

By: Hughes

S.B. No. 2176

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the placement of certain substances in Penalty Groups 1
3 and 3 of the Texas Controlled Substances Act for the purposes of
4 prosecution of criminal offenses involving those substances.

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

6 SECTION 1. Section 481.102, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 481.102. PENALTY GROUP 1. Penalty Group 1 consists
9 of:

10 (1) the following opiates, including their isomers,
11 esters, ethers, salts, and salts of isomers, esters, and ethers,
12 unless specifically excepted, if the existence of these isomers,
13 esters, ethers, and salts is possible within the specific chemical
14 designation:

- 15 Alfentanil;
- 16 Allylprodine;
- 17 Alphacetylmethadol;
- 18 Benzethidine;
- 19 Betaprodine;
- 20 Clonitazene;
- 21 Diampromide;
- 22 Diethylthiambutene;
- 23 Difenoquin not listed in Penalty Group 3 or 4;
- 24 Dimenoxadol;

- 1 Dimethylthiambutene;
- 2 Dioxaphetyl butyrate;
- 3 Dipipanone;
- 4 Ethylmethylthiambutene;
- 5 Etonitazene;
- 6 Etoxeridine;
- 7 Furethidine;
- 8 Hydroxypethidine;
- 9 Ketobemidone;
- 10 Levophenacylmorphane;
- 11 Meprodine;
- 12 Methadol;
- 13 Moramide;
- 14 Morpheridine;
- 15 Noracymethadol;
- 16 Norlevorphanol;
- 17 Normethadone;
- 18 Norpipanone;
- 19 Phenadoxone;
- 20 Phenampromide;
- 21 Phenomorphan;
- 22 Phenoperidine;
- 23 Piritramide;
- 24 Proheptazine;
- 25 Properidine;
- 26 Propiram;
- 27 Sufentanil;

1 Tilidine; and

2 Trimeperidine;

3 (2) the following opium derivatives, their salts,
4 isomers, and salts of isomers, unless specifically excepted, if the
5 existence of these salts, isomers, and salts of isomers is possible
6 within the specific chemical designation:

7 Acetorphine;

8 Acetyldihydrocodeine;

9 Benzylmorphine;

10 Codeine methylbromide;

11 Codeine-N-Oxide;

12 Cyprenorphine;

13 Desomorphine;

14 Dihydromorphine;

15 Drotebanol;

16 Etorphine, except hydrochloride salt;

17 Heroin;

18 Hydromorphenol;

19 Methyldesorphine;

20 Methyldihydromorphine;

21 Monoacetylmorphine;

22 Morphine methylbromide;

23 Morphine methylsulfonate;

24 Morphine-N-Oxide;

25 Myrophine;

26 Nicocodeine;

27 Nicomorphine;

1 Normorphine;
2 Pholcodine; and
3 Thebacon;

4 (3) the following substances, however produced,
5 except those narcotic drugs listed in another group:

6 (A) Opium and opiate not listed in Penalty Group
7 3 or 4, and a salt, compound, derivative, or preparation of opium or
8 opiate, other than thebaine derived butorphanol, nalmeffene and its
9 salts, naloxone and its salts, and naltrexone and its salts, but
10 including:

11 Codeine not listed in Penalty Group 3 or 4;
12 Dihydroetorphine;
13 Ethylmorphine not listed in Penalty Group 3
14 or 4;
15 Granulated opium;
16 Hydrocodone not listed in Penalty Group 3;
17 Hydromorphone;
18 Metopon;
19 Morphine not listed in Penalty Group 3;
20 Opium extracts;
21 Opium fluid extracts;
22 Oripavine;
23 Oxycodone;
24 Oxymorphone;
25 Powdered opium;
26 Raw opium;
27 Thebaine; and

1 Tincture of opium;

2 (B) a salt, compound, isomer, derivative, or
3 preparation of a substance that is chemically equivalent or
4 identical to a substance described by Paragraph (A), other than the
5 isoquinoline alkaloids of opium;

6 (C) Opium poppy and poppy straw;

7 (D) Cocaine, including:

8 (i) its salts, its optical, position, and
9 geometric isomers, and the salts of those isomers;

10 (ii) coca leaves and a salt, compound,
11 derivative, or preparation of coca leaves; and

12 (iii) a salt, compound, derivative, or
13 preparation of a salt, compound, or derivative that is chemically
14 equivalent or identical to a substance described by Subparagraph
15 (i) or (ii), other than decocainized coca leaves or extractions of
16 coca leaves that do not contain cocaine or ecgonine; and

17 (E) concentrate of poppy straw, meaning the crude
18 extract of poppy straw in liquid, solid, or powder form that
19 contains the phenanthrine alkaloids of the opium poppy;

20 (4) the following opiates, including their isomers,
21 esters, ethers, salts, and salts of isomers, if the existence of
22 these isomers, esters, ethers, and salts is possible within the
23 specific chemical designation:

24 Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-
25 phenethyl)-4-piperidinyl]-N-phenylacetamide);

26 Alpha-methylthiofentanyl (N-[1-methyl-2-(2-
27 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

1 Alphaprodine;
2 Anileridine;
3 Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-
4 phenethyl)-4-piperidinyl] -N-phenylpropanamide);
5 Beta-hydroxy-3-methylfentanyl;
6 Bezitramide;
7 Carfentanil;
8 Dihydrocodeine not listed in Penalty Group 3 or 4;
9 Diphenoxylate not listed in Penalty Group 3 or 4;
10 Fentanyl or alpha-methylfentanyl, or any other
11 derivative of Fentanyl;
12 Isomethadone;
13 Levomethorphan;
14 Levorphanol;
15 Metazocine;
16 Methadone;
17 Methadone-Intermediate, 4-cyano-2-dimethylamino-
18 4, 4-diphenyl butane;
19 3-methylfentanyl(N-[3-methyl-1-(2-phenylethyl)-
20 4-piperidyl]-N-phenylpropanamide);
21 3-methylthiofentanyl(N-[3-methyl-1-(2-thienyl)
22 ethyl-4-piperidinyl]-N-phenylpropanamide);
23 Moramide-Intermediate, 2-methyl-3-morpholino-1,
24 1-diphenyl-propane-carboxylic acid;
25 Para-fluorofentanyl(N-(4-fluorophenyl)-N-1-(2-
26 phenylethyl)-4-piperidinylpropanamide);
27 PEPAP (1-(2-phenethyl)-4-phenyl-4-

- 1 acetoxypiperidine);
- 2 Pethidine (Meperidine);
- 3 Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
- 4 phenylpiperidine;
- 5 Pethidine-Intermediate-B, ethyl-4-
- 6 phenylpiperidine-4 carboxylate;
- 7 Pethidine-Intermediate-C, 1-methyl-4-
- 8 phenylpiperidine-4-carboxylic acid;
- 9 Phenazocine;
- 10 Piminodine;
- 11 Racemethorphan;
- 12 Racemorphan;
- 13 Remifentanil; and
- 14 Thiofentanyl(N-phenyl-N-[1-(2-thienyl)ethyl-4-pi
- 15 peridinyl]-propanamide);
- 16 (5) Flunitrazepam (trade or other name: Rohypnol);
- 17 (6) Methamphetamine, including its salts, optical
- 18 isomers, and salts of optical isomers;
- 19 (7) Phenylacetone and methylamine, if possessed
- 20 together with intent to manufacture methamphetamine;
- 21 (8) Phencyclidine, including its salts;
- 22 (9) Gamma hydroxybutyric acid (some trade or other
- 23 names: gamma hydroxybutyrate, GHB), including its salts; ~~and~~
- 24 (10) Ketamine;
- 25 (11) U-47700; and
- 26 (12) AH-7921.

27 SECTION 2. Section 481.104(a), Health and Safety Code, is

1 amended to read as follows:

2 (a) Penalty Group 3 consists of:

3 (1) a material, compound, mixture, or preparation that
4 contains any quantity of the following substances having a
5 potential for abuse associated with a stimulant effect on the
6 central nervous system:

7 Methylphenidate and its salts; and

8 Phenmetrazine and its salts;

9 (2) a material, compound, mixture, or preparation that
10 contains any quantity of the following substances having a
11 potential for abuse associated with a depressant effect on the
12 central nervous system:

13 a substance that contains any quantity of a
14 derivative of barbituric acid, or any salt of a derivative of
15 barbituric acid not otherwise described by this subsection;

16 a compound, mixture, or preparation containing
17 amobarbital, secobarbital, pentobarbital, or any salt of any of
18 these, and one or more active medicinal ingredients that are not
19 listed in any penalty group;

20 a suppository dosage form containing amobarbital,
21 secobarbital, pentobarbital, or any salt of any of these drugs, and
22 approved by the United States Food and Drug Administration for
23 marketing only as a suppository;

24 Alprazolam;

25 Amobarbital;

26 Bromazepam;

27 Camazepam;

- 1 Carisoprodol;
- 2 Chlordiazepoxide;
- 3 Chlorhexadol;
- 4 Clobazam;
- 5 Clonazepam;
- 6 Clorazepate;
- 7 Clotiazepam;
- 8 Cloxazolam;
- 9 Delorazepam;
- 10 Diazepam;
- 11 Estazolam;
- 12 Ethyl loflazepate;
- 13 Etizolam;
- 14 Fludiazepam;
- 15 Flurazepam;
- 16 Glutethimide;
- 17 Halazepam;
- 18 Haloxzolam;
- 19 Ketazolam;
- 20 Loprazolam;
- 21 Lorazepam;
- 22 Lormetazepam;
- 23 Lysergic acid, including its salts, isomers, and
- 24 salts of isomers;
- 25 Lysergic acid amide, including its salts,
- 26 isomers, and salts of isomers;
- 27 Mebutamate;

1 Medazepam;
2 Methyprylon;
3 Midazolam;
4 Nimetazepam;
5 Nitrazepam;
6 Nordiazepam;
7 Oxazepam;
8 Oxazolam;
9 Pentazocine, its salts, derivatives, or compounds
10 or mixtures thereof;
11 Pentobarbital;
12 Phenazepam;
13 Pinazepam;
14 Prazepam;
15 Quazepam;
16 Secobarbital;
17 Sulfondiethylmethane;
18 Sulfonethylmethane;
19 Sulfonmethane;
20 Temazepam;
21 Tetrazepam;
22 Tiletamine and zolazepam in combination, and its
23 salts. (some trade or other names for a tiletamine-zolazepam
24 combination product: Telazol, for tiletamine: 2-(ethylamino)-
25 2-(2-thienyl)-cyclohexanone, and for zolazepam: 4-(2-
26 fluorophenyl)-6, 8-dihydro-1,3,8,-trimethylpyrazolo-[3,4-
27 e](1,4)-d diazepin-7(1H)-one, flupyrazapon);

1 Tramadol;
2 Triazolam;
3 Zaleplon;
4 Zolpidem; and
5 Zopiclone;

6 (3) Nalorphine;

7 (4) a material, compound, mixture, or preparation
8 containing limited quantities of the following narcotic drugs, or
9 any of their salts:

10 not more than 1.8 grams of codeine, or any of its
11 salts, per 100 milliliters or not more than 90 milligrams per dosage
12 unit, with an equal or greater quantity of an isoquinoline alkaloid
13 of opium;

14 not more than 1.8 grams of codeine, or any of its
15 salts, per 100 milliliters or not more than 90 milligrams per dosage
16 unit, with one or more active, nonnarcotic ingredients in
17 recognized therapeutic amounts;

18 not more than 300 milligrams of dihydrocodeinone
19 (hydrocodone), or any of its salts, per 100 milliliters or not more
20 than 15 milligrams per dosage unit, with a fourfold or greater
21 quantity of an isoquinoline alkaloid of opium;

22 not more than 300 milligrams of dihydrocodeinone
23 (hydrocodone), or any of its salts, per 100 milliliters or not more
24 than 15 milligrams per dosage unit, with one or more active,
25 nonnarcotic ingredients in recognized therapeutic amounts;

26 not more than 1.8 grams of dihydrocodeine, or any
27 of its salts, per 100 milliliters or not more than 90 milligrams per

1 dosage unit, with one or more active, nonnarcotic ingredients in
2 recognized therapeutic amounts;

3 not more than 300 milligrams of ethylmorphine, or
4 any of its salts, per 100 milliliters or not more than 15 milligrams
5 per dosage unit, with one or more active, nonnarcotic ingredients
6 in recognized therapeutic amounts;

7 not more than 500 milligrams of opium per 100
8 milliliters or per 100 grams, or not more than 25 milligrams per
9 dosage unit, with one or more active, nonnarcotic ingredients in
10 recognized therapeutic amounts;

11 not more than 50 milligrams of morphine, or any of
12 its salts, per 100 milliliters or per 100 grams with one or more
13 active, nonnarcotic ingredients in recognized therapeutic amounts;
14 and

15 not more than 1 milligram of difenoxin and not
16 less than 25 micrograms of atropine sulfate per dosage unit;

17 (5) a material, compound, mixture, or preparation that
18 contains any quantity of the following substances:

19 Barbital;

20 Chloral betaine;

21 Chloral hydrate;

22 Ethchlorvynol;

23 Ethinamate;

24 Meprobamate;

25 Methohexital;

26 Methylphenobarbital (Mephobarbital);

27 Paraldehyde;

1 Petrichloral; and

2 Phenobarbital;

3 (6) Peyote, unless unharvested and growing in its
4 natural state, meaning all parts of the plant classified
5 botanically as Lophophora, whether growing or not, the seeds of the
6 plant, an extract from a part of the plant, and every compound,
7 manufacture, salt, derivative, mixture, or preparation of the
8 plant, its seeds, or extracts;

9 (7) unless listed in another penalty group, a
10 material, compound, mixture, or preparation that contains any
11 quantity of the following substances having a stimulant effect on
12 the central nervous system, including the substance's salts,
13 optical, position, or geometric isomers, and salts of the
14 substance's isomers, if the existence of the salts, isomers, and
15 salts of isomers is possible within the specific chemical
16 designation:

17 Benzphetamine;

18 Cathine [(+)-norpseudoephedrine];

19 Chlorphentermine;

20 Clortermine;

21 Diethylpropion;

22 Fencamfamin;

23 Fenfluramine;

24 Fenproporex;

25 Mazindol;

26 Mefenorex;

27 Modafinil;

1 Pemoline (including organometallic complexes and
2 their chelates);

3 Phendimetrazine;

4 Phentermine;

5 Pipradrol;

6 Sibutramine; and

7 SPA [(-)-1-dimethylamino-1,2-diphenylethane];

8 (8) 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 substance,
11 including its salts:

12 Dextropropoxyphene (Alpha-(+)-4-dimethylamino-
13 1,2-diphenyl-3-methyl-2-propionoxybutane);

14 (9) an anabolic steroid, including any drug or
15 hormonal substance, or any substance that is chemically or
16 pharmacologically related to testosterone, other than an estrogen,
17 progestin, dehydroepiandrosterone, or corticosteroid, and promotes
18 muscle growth, including the following drugs and substances and any
19 salt, ester, or ether of the following drugs and substances:

20 Androstenediol;

21 Androstenedione;

22 Androstenediol;

23 Androstenedione;

24 Bolasterone;

25 Boldenone;

26 Calusterone;

27 Clostebol;

1 Dehydrochlormethyltestosterone;
2 Delta-1-dihydrotestosterone;
3 Dihydrotestosterone (4-dihydrotestosterone);
4 Drostanolone;
5 Ethylestrenol;
6 Fluoxymesterone;
7 Formebolone;
8 Furazabol;
9 13beta-ethyl-17beta-hydroxygon-4-en-3-one;
10 4-hydroxytestosterone;
11 4-hydroxy-19-nortestosterone;
12 Mestanolone;
13 Mesterolone;
14 Methandienone;
15 Methandriol;
16 Methenolone;
17 17alpha-methyl-3beta, 17 beta-dihydroxy-5alpha-
18 androstane;
19 17alpha-methyl-3alpha, 17 beta-dihydroxy-5alpha-
20 androstane;
21 17alpha-methyl-3beta, 17beta-dihydroxyandrost-4-
22 ene;
23 17alpha-methyl-4-hydroxynandrolone;
24 Methyldienolone;
25 Methyltestosterone;
26 Methyltrienolone;
27 17alpha-methyl-delta-1-dihydrotestosterone;

1 Mibolerone;
2 Nandrolone;
3 Norandrostenediol;
4 Norandrostenedione;
5 Norbolethone;
6 Norclostebol;
7 Norethandrolone;
8 Normethandrolone;
9 Oxandrolone;
10 Oxymesterone;
11 Oxymetholone;
12 Stanozolol;
13 Stenbolone;
14 Testolactone;
15 Testosterone;
16 Tetrahydrogestrinone; and
17 Trenbolone; and

18 (10) *Salvia divinorum*, unless unharvested and growing
19 in its natural state, meaning all parts of that plant, whether
20 growing or not, the seeds of that plant, an extract from a part of
21 that plant, and every compound, manufacture, salt, derivative,
22 mixture, or preparation of that plant, its seeds, or extracts,
23 including Salvinorin A.

24 SECTION 3. The change in law made by this Act applies only
25 to an offense committed on or after the effective date of this Act.
26 An offense committed before the effective date of this Act is
27 governed by the law in effect on the date the offense was committed,

1 and the former law is continued in effect for that purpose. For
2 purposes of this section, an offense was committed before the
3 effective date of this Act if any element of the offense occurred
4 before that date.

5 SECTION 4. This Act takes effect September 1, 2017.