

**House Bill 2671**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

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

Alfentanil;  
Allylprodine;  
Alphacetylmethadol;  
Benzethidine;  
Betaprodine;  
Clonitazene;  
Diampromide;  
Diethylthiambutene;  
Difenoxin not listed in Penalty Group 3 or 4;  
Dimenoxadol;  
Dimethylthiambutene;  
Dioxaphetyl butyrate;  
Dipipanone;  
Ethylmethylthiambutene;  
Etonitazene;  
Etoxidine;  
Furethidine;  
Hydroxypethidine;  
Ketobemidone;  
Levophenacetylmorphan;  
Meprodine;  
Methadol;  
Moramide;

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

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

Alfentanil;  
Allylprodine;  
Alphacetylmethadol;  
Benzethidine;  
Betaprodine;  
Clonitazene;  
Diampromide;  
Diethylthiambutene;  
Difenoxin not listed in Penalty Group 3 or 4;  
Dimenoxadol;  
Dimethylthiambutene;  
Dioxaphetyl butyrate;  
Dipipanone;  
Ethylmethylthiambutene;  
Etonitazene;  
Etoxidine;  
Furethidine;  
Hydroxypethidine;  
Ketobemidone;  
Levophenacetylmorphan;  
Meprodine;  
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Moramide;

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Morpheridine;  
Noracymethadol;  
Norlevorphanol;  
Normethadone;  
Norpipanone;  
Phenadoxone;  
Phenampramide;  
Phenomorphane;  
Phenoperidine;  
Piritramide;  
Proheptazine;  
Properidine;  
Propiram;  
Sufentanil;  
Tilidine; and  
Trimeperidine;  
(2) the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, if the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:  
Acetorphine;  
Acetyldihydrocodeine;  
Benzylmorphine;  
Codeine methylbromide;  
Codeine-N-Oxide;  
Cyprenorphine;  
Desomorphine;  
Dihydromorphine;  
Drotebanol;  
Etorphine, except hydrochloride salt;  
Heroin;  
Hydromorphanol;

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Morpheridine;  
Noracymethadol;  
Norlevorphanol;  
Normethadone;  
Norpipanone;  
Phenadoxone;  
Phenampramide;  
Phenomorphane;  
Phenoperidine;  
Piritramide;  
Proheptazine;  
Properidine;  
Propiram;  
Sufentanil;  
Tilidine; and  
Trimeperidine;  
(2) the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, if the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:  
Acetorphine;  
Acetyldihydrocodeine;  
Benzylmorphine;  
Codeine methylbromide;  
Codeine-N-Oxide;  
Cyprenorphine;  
Desomorphine;  
Dihydromorphine;  
Drotebanol;  
Etorphine, except hydrochloride salt;  
Heroin;  
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Methyldesorphine;  
Methyldihydromorphine;  
Monoacetylmorphine;  
Morphine methylbromide;  
Morphine methylsulfonate;  
Morphine-N-Oxide;  
Myrophine;  
Nicocodeine;  
Nicomorphine;  
Normorphine;  
Pholcodine; and  
Thebacon;

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

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

Codeine not listed in Penalty Group 3 or 4;  
Dihydroetorphine;  
Ethylmorphine not listed in Penalty Group 3 or 4;  
Granulated opium;  
Hydrocodone not listed in Penalty Group 3;  
Hydromorphone;  
Metopon;  
Morphine not listed in Penalty Group 3;  
Opium extracts;  
Opium fluid extracts;  
Oripavine;  
Oxycodone;  
Oxymorphone;

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Methyldesorphine;  
Methyldihydromorphine;  
Monoacetylmorphine;  
Morphine methylbromide;  
Morphine methylsulfonate;  
Morphine-N-Oxide;  
Myrophine;  
Nicocodeine;  
Nicomorphine;  
Normorphine;  
Pholcodine; and  
Thebacon;

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

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

Codeine not listed in Penalty Group 3 or 4;  
Dihydroetorphine;  
Ethylmorphine not listed in Penalty Group 3 or 4;  
Granulated opium;  
Hydrocodone not listed in Penalty Group 3;  
Hydromorphone;  
Metopon;  
Morphine not listed in Penalty Group 3;  
Opium extracts;  
Opium fluid extracts;  
Oripavine;  
Oxycodone;  
Oxymorphone;

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Raw opium;  
Thebaine; and  
Tincture of opium;  
(B) a salt, compound, isomer, derivative, or preparation of a substance that is chemically equivalent or identical to a substance described by Paragraph (A), other than the isoquinoline alkaloids of opium;  
(C) Opium poppy and poppy straw;  
(D) Cocaine, including:  
(i) its salts, its optical, position, and geometric isomers, and the salts of those isomers;  
(ii) coca leaves and a salt, compound, derivative, or preparation of coca leaves; and  
(iii) a salt, compound, derivative, or preparation of a salt, compound, or derivative that is chemically equivalent or identical to a substance described by Subparagraph (i) or (ii), other than decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine; and  
(E) concentrate of poppy straw, meaning the crude extract of poppy straw in liquid, solid, or powder form that contains the phenanthrine alkaloids of the opium poppy;  
(4) the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, if the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:  
Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2- phenethyl)-4-piperidiny]-N-phenylacetamide);  
Alpha-methylthiofentanyl (N-[1-methyl-2-(2- thienyl)ethyl-4-piperidiny]-N-phenylpropanamide);  
Alphaprodine;  
Anileridine;

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Powdered opium;  
Raw opium;  
Thebaine; and  
Tincture of opium;  
(B) a salt, compound, isomer, derivative, or preparation of a substance that is chemically equivalent or identical to a substance described by Paragraph (A), other than the isoquinoline alkaloids of opium;  
(C) Opium poppy and poppy straw;  
(D) Cocaine, including:  
(i) its salts, its optical, position, and geometric isomers, and the salts of those isomers;  
(ii) coca leaves and a salt, compound, derivative, or preparation of coca leaves; and  
(iii) a salt, compound, derivative, or preparation of a salt, compound, or derivative that is chemically equivalent or identical to a substance described by Subparagraph (i) or (ii), other than decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine; and  
(E) concentrate of poppy straw, meaning the crude extract of poppy straw in liquid, solid, or powder form that contains the phenanthrine alkaloids of the opium poppy;  
(4) the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, if the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:  
Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2- phenethyl)-4-piperidiny]-N-phenylacetamide);  
Alpha-methylthiofentanyl (N-[1-methyl-2-(2- thienyl)ethyl-4-piperidiny]-N-phenylpropanamide);  
Alphaprodine;  
Anileridine;

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Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide); Beta-hydroxy-3-methylfentanyl; Benztramide; Carfentanyl; Dihydrocodeine not listed in Penalty Group 3 or 4; Diphenoxylate not listed in Penalty Group 3 or 4; Fentanyl or alpha-methylfentanyl, or any other derivative of Fentanyl; Isomethadone; Levomethorphan; Levorphanol; Metazocine; Methadone; Methadone-Intermediate, 4-cyano-2-dimethylamino- 4, 4-diphenyl butane; 3-methylfentanyl(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide); 3-methylthiofentanyl(N-[3-methyl-1-(2-thienyl) ethyl-4-piperidinyl]-N-phenylpropanamide); Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid; Para-fluorofentanyl(N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinylpropanamide); PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine); Pethidine (Meperidine); Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine; Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate; Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;	Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide); Beta-hydroxy-3-methylfentanyl; Benztramide; Carfentanyl; Dihydrocodeine not listed in Penalty Group 3 or 4; Diphenoxylate not listed in Penalty Group 3 or 4; Fentanyl or alpha-methylfentanyl, or any other derivative of Fentanyl; Isomethadone; Levomethorphan; Levorphanol; Metazocine; Methadone; Methadone-Intermediate, 4-cyano-2-dimethylamino- 4, 4-diphenyl butane; 3-methylfentanyl(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide); 3-methylthiofentanyl(N-[3-methyl-1-(2-thienyl) ethyl-4-piperidinyl]-N-phenylpropanamide); Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid; Para-fluorofentanyl(N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinylpropanamide); PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine); Pethidine (Meperidine); Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine; Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate; Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;	

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Phenazocine;  
Piminodine;  
Racemethorphan;  
Racemorphan;  
Remifentanyl; and  
Thiofentanyl(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);  
(5) Flunitrazepam (trade or other name: Rohypnol);  
(6) Methamphetamine, including its salts, optical isomers, and salts of optical isomers;  
(7) Phenylacetone and methylamine, if possessed together with intent to manufacture methamphetamine;  
(8) Phencyclidine, including its salts;  
(9) Gamma hydroxybutyric acid (some trade or other names: gamma hydroxybutyrate, GHB), including its salts; ~~and~~  
(10) Ketamine;  
(11) Phenazepam;  
(12) U-47700; and  
(13) AH-7921.

SECTION 2. Section 481.104(a), Health and Safety Code, is amended to read as follows:

(a) Penalty Group 3 consists of:

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

Methylphenidate and its salts; and  
Phenmetrazine and its salts;

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Phenazocine;  
Piminodine;  
Racemethorphan;  
Racemorphan;  
Remifentanyl; and  
Thiofentanyl(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);  
(5) Flunitrazepam (trade or other name: Rohypnol);  
(6) Methamphetamine, including its salts, optical isomers, and salts of optical isomers;  
(7) Phenylacetone and methylamine, if possessed together with intent to manufacture methamphetamine;  
(8) Phencyclidine, including its salts;  
(9) Gamma hydroxybutyric acid (some trade or other names: gamma hydroxybutyrate, GHB), including its salts; ~~and~~  
(10) Ketamine;  
(11) Phenazepam;  
(12) U-47700;  
(13) AH-7921;  
(14) ADB-FUBINACA;  
(15) AMB-FUBINACA; and  
(16) MDMB-CHMICA.

SECTION 2. Same as House version.

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

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

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

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

Alprazolam;

Amobarbital;

Bromazepam;

Camazepam;

Carisoprodol;

Chlordiazepoxide;

Chlorhexadol;

Clobazam;

Clonazepam;

Clorazepate;

Clotiazepam;

Cloxazolam;

Delorazepam;

Diazepam;

Estazolam;

Ethyl loflazepate;

Etizolam;

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Fludiazepam;  
Flurazepam;  
Glutethimide;  
Halazepam;  
Haloxzolam;  
Ketazolam;  
Loprazolam;  
Lorazepam;  
Lormetazepam;  
Lysergic acid, including its salts, isomers, and salts of isomers;  
Lysergic acid amide, including its salts, isomers, and salts of isomers;  
Mebutamate;  
Medazepam;  
Methyprylon;  
Midazolam;  
Nimetazepam;  
Nitrazepam;  
Nordiazepam;  
Oxazepam;  
Oxazolam;  
Pentazocine, its salts, derivatives, or compounds or mixtures thereof;  
Pentobarbital;  
Pinazepam;  
Prazepam;  
Quazepam;  
Secobarbital;  
Sulfondiethylmethane;  
Sulfonethylmethane;  
Sulfonmethane;



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Temazepam;  
Tetrazepam;  
Tiletamine and zolazepam in combination, and its salts.  
(some trade or other names for a tiletamine-zolazepam  
combination product: Telazol, for tiletamine: 2-(ethylamino)-  
2-(2-thienyl)-cyclohexanone, and for zolazepam: 4-(2-  
fluorophenyl)-6, 8-dihydro-1,3,8-trimethylpyrazolo-[3,4-  
e](1,4)-diazepin-7(1H)-one, flupyrzapon);  
Tramadol;  
Triazolam;  
Zaleplon;  
Zolpidem; and  
Zopiclone;  
(3) Nalorphine;  
(4) a material, compound, mixture, or preparation containing  
limited quantities of the following narcotic drugs, or any of  
their salts:  
not more than 1.8 grams of codeine, or any of its salts, per 100  
milliliters or not more than 90 milligrams per dosage unit,  
with an equal or greater quantity of an isoquinoline alkaloid of  
opium;  
not more than 1.8 grams of codeine, or any of its salts, per 100  
milliliters or not more than 90 milligrams per dosage unit,  
with one or more active, nonnarcotic ingredients in recognized  
therapeutic amounts;  
not more than 300 milligrams of dihydrocodeinone  
(hydrocodone), or any of its salts, per 100 milliliters or not  
more than 15 milligrams per dosage unit, with a fourfold or  
greater quantity of an isoquinoline alkaloid of opium;  
not more than 300 milligrams of dihydrocodeinone  
(hydrocodone), or any of its salts, per 100 milliliters or not  
more than 15 milligrams per dosage unit, with one or more

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active, nonnarcotic ingredients in recognized therapeutic amounts;  
not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;  
not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;  
not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;  
not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;  
and  
not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;  
(5) a material, compound, mixture, or preparation that contains any quantity of the following substances:  
Barbital;  
Chloral betaine;  
Chloral hydrate;  
Ethchlorvynol;  
Ethinamate;  
Meprobamate;  
Methohexital;  
Methylphenobarbital (Mephobarbital);  
Paraldehyde;  
Petrichloral; and

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Phenobarbital;

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

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

Benzphetamine;

Cathine [(+)-norpseudoephedrine];

Chlorphentermine;

Clortermine;

Diethylpropion;

Fencamfamin;

Fenfluramine;

Fenproporex;

Mazindol;

Mefenorex;

Modafinil;

Pemoline (including organometallic complexes and their chelates);

Phendimetrazine;

Pentermine;

Pipradrol;

Sibutramine; and

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

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(8) unless specifically excepted or unless listed in another penalty group, a material, compound, mixture, or preparation that contains any quantity of the following substance, including its salts:

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

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

Androstenediol;

Androstenedione;

Androstenediol;

Androstenedione;

Bolasterone;

Boldenone;

Calusterone;

Clostebol;

Dehydrochlormethyltestosterone;

Delta-1-dihydrotestosterone;

Dihydrotestosterone (4-dihydrotestosterone);

Drostanolone;

Ethylestrenol;

Fluoxymesterone;

Formebolone;

Furazabol;

13beta-ethyl-17beta-hydroxygon-4-en-3-one;

4-hydroxytestosterone;

4-hydroxy-19-nortestosterone;

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Mestanolone;  
Mesterolone;  
Methandienone;  
Methandriol;  
Methenolone;  
17alpha-methyl-3beta, 17 beta-dihydroxy-5alpha- androstane;  
17alpha-methyl-3alpha, 17 beta-dihydroxy-5alpha-  
androstane;  
17alpha-methyl-3beta, 17beta-dihydroxyandrost-4- ene;  
17alpha-methyl-4-hydroxynandrolone;  
Methyldienolone;  
Methyltestosterone;  
Methyltrienolone;  
17alpha-methyl-delta-1-dihydrotestosterone;  
Mibolerone;  
Nandrolone;  
Norandrostenediol;  
Norandrostenedione;  
Norbolethone;  
Norclostebol;  
Norethandrolone;  
Normethandrolone;  
Oxandrolone;  
Oxymesterone;  
Oxymetholone;  
Stanozolol;  
Stenbolone;  
Testolactone;  
Testosterone;  
Tetrahydrogestrinone; and  
Trenbolone; and  
(10) Salvia divinorum, unless unharvested and growing in its

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natural state, meaning all parts of that plant, whether growing or not, the seeds of that plant, an extract from a part of that plant, and every compound, manufacture, salt, derivative, mixture, or preparation of that plant, its seeds, or extracts, including Salvinorin A.

No equivalent provision.

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

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

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SECTION \_\_. Section 481.103(d), Health and Safety Code, is repealed. [FA1]

SECTION 3. Same as House version.

SECTION 4. Same as House version.

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