

By: Perry

S.B. No. 199

A BILL TO BE ENTITLED

AN ACT

relating to the designation of certain synthetic compounds to
Penalty Group 2 or 2-A of the Texas Controlled Substances Act.

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

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

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

(6) "Controlled substance analogue" means:

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

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

SECTION 2. Section 481.103(a), Health and Safety Code, is
amended to read as follows:

(a) Penalty Group 2 consists of:

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

- 6 alpha-ethyltryptamine;
7 alpha-methyltryptamine;
8 5-(2-aminopropyl)benzofuran (5-APB);
9 6-(2-aminopropyl)benzofuran (6-APB);
10 5-(2-aminopropyl)-2,3-dihydrobenzofuran
11 (5-APDB);
12 6-(2-aminopropyl)-2,3-dihydrobenzofuran
13 (6-APDB);
14 5-(2-aminopropyl)indole (Trade or other names:
15 5-IT, 5-API);
16 6-(2-aminopropyl)indole (Trade or other names:
17 6-IT, 6-API);
18 Benzothiophenylcyclohexylpiperidine (BTCP);
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 8-bromo-alpha-methyl-benzo[1,2-b:4,5-b']difuran-
24 4-ethanamine (Trade or other name: Bromo-DragonFLY);
25 Bufotenine (some trade and other names: 3-(beta-
26 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)- 5-
27 indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-

1 dimethyltryptamine; mappine);
2 Desoxypipradrol (2-benzhydrylpiperidine);
3 Diethyltryptamine (some trade and other names: N,
4 N-Diethyltryptamine, DET);
5 2, 5-dimethoxyamphetamine (some trade or other
6 names: 2, 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA);
7 2, 5-dimethoxy-4-ethylamphetamine (trade or other
8 name: DOET);
9 2, 5-dimethoxy-4-(n)-propylthiophenethylamine
10 (trade or other name: 2C-T-7);
11 Dimethyltryptamine (trade or other name: DMT);
12 Diphenylprolinol (diphenyl(pyrrolidin-2-yl)
13 methanol, D2PM);
14 Dronabinol (synthetic) in sesame oil and
15 encapsulated in a soft gelatin capsule in a U.S. Food and Drug
16 Administration approved drug product (some trade or other names for
17 Dronabinol: (a6aR-trans)-6a,7,8,10a-tetrahydro- 6,6, 9-
18 trimethyl-3-pentyl-6H- dibenzo [b,d]pyran-1-ol or (-)-delta-9-
19 (trans)- tetrahydrocannabinol);
20 Ethylamine Analog of Phencyclidine (some trade or
21 other names: N-ethyl-1-phenylcyclohexylamine, (1-
22 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine,
23 cyclohexamine, PCE);
24 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone
25 (Trade or other name: methoxetamine);
26 Ibogaine (some trade or other names: 7-Ethyl-6,
27 6, beta 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-

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

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

1 tetrahydrocannabinol, and its optical isomers;

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

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

8 1-pyrrolidine (some trade or other name: TCPy);

9 1-(3-trifluoromethylphenyl)piperazine (trade or
10 other name: TFMPP); and

11 3,4,5-trimethoxy amphetamine;

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

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

20 Aminorex (some trade or other names: aminoxaphen;
21 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-
22 phenyl-2-oxazolamine);

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

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

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

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

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

6 (B) by example, compounds such as:

7 4-Methoxymethcathinone (Also known as
8 Methedrone);

9 4-Methylmethcathinone (Also known as
10 Mephedrone);

11 3,4-Dimethylmethcathinone (Also known as
12 3,4-DMMC);

13 3-Fluoromethcathinone (Also known as 3-FMC);

14 4-Fluoromethcathinone (Also known as
15 Flephedrone);

16 3,4-Methylenedioxy-N-methylcathinone (Also
17 known as Methylone);

18 3,4-Methylenedioxypropylpyrovalerone (Also known
19 as MDPV);

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

22 Naphthylpyrovalerone (Also known as
23 Naphyrone);

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

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

1 beta-Keto-Ethylbenzodioxolylbutanamine
2 (Also known as Eutylone); and
3 3,4-methylenedioxy-N-ethylcathinone (Also
4 known as Ethylone).

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

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

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

20 AM-2201;

21 JWH-004;

22 JWH-007;

23 JWH-009;

24 JWH-015;

25 JWH-016;

26 JWH-018;

27 JWH-019;

- 1 JWH-020;
- 2 JWH-046;
- 3 JWH-047;
- 4 JWH-048;
- 5 JWH-049;
- 6 JWH-050;
- 7 JWH-073;
- 8 JWH-076;
- 9 JWH-079;
- 10 JWH-080;
- 11 JWH-081;
- 12 JWH-082;
- 13 JWH-083;
- 14 JWH-093;
- 15 JWH-094;
- 16 JWH-095;
- 17 JWH-096;
- 18 JWH-097;
- 19 JWH-098;
- 20 JWH-099;
- 21 JWH-100;
- 22 JWH-116;
- 23 JWH-122;
- 24 JWH-148;
- 25 JWH-149;
- 26 JWH-153;
- 27 JWH-159;

- 1 JWH-164;
- 2 JWH-165;
- 3 JWH-166;
- 4 JWH-180;
- 5 JWH-181;
- 6 JWH-182;
- 7 JWH-189;
- 8 JWH-193;
- 9 JWH-198;
- 10 JWH-200;
- 11 JWH-210;
- 12 JWH-211;
- 13 JWH-212;
- 14 JWH-213;
- 15 JWH-234;
- 16 JWH-235;
- 17 JWH-239;
- 18 JWH-240;
- 19 JWH-241;
- 20 JWH-242;
- 21 JWH-258;
- 22 JWH-259;
- 23 JWH-260;
- 24 JWH-262;
- 25 JWH-267;
- 26 JWH-386;
- 27 JWH-387;

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

10 naphthylmethylindones structurally derived from
11 1H-indol-3-yl-(1-naphthyl)methane with or without [~~by~~]
12 substitution at the nitrogen atom of the indole ring by alkyl,
13 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
14 (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-
15 2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-
16 morpholinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not
17 further substituted in the indole ring to any extent, whether or not
18 substituted in the naphthyl ring to any extent, including:

19 JWH-175;
20 JWH-184;
21 JWH-185;
22 JWH-192;
23 JWH-194;
24 JWH-195;
25 JWH-196;
26 JWH-197; and
27 JWH-199;

1 naphthoylpyrroles structurally derived from
2 3-(1-naphthoyl)pyrrole with or without [by] substitution at the
3 nitrogen atom of the pyrrole ring by 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 pyrrole ring to any extent, whether or not substituted in the
9 naphthyl ring to any extent, including:

10 JWH-030;
11 JWH-145;
12 JWH-146;
13 JWH-147;
14 JWH-150;
15 JWH-156;
16 JWH-243;
17 JWH-244;
18 JWH-245;
19 JWH-246;
20 JWH-292;
21 JWH-293;
22 JWH-307;
23 JWH-308;
24 JWH-309;
25 JWH-346;
26 JWH-347;
27 JWH-348;

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

13 naphthylmethylindenes structurally derived from
14 1-(1-naphthylmethyl)indene with or without [~~by~~] substitution at
15 the 3-position of the indene 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 indene ring to any extent, whether or not substituted in the
21 naphthyl ring to any extent, including:

- 22 JWH-171;
- 23 JWH-172;
- 24 JWH-173; and
- 25 JWH-176;

26 phenylacetylindoles structurally derived from
27 3-phenylacetylindole with or without [~~by~~] substitution at the

1 nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl,
2 cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)
3 methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl,
4 (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl,
5 or 2-(4-morpholinyl)ethyl, whether or not further substituted in
6 the indole ring to any extent, whether or not substituted in the
7 phenyl ring to any extent, including:

8 AM-694;
9 AM-1241;
10 JWH-167;
11 JWH-203;
12 JWH-204;
13 JWH-205;
14 JWH-206;
15 JWH-208;
16 JWH-237;
17 JWH-248;
18 JWH-249;
19 JWH-250;
20 JWH-251;
21 JWH-252;
22 JWH-253;
23 JWH-302;
24 JWH-303;
25 JWH-305;
26 JWH-306;
27 JWH-311;

1 JWH-312;
2 JWH-313;
3 JWH-314; and
4 JWH-315;

5 cyclohexylphenols structurally derived from
6 2-(3-hydroxycyclohexyl)phenol with or without [by] substitution at
7 the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl,
8 cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)
9 methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl,
10 (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl,
11 or 2-(4-morpholinyl)ethyl, whether or not substituted in the
12 cyclohexyl ring to any extent, including:

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

21 benzoylindoles structurally derived from
22 3-(1-naphthoyl)indole with or without substitution at the nitrogen
23 atom of the indole ring with alkyl, haloalkyl, alkenyl,
24 cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)
25 methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl,
26 (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl,
27 or 2-(4-morpholinyl)ethyl, whether or not further substituted in

1 the indole ring to any extent, whether or not substituted in the
2 phenyl ring to any extent, including:

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

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

6 cannabinol derivatives, except where contained in
7 marijuana, including tetrahydro derivatives of cannabinol and
8 3-alkyl homologues of cannabinol or of its tetrahydro derivatives,
9 such as:

10 Nabilone;

11 HU-210;

12 HU-211; and

13 WIN-55,212-2.

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

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

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

24 (2) is specifically designed to produce an effect
25 substantially similar to, or greater than, a controlled substance
26 listed in the applicable penalty group.

27 SECTION 5. The change in law made by this Act applies only

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

8 SECTION 6. This Act takes effect September 1, 2015.