

1-1 By: Dean, et al. (Senate Sponsor - Hughes) H.B. No. 2671
 1-2 (In the Senate - Received from the House May 3, 2017;
 1-3 May 4, 2017, read first time and referred to Committee on Criminal
 1-4 Justice; May 19, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nay 0;
 1-6 May 19, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2671 By: Whitmire

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the placement of certain substances in Penalty Groups 1
 1-22 and 3 of the Texas Controlled Substances Act for the purposes of
 1-23 prosecution of criminal offenses involving those substances.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 481.102, Health and Safety Code, is
 1-26 amended to read as follows:

1-27 Sec. 481.102. PENALTY GROUP 1. Penalty Group 1 consists
 1-28 of:

1-29 (1) the following opiates, including their isomers,
 1-30 esters, ethers, salts, and salts of isomers, esters, and ethers,
 1-31 unless specifically excepted, if the existence of these isomers,
 1-32 esters, ethers, and salts is possible within the specific chemical
 1-33 designation:

- 1-34 Alfentanil;
- 1-35 Allylprodine;
- 1-36 Alphacetylmethadol;
- 1-37 Benzethidine;
- 1-38 Betaprodine;
- 1-39 Clonitazene;
- 1-40 Diampromide;
- 1-41 Diethylthiambutene;
- 1-42 Difenoquin not listed in Penalty Group 3 or 4;
- 1-43 Dimenoxadol;
- 1-44 Dimethylthiambutene;
- 1-45 Dioxaphetyl butyrate;
- 1-46 Dipipanone;
- 1-47 Ethylmethylthiambutene;
- 1-48 Etonitazene;
- 1-49 Etoxadine;
- 1-50 Furethidine;
- 1-51 Hydroxypethidine;
- 1-52 Ketobemidone;
- 1-53 Levophenacetylmorphan;
- 1-54 Meprodine;
- 1-55 Methadol;
- 1-56 Moramide;
- 1-57 Morpheridine;
- 1-58 Noracymethadol;
- 1-59 Norlevorphanol;
- 1-60 Normethadone;

- 2-1 Norpipanone;
- 2-2 Phenadoxone;
- 2-3 Phenampromide;
- 2-4 Phenomorphan;
- 2-5 Phenoperidine;
- 2-6 Piritramide;
- 2-7 Proheptazine;
- 2-8 Properidine;
- 2-9 Propiram;
- 2-10 Sufentanil;
- 2-11 Tilidine; and
- 2-12 Trimeperidine;
- 2-13 (2) the following opium derivatives, their salts,
- 2-14 isomers, and salts of isomers, unless specifically excepted, if the
- 2-15 existence of these salts, isomers, and salts of isomers is possible
- 2-16 within the specific chemical designation:
- 2-17 Acetorphine;
- 2-18 Acetyldihydrocodeine;
- 2-19 Benzylmorphine;
- 2-20 Codeine methylbromide;
- 2-21 Codeine-N-Oxide;
- 2-22 Cyprenorphine;
- 2-23 Desomorphine;
- 2-24 Dihydromorphine;
- 2-25 Drotebanol;
- 2-26 Etorphine, except hydrochloride salt;
- 2-27 Heroin;
- 2-28 Hydromorphanol;
- 2-29 Methyldesorphine;
- 2-30 Methyldihydromorphine;
- 2-31 Monoacetylmorphine;
- 2-32 Morphine methylbromide;
- 2-33 Morphine methylsulfonate;
- 2-34 Morphine-N-Oxide;
- 2-35 Myrophine;
- 2-36 Nicocodeine;
- 2-37 Nicomorphine;
- 2-38 Normorphine;
- 2-39 Pholcodine; and
- 2-40 Thebacon;
- 2-41 (3) the following substances, however produced,
- 2-42 except those narcotic drugs listed in another group:
- 2-43 (A) Opium and opiate not listed in Penalty Group
- 2-44 3 or 4, and a salt, compound, derivative, or preparation of opium or
- 2-45 opiate, other than thebaine derived butorphanol, nalmeferne and its
- 2-46 salts, naloxone and its salts, and naltrexone and its salts, but
- 2-47 including:
- 2-48 Codeine not listed in Penalty Group 3 or 4;
- 2-49 Dihydroetorphine;
- 2-50 Ethylmorphine not listed in Penalty Group 3
- 2-51 or 4;
- 2-52 Granulated opium;
- 2-53 Hydrocodone not listed in Penalty Group 3;
- 2-54 Hydromorphone;
- 2-55 Metopon;
- 2-56 Morphine not listed in Penalty Group 3;
- 2-57 Opium extracts;
- 2-58 Opium fluid extracts;
- 2-59 Oripavine;
- 2-60 Oxycodone;
- 2-61 Oxymorphone;
- 2-62 Powdered opium;
- 2-63 Raw opium;
- 2-64 Thebaine; and
- 2-65 Tincture of opium;
- 2-66 (B) a salt, compound, isomer, derivative, or
- 2-67 preparation of a substance that is chemically equivalent or
- 2-68 identical to a substance described by Paragraph (A), other than the
- 2-69 isoquinoline alkaloids of opium;

3-1 (C) Opium poppy and poppy straw;

3-2 (D) Cocaine, including:

3-3 (i) its salts, its optical, position, and

3-4 geometric isomers, and the salts of those isomers;

3-5 (ii) coca leaves and a salt, compound,

3-6 derivative, or preparation of coca leaves; and

3-7 (iii) a salt, compound, derivative, or

3-8 preparation of a salt, compound, or derivative that is chemically

3-9 equivalent or identical to a substance described by Subparagraph

3-10 (i) or (ii), other than decocainized coca leaves or extractions of

3-11 coca leaves that do not contain cocaine or ecgonine; and

3-12 (E) concentrate of poppy straw, meaning the crude

3-13 extract of poppy straw in liquid, solid, or powder form that

3-14 contains the phenanthrine alkaloids of the opium poppy;

3-15 (4) the following opiates, including their isomers,

3-16 esters, ethers, salts, and salts of isomers, if the existence of

3-17 these isomers, esters, ethers, and salts is possible within the

3-18 specific chemical designation:

3-19 Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-

3-20 phenethyl)-4-piperidinyl]-N-phenylacetamide);

3-21 Alpha-methylthiofentanyl (N-[1-methyl-2-(2-

3-22 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

3-23 Alphaprodine;

3-24 Anileridine;

3-25 Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-

3-26 phenethyl)-4-piperidinyl]-N-phenylpropanamide);

3-27 Beta-hydroxy-3-methylfentanyl;

3-28 Bezitramide;

3-29 Carfentanil;

3-30 Dihydrocodeine not listed in Penalty Group 3 or 4;

3-31 Diphenoxylate not listed in Penalty Group 3 or 4;

3-32 Fentanyl or alpha-methylfentanyl, or any other

3-33 derivative of Fentanyl;

3-34 Isomethadone;

3-35 Levomethorphan;

3-36 Levorphanol;

3-37 Metazocine;

3-38 Methadone;

3-39 Methadone-Intermediate, 4-cyano-2-dimethylamino-

3-40 4, 4-diphenyl butane;

3-41 3-methylfentanyl(N-[3-methyl-1-(2-phenylethyl)-

3-42 4-piperidyl]-N-phenylpropanamide);

3-43 3-methylthiofentanyl(N-[3-methyl-1-(2-thienyl)

3-44 ethyl-4-piperidinyl]-N-phenylpropanamide);

3-45 Moramide-Intermediate, 2-methyl-3-morpholino-1,

3-46 1-diphenyl-propane-carboxylic acid;

3-47 Para-fluorofentanyl(N-(4-fluorophenyl)-N-1-(2-

3-48 phenylethyl)-4-piperidinylpropanamide);

3-49 PEPAP (1-(2-phenethyl)-4-phenyl-4-

3-50 acetoxypiperidine);

3-51 Pethidine (Meperidine);

3-52 Pethidine-Intermediate-A, 4-cyano-1-methyl-4-

3-53 phenylpiperidine;

3-54 Pethidine-Intermediate-B, ethyl-4-

3-55 phenylpiperidine-4 carboxylate;

3-56 Pethidine-Intermediate-C, 1-methyl-4-

3-57 phenylpiperidine-4-carboxylic acid;

3-58 Phenazocine;

3-59 Piminodine;

3-60 Racemethorphan;

3-61 Racemorphan;

3-62 Remifentanil; and

3-63 Thiofentanyl(N-phenyl-N-[1-(2-thienyl)ethyl-4-pi

3-64 peridinyl]-propanamide);

3-65 (5) Flunitrazepam (trade or other name: Rohypnol);

3-66 (6) Methamphetamine, including its salts, optical

3-67 isomers, and salts of optical isomers;

3-68 (7) Phenylacetone and methylamine, if possessed

3-69 together with intent to manufacture methamphetamine;

- 4-1 (8) Phencyclidine, including its salts;
- 4-2 (9) Gamma hydroxybutyric acid (some trade or other
- 4-3 names: gamma hydroxybutyrate, GHB), including its salts; [~~and~~]
- 4-4 (10) Ketamine;
- 4-5 (11) Phenazepam;
- 4-6 (12) U-47700;
- 4-7 (13) AH-7921;
- 4-8 (14) ADB-FUBINACA;
- 4-9 (15) AMB-FUBINACA; and
- 4-10 (16) MDMB-CHMICA.

4-11 SECTION 2. Section 481.104(a), Health and Safety Code, is

4-12 amended to read as follows:

4-13 (a) Penalty Group 3 consists of:

4-14 (1) a material, compound, mixture, or preparation that

4-15 contains any quantity of the following substances having a

4-16 potential for abuse associated with a stimulant effect on the

4-17 central nervous system:

4-18 Methylphenidate and its salts; and

4-19 Phenmetrazine and its salts;

4-20 (2) a material, compound, mixture, or preparation that

4-21 contains any quantity of the following substances having a

4-22 potential for abuse associated with a depressant effect on the

4-23 central nervous system:

4-24 a substance that contains any quantity of a

4-25 derivative of barbituric acid, or any salt of a derivative of

4-26 barbituric acid not otherwise described by this subsection;

4-27 a compound, mixture, or preparation containing

4-28 amobarbital, secobarbital, pentobarbital, or any salt of any of

4-29 these, and one or more active medicinal ingredients that are not

4-30 listed in any penalty group;

4-31 a suppository dosage form containing amobarbital,

4-32 secobarbital, pentobarbital, or any salt of any of these drugs, and

4-33 approved by the United States Food and Drug Administration for

4-34 marketing only as a suppository;

4-35 Alprazolam;

4-36 Amobarbital;

4-37 Bromazepam;

4-38 Camazepam;

4-39 Carisoprodol;

4-40 Chlordiazepoxide;

4-41 Chlorhexadol;

4-42 Clobazam;

4-43 Clonazepam;

4-44 Clorazepate;

4-45 Clotiazepam;

4-46 Cloxazolam;

4-47 Delorazepam;

4-48 Diazepam;

4-49 Estazolam;

4-50 Ethyl loflazepate;

4-51 Etizolam;

4-52 Fludiazepam;

4-53 Flurazepam;

4-54 Glutethimide;

4-55 Halazepam;

4-56 Haloxzolam;

4-57 Ketazolam;

4-58 Loprazolam;

4-59 Lorazepam;

4-60 Lormetazepam;

4-61 Lysergic acid, including its salts, isomers, and

4-62 salts of isomers;

4-63 Lysergic acid amide, including its salts,

4-64 isomers, and salts of isomers;

4-65 Mebutamate;

4-66 Medazepam;

4-67 Methyprylon;

4-68 Midazolam;

4-69 Nimetazepam;

5-1 Nitrazepam;
 5-2 Nordiazepam;
 5-3 Oxazepam;
 5-4 Oxazolam;
 5-5 Pentazocine, its salts, derivatives, or compounds
 5-6 or mixtures thereof;
 5-7 Pentobarbital;
 5-8 Pinazepam;
 5-9 Prazepam;
 5-10 Quazepam;
 5-11 Secobarbital;
 5-12 Sulfondiethylmethane;
 5-13 Sulfonethylmethane;
 5-14 Sulfonmethane;
 5-15 Temazepam;
 5-16 Tetrazepam;
 5-17 Tiletamine and zolazepam in combination, and its
 5-18 salts. (some trade or other names for a tiletamine-zolazepam
 5-19 combination product: Telazol, for tiletamine: 2-(ethylamino)-
 5-20 2-(2-thienyl)-cyclohexanone, and for zolazepam: 4-(2-
 5-21 fluorophenyl)-6, 8-dihydro-1,3,8,-trimethylpyrazolo-[3,4-
 5-22 e](1,4)-diazepin-7(1H)-one, flupyrzapon);
 5-23 Tramadol;
 5-24 Triazolam;
 5-25 Zaleplon;
 5-26 Zolpidem; and
 5-27 Zopiclone;
 5-28 (3) Nalorphine;
 5-29 (4) a material, compound, mixture, or preparation
 5-30 containing limited quantities of the following narcotic drugs, or
 5-31 any of their salts:
 5-32 not more than 1.8 grams of codeine, or any of its
 5-33 salts, per 100 milliliters or not more than 90 milligrams per dosage
 5-34 unit, with an equal or greater quantity of an isoquinoline alkaloid
 5-35 of opium;
 5-36 not more than 1.8 grams of codeine, or any of its
 5-37 salts, per 100 milliliters or not more than 90 milligrams per dosage
 5-38 unit, with one or more active, nonnarcotic ingredients in
 5-39 recognized therapeutic amounts;
 5-40 not more than 300 milligrams of dihydrocodeinone
 5-41 (hydrocodone), or any of its salts, per 100 milliliters or not more
 5-42 than 15 milligrams per dosage unit, with a fourfold or greater
 5-43 quantity of an isoquinoline alkaloid of opium;
 5-44 not more than 300 milligrams of dihydrocodeinone
 5-45 (hydrocodone), or any of its salts, per 100 milliliters or not more
 5-46 than 15 milligrams per dosage unit, with one or more active,
 5-47 nonnarcotic ingredients in recognized therapeutic amounts;
 5-48 not more than 1.8 grams of dihydrocodeine, or any
 5-49 of its salts, per 100 milliliters or not more than 90 milligrams per
 5-50 dosage unit, with one or more active, nonnarcotic ingredients in
 5-51 recognized therapeutic amounts;
 5-52 not more than 300 milligrams of ethylmorphine, or
 5-53 any of its salts, per 100 milliliters or not more than 15 milligrams
 5-54 per dosage unit, with one or more active, nonnarcotic ingredients
 5-55 in recognized therapeutic amounts;
 5-56 not more than 500 milligrams of opium per 100
 5-57 milliliters or per 100 grams, or not more than 25 milligrams per
 5-58 dosage unit, with one or more active, nonnarcotic ingredients in
 5-59 recognized therapeutic amounts;
 5-60 not more than 50 milligrams of morphine, or any of
 5-61 its salts, per 100 milliliters or per 100 grams with one or more
 5-62 active, nonnarcotic ingredients in recognized therapeutic amounts;
 5-63 and
 5-64 not more than 1 milligram of difenoxin and not
 5-65 less than 25 micrograms of atropine sulfate per dosage unit;
 5-66 (5) a material, compound, mixture, or preparation that
 5-67 contains any quantity of the following substances:
 5-68 Barbitol;
 5-69 Chloral betaine;

- 6-1 Chloral hydrate;
6-2 Ethchlorvynol;
6-3 Ethinamate;
6-4 Meproamate;
6-5 Methohexital;
6-6 Methylphenobarbital (Mephobarbital);
6-7 Paraldehyde;
6-8 Petrichloral; and
6-9 Phenobarbital;
- 6-10 (6) Peyote, unless unharvested and growing in its
6-11 natural state, meaning all parts of the plant classified
6-12 botanically as *Lophophora*, whether growing or not, the seeds of the
6-13 plant, an extract from a part of the plant, and every compound,
6-14 manufacture, salt, derivative, mixture, or preparation of the
6-15 plant, its seeds, or extracts;
- 6-16 (7) unless listed in another penalty group, a
6-17 material, compound, mixture, or preparation that contains any
6-18 quantity of the following substances having a stimulant effect on
6-19 the central nervous system, including the substance's salts,
6-20 optical, position, or geometric isomers, and salts of the
6-21 substance's isomers, if the existence of the salts, isomers, and
6-22 salts of isomers is possible within the specific chemical
6-23 designation:
- 6-24 Benzphetamine;
6-25 Cathine [(+)-norpseudoephedrine];
6-26 Chlorphentermine;
6-27 Clortermine;
6-28 Diethylpropion;
6-29 Fencamfamin;
6-30 Fenfluramine;
6-31 Fenproporex;
6-32 Mazindol;
6-33 Mefenorex;
6-34 Modafinil;
6-35 Pemoline (including organometallic complexes and
6-36 their chelates);
6-37 Phendimetrazine;
6-38 Phentermine;
6-39 Pipradrol;
6-40 Sibutramine; and
6-41 SPA [(-)-1-dimethylamino-1,2-diphenylethane];
- 6-42 (8) unless specifically excepted or unless listed in
6-43 another penalty group, a material, compound, mixture, or
6-44 preparation that contains any quantity of the following substance,
6-45 including its salts:
- 6-46 Dextropropoxyphene (Alpha-(+)-4-dimethylamino-
6-47 1,2-diphenyl-3-methyl-2-propionoxybutane);
- 6-48 (9) an anabolic steroid, including any drug or
6-49 hormonal substance, or any substance that is chemically or
6-50 pharmacologically related to testosterone, other than an estrogen,
6-51 progestin, dehydroepiandrosterone, or corticosteroid, and promotes
6-52 muscle growth, including the following drugs and substances and any
6-53 salt, ester, or ether of the following drugs and substances:
- 6-54 Androstenediol;
6-55 Androstenedione;
6-56 Androstenediol;
6-57 Androstenedione;
6-58 Bolasterone;
6-59 Boldenone;
6-60 Calusterone;
6-61 Clostebol;
6-62 Dehydrochlormethyltestosterone;
6-63 Delta-1-dihydrotestosterone;
6-64 Dihydrotestosterone (4-dihydrotestosterone);
6-65 Drostanolone;
6-66 Ethylestrenol;
6-67 Fluoxymesterone;
6-68 Formebolone;
6-69 Furazabol;

- 7-1 13beta-ethyl-17beta-hydroxygon-4-en-3-one;
- 7-2 4-hydroxytestosterone;
- 7-3 4-hydroxy-19-nortestosterone;
- 7-4 Mestanolone;
- 7-5 Mesterolone;
- 7-6 Methandienone;
- 7-7 Methandriol;
- 7-8 Methenolone;
- 7-9 17alpha-methyl-3beta, 17 beta-dihydroxy-5alpha-
- 7-10 androstane;
- 7-11 17alpha-methyl-3alpha, 17 beta-dihydroxy-5alpha-
- 7-12 androstane;
- 7-13 17alpha-methyl-3beta, 17beta-dihydroxyandrost-4-
- 7-14 ene;
- 7-15 17alpha-methyl-4-hydroxynandrolone;
- 7-16 Methyldienolone;
- 7-17 Methyltestosterone;
- 7-18 Methyltrienolone;
- 7-19 17alpha-methyl-delta-1-dihydrotestosterone;
- 7-20 Mibolerone;
- 7-21 Nandrolone;
- 7-22 Norandrostenediol;
- 7-23 Norandrostenedione;
- 7-24 Norbolethone;
- 7-25 Norclostebol;
- 7-26 Norethandrolone;
- 7-27 Normethandrolone;
- 7-28 Oxandrolone;
- 7-29 Oxymesterone;
- 7-30 Oxymetholone;
- 7-31 Stanozolol;
- 7-32 Stenbolone;
- 7-33 Testolactone;
- 7-34 Testosterone;
- 7-35 Tetrahydrogestrinone; and
- 7-36 Trenbolone; and

7-37 (10) *Salvia divinorum*, unless unharvested and growing
 7-38 in its natural state, meaning all parts of that plant, whether
 7-39 growing or not, the seeds of that plant, an extract from a part of
 7-40 that plant, and every compound, manufacture, salt, derivative,
 7-41 mixture, or preparation of that plant, its seeds, or extracts,
 7-42 including Salvinorin A.

7-43 SECTION 3. The change in law made by this Act applies only
 7-44 to an offense committed on or after the effective date of this Act.
 7-45 An offense committed before the effective date of this Act is
 7-46 governed by the law in effect on the date the offense was committed,
 7-47 and the former law is continued in effect for that purpose. For
 7-48 purposes of this section, an offense was committed before the
 7-49 effective date of this Act if any element of the offense occurred
 7-50 before that date.

7-51 SECTION 4. This Act takes effect September 1, 2017.

7-52 * * * * *