade or~~
 20 ~~other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;~~
 21 ~~4-bromo-2,5-DMA);~~
 22 ~~[4-bromo-2,5-dimethoxyphenethylamine;~~
 23 ~~[Bufotenine (some trade and other~~
 24 ~~names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole;~~
 25 ~~3-(2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin;~~
 26 ~~5-hydroxy-N,N-dimethyltryptamine; mappine);~~
 27 ~~[Diethyltryptamine (some trade and other~~

1 ~~names: N, N-Diethyltryptamine, DET),]~~
 2 2, 5-dimethoxyamphetamine (some trade or other
 3 names: 2, 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA);
 4 Diphenylprolinol (diphenyl(pyrrolidin-2-yl)
 5 methanol, D2PM);
 6 ~~[2, 5-dimethoxy-4-ethylamphetamine (trade or~~
 7 ~~other name: DOET),]~~
 8 ~~[2, 5-dimethoxy-4-(n)-propylthiophenethylamine~~
 9 ~~(trade or other name: 2C-T-7),]~~
 10 ~~[Dimethyltryptamine (trade or other name: DMT),]~~
 11 Dronabinol (synthetic) in sesame oil and
 12 encapsulated in a soft gelatin capsule in a U.S. Food and Drug
 13 Administration approved drug product (some trade or other names for
 14 Dronabinol: (a6aR-trans)-6a,7,8,10a-tetrahydro- 6,6, 9-
 15 trimethyl-3-pentyl-6H- dibenzo [b,d]pyran-1-ol or (-)-delta-9-
 16 (trans)- tetrahydrocannabinol);
 17 Ethylamine Analog of Phencyclidine (some trade or
 18 other names: N-ethyl-1-phenylcyclohexylamine, (1-
 19 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine,
 20 cyclohexamine, PCE);
 21 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone
 22 (trade or other name: methoxetamine);
 23 Ibogaine (some trade or other names: 7-Ethyl-6,
 24 6, beta 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-
 25 pyrido [1', 2':1, 2] azepino [5, 4-b] indole; tabernanthe iboga.);
 26 5-iodo-2-aminoindane (5-IAI);
 27 Mescaline;

1 ~~[5-methoxy-N, N-diisopropyltryptamine,]~~
2 5-methoxy-3, 4-methylenedioxy amphetamine;
3 4-methoxyamphetamine (some trade or other
4 names: 4-methoxy-alpha-methylphenethylamine;
5 paramethoxyamphetamine; PMA);
6 4-methoxymethamphetamine (PMMA);
7 2-(2-methoxyphenyl)-2-(methylamino)cyclohexanone
8 (some trade and other names: 2-MeO-ketamine; methoxyketamine);
9 1-methyl- 4-phenyl-4-propionoxypiperidine (MPPP,
10 PPMP);
11 4-methyl-2, 5-dimethoxyamphetamine (some trade
12 and other names: 4-methyl-2, 5-dimethoxy-alpha-
13 methylphenethylamine; "DOM"; "STP");
14 3,4-methylenedioxy methamphetamine (MDMA, MDM);
15 3,4-methylenedioxy amphetamine;
16 3,4-methylenedioxy N-ethylamphetamine (Also
17 known as N-ethyl MDA);
18 5,6-methylenedioxy-2-aminoindane (MDAI);
19 Nabilone (Another name for nabilone: (+)-trans-
20 3-(1,1-dimethylheptyl)- 6,6a, 7,8,10,10a-hexahydro-1-hydroxy- 6,
21 6-dimethyl-9H-dibenzo[b,d] pyran-9-one;
22 N-benzylpiperazine (some trade or other
23 names: BZP; 1-benzylpiperazine);
24 N-ethyl-3-piperidyl benzilate;
25 N-hydroxy-3,4-methylenedioxyamphetamine (Also
26 known as N-hydroxy MDA);
27 4-methylaminorex;

1 N-methyl-3-piperidyl benzilate;
2 Parahexyl (some trade or other names: 3-Hexyl-1-
3 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d]
4 pyran; Synhexyl);
5 1-Phenylcyclohexylamine;
6 1-Piperidinocyclohexanecarbonitrile (PCC);
7 ~~[Psilocin,~~
8 ~~[Psilocybin,~~
9 Pyrrolidine Analog of Phencyclidine (some trade
10 or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);
11 Tetrahydrocannabinols, other than marihuana, and
12 synthetic equivalents of the substances contained in the plant, or
13 in the resinous extractives of Cannabis, or synthetic substances,
14 derivatives, and their isomers with similar chemical structure and
15 pharmacological activity such as:
16 delta-1 cis or trans tetrahydrocannabinol,
17 and their optical isomers;
18 delta-6 cis or trans tetrahydrocannabinol,
19 and their optical isomers;
20 delta-3, 4 cis or trans
21 tetrahydrocannabinol, and its optical isomers; or
22 compounds of these structures, regardless of
23 numerical designation of atomic positions, since nomenclature of
24 these substances is not internationally standardized;
25 Thiophene Analog of Phencyclidine (some trade or
26 other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl
27 Analog of Phencyclidine; TPCP, TCP);

1 1-pyrrolidine (some trade or other name: TCPy);
2 1-(3-trifluoromethylphenyl)piperazine (trade or
3 other name: TFMPP); and
4 3,4,5-trimethoxy amphetamine;
5 (2) Phenylacetone (some trade or other
6 names: Phenyl-2-propanone; P2P, Benzylmethyl ketone, methyl benzyl
7 ketone);
8 (3) unless specifically excepted or unless listed in
9 another Penalty Group, a material, compound, mixture, or
10 preparation that contains any quantity of the following substances
11 having a potential for abuse associated with a depressant or
12 stimulant effect on the central nervous system:
13 Aminorex (some trade or other
14 names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-
15 phenyl-2-oxazolamine);
16 Amphetamine, its salts, optical isomers, and
17 salts of optical isomers;
18 Cathinone (some trade or other names: 2-amino-1-
19 phenyl-1-propanone, alpha-aminopropiophenone, 2-
20 aminopropiophenone);
21 Etaqualone and its salts;
22 Etorphine Hydrochloride;
23 Fenethylline and its salts;
24 Lisdexamfetamine, including its salts, isomers,
25 and salts of isomers;
26 Mecloqualone and its salts;
27 Methaqualone and its salts;

Methcathinone (some trade or other names: 2-methylamino-propionophenone; alpha-(methylamino)propionophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropionophenone; monomethylpropion; ephedrone, N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR 1431);

N-Ethylamphetamine, its salts, optical isomers, and salts of optical isomers; and

N,N-dimethylamphetamine (some trade or other names: N,N,alpha-trimethylbenzeneethanamine

~~[N,N,alpha-trimethylbenzeneethanamine]~~; N,N,alpha-trimethylphenethylamine), its salts, optical isomers, and salts of optical isomers; ~~and~~

(4) any compound structurally derived from 2-aminopropanal by substitution at the 1-position with any monocyclic or fused-polycyclic ring system, including:

(A) compounds further modified by:

(i) substitution in the ring system to any extent (including alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents), whether or not further substituted in the ring system by other substituents;

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

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

(B) by example, compounds such as:

1 4-Methylmethcathinone (Also known as
 2 Mephedrone);
 3 3,4-Dimethylmethcathinone (Also known as
 4 3,4-DMMC);
 5 3-Fluoromethcathinone (Also known as 3-FMC);
 6 4-Fluoromethcathinone (Also known as
 7 Flephedrone);
 8 3,4-Methylenedioxy-N-methylcathinone (Also
 9 known as Methylone);
 10 3,4-Methylenedioxypyrovalerone (Also known
 11 as MDPV);
 12 alpha-Pyrrolidinopentiophenone (Also known
 13 as alpha-PVP);
 14 Naphthylpyrovalerone (Also known as
 15 Naphyrone);
 16 alpha-Methylamino-valerophenone (Also known
 17 as Pentedrone);
 18 beta-Keto-N-methylbenzodioxolylpropylamine
 19 (Also known as Butylone);
 20 beta-Keto-N-methylbenzodioxolylpentanamine
 21 (Also known as Pentylone);
 22 beta-Keto-Ethylbenzodioxolylbutanamine
 23 (Also known as Eutylone); and
 24 3,4-methylenedioxy-N-ethylcathinone (Also
 25 known as Ethylone);
 26 (5) any compound structurally derived from tryptamine
 27 (3-(2-aminoethyl)indole) or a ring-hydroxy tryptamine:

(A) by modification in any of the following ways:

(i) by substitution at the amine nitrogen atom of the sidechain to any extent with alkyl or alkenyl groups or by inclusion of the amine nitrogen atom of the side chain (and no other atoms of the side chain) in a cyclic structure;

(ii) by substitution at the carbon atom adjacent to the nitrogen atom of the side chain (alpha-position) with an alkyl or alkenyl group;

(iii) by substitution in the 6-membered ring to any extent with alkyl, alkoxy, haloalkyl, thioalkyl, alkylenedioxy, or halide substituents; or

(iv) by substitution at the 2-position of the tryptamine ring system with an alkyl substituent; and

(B) including:

(i) ethers and esters of the controlled substances listed in this subdivision; and

(ii) by example, compounds such as:

alpha-ethyltryptamine;

alpha-methyltryptamine;

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);

Dimethyltryptamine (trade or other name: DMT);

1 5-methoxy-N, N-diisopropyltryptamine
2 (5-MeO-DIPT);
3 O-Acetylpsilocin (Trade or other name:
4 4-Aco-DMT);
5 Psilocin; and
6 Psilocybin;
7 (6) 2,5-Dimethoxyphenethylamine and any compound
8 structurally derived from 2,5-Dimethoxyphenethylamine by
9 substitution at the 4-position of the phenyl ring to any extent
10 (including alkyl, alkoxy, alkylendioxy, haloalkyl, or halide
11 substituents), including, by example, compounds such as:
12 4-Bromo-2,5-dimethoxyphenethylamine (trade or
13 other name: 2C-B);
14 4-Chloro-2,5-dimethoxyphenethylamine (trade or
15 other name: 2C-C);
16 2,5-Dimethoxy-4-methylphenethylamine (trade or
17 other name: 2C-D);
18 4-Ethyl-2,5-dimethoxyphenethylamine (trade or
19 other name: 2C-E);
20 4-Iodo-2,5-dimethoxyphenethylamine (trade or
21 other name: 2C-I);
22 2,5-Dimethoxy-4-nitrophenethylamine (trade or
23 other name: 2C-N);
24 2,5-Dimethoxy-4-(n)-propylphenethylamine (trade
25 or other name: 2C-P);
26 4-Ethylthio-2,5-dimethoxyphenethylamine (trade
27 or other name: 2C-T-2);

1 4-Isopropylthio-2,5-dimethoxyphenethylamine
2 (trade or other name: 2C-T-4); and
3 2,5-Dimethoxy-4-(n)-propylthiophenethylamine
4 (trade or other name: 2C-T-7); and
5 (7) 2,5-Dimethoxyamphetamine and any compound
6 structurally derived from 2,5-Dimethoxyamphetamine by substitution
7 at the 4-position of the phenyl ring to any extent (including alkyl,
8 alkoxy, alkylenedioxy, haloalkyl, or halide substituents),
9 including, by example, compounds such as:
10 4-Ethylthio-2,5-dimethoxyamphetamine (trade or
11 other name: Aleph-2);
12 4-Isopropylthio-2,5-dimethoxyamphetamine (trade
13 or other name: Aleph-4);
14 4-Bromo-2,5-dimethoxyamphetamine (trade or other
15 name: DOB);
16 4-Chloro-2,5-dimethoxyamphetamine (trade or
17 other name: DOC);
18 2,5-Dimethoxy-4-ethylamphetamine (trade or other
19 name: DOET);
20 4-Iodo-2,5-dimethoxyamphetamine (trade or other
21 name: DOI);
22 2,5-Dimethoxy-4-methylamphetamine (trade or
23 other name: DOM);
24 2,5-Dimethoxy-4-nitroamphetamine (trade or other
25 name: DON);
26 4-Isopropyl-2,5-dimethoxyamphetamine (trade or
27 other name: DOIP); and

1 2,5-Dimethoxy-4-(n)-propylamphetamine (trade or
2 other name: DOPR).

3 (c) To the extent Subsection (a)(4), (5), (6), or (7)
4 conflicts with another provision or this subtitle or another law,
5 the other provision [~~subtitle~~] or the other law prevails. If a
6 substance listed in this section is also listed in another penalty
7 group, the listing in the other penalty group controls.

8 (d) If a substance listed in this section is approved by the
9 Federal Drug Administration, the inclusion of that substance in
10 this penalty group does not apply, and notwithstanding any other
11 law, a person may not be convicted for the manufacture or delivery
12 of the substance under Section 481.113 or for possession of the
13 substance under Section 481.116.

14 SECTION 4. The change in law made by this Act applies only
15 to an offense committed on or after the effective date of this Act.
16 An offense committed before the effective date of this Act is
17 governed by the law in effect on the date the offense was committed,
18 and the former law is continued in effect for that purpose. For
19 purposes of this section, an offense was committed before the
20 effective date of this Act if any element of the offense occurred
21 before that date.

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