

1-1 By: Moody, et al. H.B. No. 2593
 1-2 (Senate Sponsor - Johnson, Hinojosa)
 1-3 (In the Senate - Received from the House April 28, 2021;
 1-4 May 14, 2021, read first time and referred to Committee on State
 1-5 Affairs; May 20, 2021, reported favorably by the following vote:
 1-6 Yeas 7, Nays 2; May 20, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9				
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 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the criminal penalties for the possession of certain
 1-21 tetrahydrocannabinols under the Texas Controlled Substances Act.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Sections 481.002(5) and (6), Health and Safety
 1-24 Code, are amended to read as follows:

1-25 (5) "Controlled substance" means a substance,
 1-26 including a drug, an adulterant, and a dilutant, listed in
 1-27 Schedules I through V or Penalty Group 1, 1-A, 2, 2-A, ~~2-B~~, 3, or 4.
 1-28 The term includes the aggregate weight of any mixture, solution, or
 1-29 other substance containing a controlled substance. The term does
 1-30 not include hemp, as defined by Section 121.001, Agriculture Code,
 1-31 or the tetrahydrocannabinols in hemp.

1-32 (6) "Controlled substance analogue" means:

1-33 (A) a substance with a chemical structure
 1-34 substantially similar to the chemical structure of a controlled
 1-35 substance in Schedule I or II or Penalty Group 1, 1-A, 2, ~~or~~ 2-A,
 1-36 or 2-B; or

1-37 (B) a substance specifically designed to produce
 1-38 an effect substantially similar to, or greater than, the effect of a
 1-39 controlled substance in Schedule I or II or Penalty Group 1, 1-A, 2,
 1-40 ~~or~~ 2-A, or 2-B.

1-41 SECTION 2. Section 481.103(a), Health and Safety Code, is
 1-42 amended to read as follows:

1-43 (a) Penalty Group 2 consists of:

1-44 (1) any quantity of the following hallucinogenic
 1-45 substances, their salts, isomers, and salts of isomers, unless
 1-46 specifically excepted, if the existence of these salts, isomers,
 1-47 and salts of isomers is possible within the specific chemical
 1-48 designation:

- 1-49 5-(2-aminopropyl)benzofuran (5-APB);
- 1-50 6-(2-aminopropyl)benzofuran (6-APB);
- 1-51 5-(2-aminopropyl)-2,3-dihydrobenzofuran
- 1-52 (5-APDB);
- 1-53 6-(2-aminopropyl)-2,3-dihydrobenzofuran
- 1-54 (6-APDB);
- 1-55 5-(2-aminopropyl)indole (5-IT,5-API);
- 1-56 6-(2-aminopropyl)indole (6-IT,6-API);
- 1-57 1-(benzofuran-5-yl)-N-methylpropan-2-amine
- 1-58 (5-MAPB);
- 1-59 1-(benzofuran-6-yl)-N-methylpropan-2-amine
- 1-60 (6-MAPB);
- 1-61 Benzothiophenylcyclohexylpiperidine (BTCP);

2-1 8-bromo-alpha-methyl-benzo[1,2-b:4,5-b']difuran-
 2-2 4-ethanamine (trade or other name: Bromo-DragonFLY);
 2-3 Desoxypipradrol (2-benzhydrylpiperidine);
 2-4 2, 5-dimethoxyamphetamine (some trade or other
 2-5 names: 2, 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA);
 2-6 Diphenylprolinol (diphenyl(pyrrolidin-2-yl)
 2-7 methanol, D2PM);
 2-8 Dronabinol (synthetic) in sesame oil and
 2-9 encapsulated in a soft gelatin capsule in a U.S. Food and Drug
 2-10 Administration approved drug product (some trade or other names for
 2-11 Dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6, 9-
 2-12 trimethyl-3-pentyl-6H- dibenzo [b,d]pyran-1-ol or (-)-delta-9-
 2-13 (trans)- tetrahydrocannabinol);
 2-14 Ethylamine Analog of Phencyclidine (some trade or
 2-15 other names: N-ethyl-1-phenylcyclohexylamine, (1-
 2-16 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine,
 2-17 cyclohexamine, PCE);
 2-18 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone
 2-19 (trade or other name: methoxetamine);
 2-20 Ibogaine (some trade or other names: 7-Ethyl-6,
 2-21 6, beta 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-
 2-22 pyrido [1', 2':1, 2] azepino [5, 4-b] indole; tabernanthe iboga.);
 2-23 5-iodo-2-aminoindane (5-IAI);
 2-24 Mescaline;
 2-25 5-methoxy-3, 4-methylenedioxy amphetamine;
 2-26 4-methoxyamphetamine (some trade or other
 2-27 names: 4-methoxy-alpha-methylphenethylamine;
 2-28 paramethoxyamphetamine; PMA);
 2-29 4-methoxymethamphetamine (PMMA);
 2-30 2-(2-methoxyphenyl)-2-(methylamino)cyclohexanone
 2-31 (some trade and other names: 2-MeO-ketamine; methoxyketamine);
 2-32 1-methyl- 4-phenyl-4-propionoxypiperidine (MPPP,
 2-33 PPMP);
 2-34 4-methyl-2, 5-dimethoxyamphetamine (some trade
 2-35 and other names: 4-methyl-2, 5-dimethoxy-alpha-
 2-36 methylphenethylamine; "DOM"; "STP");
 2-37 3,4-methylenedioxy methamphetamine (MDMA, MDM);
 2-38 3,4-methylenedioxy amphetamine;
 2-39 3,4-methylenedioxy N-ethylamphetamine (Also
 2-40 known as N-ethyl MDA);
 2-41 5,6-methylenedioxy-2-aminoindane (MDAI);
 2-42 Nabilone (Another name for nabilone: (+)-trans-
 2-43 3-(1,1-dimethylheptyl)- 6,6a, 7,8,10,10a-hexahydro-1-hydroxy- 6,
 2-44 6-dimethyl-9H-dibenzo[b,d] pyran-9-one;
 2-45 N-benzylpiperazine (some trade or other
 2-46 names: BZP; 1-benzylpiperazine);
 2-47 N-ethyl-3-piperidyl benzilate;
 2-48 N-hydroxy-3,4-methylenedioxyamphetamine (Also
 2-49 known as N-hydroxy MDA);
 2-50 4-methylaminorex;
 2-51 N-methyl-3-piperidyl benzilate;
 2-52 Parahexyl (some trade or other names: 3-Hexyl-1-
 2-53 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d]
 2-54 pyran; Synhexyl);
 2-55 1-Phenylcyclohexylamine;
 2-56 1-Piperidinocyclohexanecarbonitrile (PCC);
 2-57 Pyrrolidine Analog of Phencyclidine (some trade
 2-58 or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);
 2-59 ~~[Tetrahydrocannabinols, other than marijuana, and
 2-60 synthetic equivalents of the substances contained in the plant, or
 2-61 in the resinous extractives of Cannabis, or synthetic substances,
 2-62 derivatives, and their isomers with similar chemical structure and
 2-63 pharmacological activity such as:
 2-64 [delta-1 cis or trans tetrahydrocannabinol,
 2-65 and their optical isomers,
 2-66 [delta-6 cis or trans tetrahydrocannabinol,
 2-67 and their optical isomers,
 2-68 [delta-3, 4 cis or trans
 2-69 tetrahydrocannabinol, and its optical isomers, or~~

3-1 ~~[compounds of these structures, regardless~~
3-2 ~~of numerical designation of atomic positions, since nomenclature of~~
3-3 ~~these substances is not internationally standardized,]~~
3-4 Thiophene Analog of Phencyclidine (some trade or
3-5 other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl
3-6 Analog of Phencyclidine; TPCP, TCP);
3-7 1-pyrrolidine (some trade or other name: TCPy);
3-8 1-(3-trifluoromethylphenyl)piperazine (trade or
3-9 other name: TFMPP); and
3-10 3,4,5-trimethoxy amphetamine;
3-11 (2) Phenylacetone (some trade or other
3-12 names: Phenyl-2-propanone; P2P, Benzylmethyl ketone, methyl benzyl
3-13 ketone);
3-14 (3) unless specifically excepted or unless listed in
3-15 another Penalty Group, a material, compound, mixture, or
3-16 preparation that contains any quantity of the following substances
3-17 having a potential for abuse associated with a depressant or
3-18 stimulant effect on the central nervous system:
3-19 Aminorex (some trade or other
3-20 names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-
3-21 phenyl-2-oxazolamine);
3-22 Amphetamine, its salts, optical isomers, and
3-23 salts of optical isomers;
3-24 Cathinone (some trade or other names: 2-amino-1-
3-25 phenyl-1-propanone, alpha-aminopropiophenone, 2-
3-26 aminopropiophenone);
3-27 Etaqualone and its salts;
3-28 Etorphine Hydrochloride;
3-29 Fenethylamine and its salts;
3-30 Lisdexamphetamine, including its salts, isomers,
3-31 and salts of isomers;
3-32 Mecloqualone and its salts;
3-33 Methaqualone and its salts;
3-34 Methcathinone (some trade or other names: 2-
3-35 methylamino-propiofenone; alpha-(methylamino)propiofenone;
3-36 2-(methylamino)-1-phenylpropan-1-one; alpha-N-
3-37 methylaminopropiofenone; monomethylpropion; ephedrone, N-
3-38 methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR
3-39 1431);
3-40 N-Ethylamphetamine, its salts, optical isomers,
3-41 and salts of optical isomers; and
3-42 N,N-dimethylamphetamine (some trade or other
3-43 names: N,N,alpha-trimethylbenzeneethanamine;
3-44 N,N,alpha-trimethylphenethylamine), its salts, optical isomers,
3-45 and salts of optical isomers;
3-46 (4) any compound structurally derived from
3-47 2-aminopropanal by substitution at the 1-position with any
3-48 monocyclic or fused-polycyclic ring system, including:
3-49 (A) compounds further modified by:
3-50 (i) substitution in the ring system to any
3-51 extent (including alkyl, alkoxy, alkylendioxy, haloalkyl, or
3-52 halide substituents), whether or not further substituted in the
3-53 ring system by other substituents;
3-54 (ii) substitution at the 3-position with an
3-55 alkyl substituent; or
3-56 (iii) substitution at the 2-amino nitrogen
3-57 atom with alkyl, benzyl, dialkyl, or methoxybenzyl groups, or
3-58 inclusion of the 2-amino nitrogen atom in a cyclic structure; and
3-59 (B) by example, compounds such as:
3-60 4-Methylmethcathinone (Also known as
3-61 Mephedrone);
3-62 3,4-Dimethylmethcathinone (Also known as
3-63 3,4-DMMC);
3-64 3-Fluoromethcathinone (Also known as 3-FMC);
3-65 4-Fluoromethcathinone (Also known as
3-66 Flephedrone);
3-67 3,4-Methylenedioxy-N-methylcathinone (Also
3-68 known as Methylone);
3-69 3,4-Methylenedioxypropylone (Also known

- 4-1 as MDPV);
- 4-2 alpha-Pyrrolidinopentiophenone (Also known
- 4-3 as alpha-PVP);
- 4-4 Naphthylpyrovalerone (Also known as
- 4-5 Naphyrone);
- 4-6 alpha-Methylamino-valerophenone (Also known
- 4-7 as Pentedrone);
- 4-8 beta-Keto-N-methylbenzodioxolylpropylamine
- 4-9 (Also known as Butylone);
- 4-10 beta-Keto-N-methylbenzodioxolylpentanamine
- 4-11 (Also known as Pentylone);
- 4-12 beta-Keto-Ethylbenzodioxolylbutanamine
- 4-13 (Also known as Eutylone); and
- 4-14 3,4-methylenedioxy-N-ethylcathinone (Also
- 4-15 known as Ethylone);
- 4-16 (5) any compound structurally derived from tryptamine
- 4-17 (3-(2-aminoethyl)indole) or a ring-hydroxy tryptamine:
- 4-18 (A) by modification in any of the following ways:
- 4-19 (i) by substitution at the amine nitrogen
- 4-20 atom of the sidechain to any extent with alkyl or alkenyl groups or
- 4-21 by inclusion of the amine nitrogen atom of the side chain (and no
- 4-22 other atoms of the side chain) in a cyclic structure;
- 4-23 (ii) by substitution at the carbon atom
- 4-24 adjacent to the nitrogen atom of the side chain (alpha-position)
- 4-25 with an alkyl or alkenyl group;
- 4-26 (iii) by substitution in the 6-membered
- 4-27 ring to any extent with alkyl, alkoxy, haloalkyl, thioalkyl,
- 4-28 alkylenedioxy, or halide substituents; or
- 4-29 (iv) by substitution at the 2-position of
- 4-30 the tryptamine ring system with an alkyl substituent; and
- 4-31 (B) including:
- 4-32 (i) ethers and esters of the controlled
- 4-33 substances listed in this subdivision; and
- 4-34 (ii) by example, compounds such as:
- 4-35 alpha-ethyltryptamine;
- 4-36 alpha-methyltryptamine;
- 4-37 Bufotenine (some trade and other names:
- 4-38 3-(beta-Dimethylaminoethyl)-5-hydroxyindole;
- 4-39 3-(2-dimethylaminoethyl)- 5- indolol; N, N-dimethylserotonin;
- 4-40 5-hydroxy-N, N- dimethyltryptamine; mappine);
- 4-41 Diethyltryptamine (some trade and
- 4-42 other names: N, N-Diethyltryptamine, DET);
- 4-43 Dimethyltryptamine (trade or other
- 4-44 name: DMT);
- 4-45 5-methoxy-N, N-diisopropyltryptamine
- 4-46 (5-MeO-DiPT);
- 4-47 O-Acetylpsilocin (Trade or other name:
- 4-48 4-Aco-DMT);
- 4-49 Psilocin; and
- 4-50 Psilocybin;
- 4-51 (6) 2,5-Dimethoxyphenethylamine and any compound
- 4-52 structurally derived from 2,5-Dimethoxyphenethylamine by
- 4-53 substitution at the 4-position of the phenyl ring to any extent
- 4-54 (including alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide
- 4-55 substituents), including, by example, compounds such as:
- 4-56 4-Bromo-2,5-dimethoxyphenethylamine (trade or
- 4-57 other name: 2C-B);
- 4-58 4-Chloro-2,5-dimethoxyphenethylamine (trade or
- 4-59 other name: 2C-C);
- 4-60 2,5-Dimethoxy-4-methylphenethylamine (trade or
- 4-61 other name: 2C-D);
- 4-62 4-Ethyl-2,5-dimethoxyphenethylamine (trade or
- 4-63 other name: 2C-E);
- 4-64 4-Iodo-2,5-dimethoxyphenethylamine (trade or
- 4-65 other name: 2C-I);
- 4-66 2,5-Dimethoxy-4-nitrophenethylamine (trade or
- 4-67 other name: 2C-N);
- 4-68 2,5-Dimethoxy-4-(n)-propylphenethylamine (trade
- 4-69 or other name: 2C-P);

5-1 4-Ethylthio-2,5-dimethoxyphenethylamine (trade
5-2 or other name: 2C-T-2);
5-3 4-Isopropylthio-2,5-dimethoxyphenethylamine
5-4 (trade or other name: 2C-T-4); and
5-5 2,5-Dimethoxy-4-(n)-propylthiophenethylamine
5-6 (trade or other name: 2C-T-7); and
5-7 (7) 2,5-Dimethoxyamphetamine and any compound
5-8 structurally derived from 2,5-Dimethoxyamphetamine by substitution
5-9 at the 4-position of the phenyl ring to any extent (including alkyl,
5-10 alkoxy, alkylenedioxy, haloalkyl, or halide substituents),
5-11 including, by example, compounds such as:
5-12 4-Ethylthio-2,5-dimethoxyamphetamine (trade or
5-13 other name: Aleph-2);
5-14 4-Isopropylthio-2,5-dimethoxyamphetamine (trade
5-15 or other name: Aleph-4);
5-16 4-Bromo-2,5-dimethoxyamphetamine (trade or other
5-17 name: DOB);
5-18 4-Chloro-2,5-dimethoxyamphetamine (trade or
5-19 other name: DOC);
5-20 2,5-Dimethoxy-4-ethylamphetamine (trade or other
5-21 name: DOET);
5-22 4-Iodo-2,5-dimethoxyamphetamine (trade or other
5-23 name: DOI);
5-24 2,5-Dimethoxy-4-methylamphetamine (trade or
5-25 other name: DOM);
5-26 2,5-Dimethoxy-4-nitroamphetamine (trade or other
5-27 name: DON);
5-28 4-Isopropyl-2,5-dimethoxyamphetamine (trade or
5-29 other name: DOIP); and
5-30 2,5-Dimethoxy-4-(n)-propylamphetamine (trade or
5-31 other name: DOPR).

5-32 SECTION 3. Subchapter D, Chapter 481, Health and Safety
5-33 Code, is amended by adding Section 481.1032 to read as follows:
5-34 Sec. 481.1032. PENALTY GROUP 2-B. (a) Penalty Group 2-B
5-35 consists of any quantity of the following substances, their salts,
5-36 isomers, and salts of isomers, unless specifically excepted, if the
5-37 existence of these salts, isomers, and salts of isomers is possible
5-38 within the specific chemical designation:
5-39 Tetrahydrocannabinols, other than marihuana, and
5-40 synthetic equivalents of the substances contained in the plant, or
5-41 in the resinous extractives of Cannabis, or synthetic substances,
5-42 derivatives, and their isomers with similar chemical structure and
5-43 pharmacological activity such as:
5-44 delta-1 cis or trans tetrahydrocannabinol, and
5-45 their optical isomers;
5-46 delta-6 cis or trans tetrahydrocannabinol, and
5-47 their optical isomers;
5-48 delta-3, 4 cis or trans tetrahydrocannabinol, and
5-49 its optical isomers; or
5-50 compounds of these structures, regardless of
5-51 numerical designation of atomic positions, since nomenclature of
5-52 these substances is not internationally standardized.
5-53 (b) For the purposes of this section, the term "isomer"
5-54 includes an optical, position, or geometric isomer.

5-55 SECTION 4. Section 481.106, Health and Safety Code, is
5-56 amended to read as follows:
5-57 Sec. 481.106. CLASSIFICATION OF CONTROLLED SUBSTANCE
5-58 ANALOGUE. For the purposes of the prosecution of an offense under
5-59 this subchapter involving the manufacture, delivery, or possession
5-60 of a controlled substance, Penalty Groups 1, 1-A, 2, ~~and~~ 2-A, and
5-61 2-B include a controlled substance analogue that:
5-62 (1) has a chemical structure substantially similar to
5-63 the chemical structure of a controlled substance listed in the
5-64 applicable penalty group; or
5-65 (2) is specifically designed to produce an effect
5-66 substantially similar to, or greater than, a controlled substance
5-67 listed in the applicable penalty group.

5-68 SECTION 5. The heading to Section 481.113, Health and
5-69 Safety Code, is amended to read as follows:

6-1 Sec. 481.113. OFFENSE: MANUFACTURE OR DELIVERY OF SUBSTANCE
6-2 IN PENALTY GROUP 2, ~~[OR]~~ 2-A, OR 2-B.

6-3 SECTION 6. Section 481.113(a), Health and Safety Code, is
6-4 amended to read as follows:

6-5 (a) Except as authorized by this chapter, a person commits
6-6 an offense if the person knowingly manufactures, delivers, or
6-7 possesses with intent to deliver a controlled substance listed in
6-8 Penalty Group 2, ~~[or]~~ 2-A, or 2-B.

6-9 SECTION 7. The heading to Section 481.1161, Health and
6-10 Safety Code, is amended to read as follows:

6-11 Sec. 481.1161. OFFENSE: POSSESSION OF SUBSTANCE IN PENALTY
6-12 GROUP 2-A OR 2-B.

6-13 SECTION 8. Section 481.1161(a), Health and Safety Code, is
6-14 amended to read as follows:

6-15 (a) Except as authorized by this chapter, a person commits
6-16 an offense if the person knowingly possesses a controlled substance
6-17 listed in Penalty Group 2-A or 2-B, unless the person obtained the
6-18 substance directly from or under a valid prescription or order of a
6-19 practitioner acting in the course of professional practice.

6-20 SECTION 9. Section 481.122(a), Health and Safety Code, is
6-21 amended to read as follows:

6-22 (a) A person commits an offense if the person knowingly
6-23 delivers a controlled substance listed in Penalty Group 1, 1-A, 2,
6-24 2-B, or 3 or knowingly delivers marihuana and the person delivers
6-25 the controlled substance or marihuana to a person:

- 6-26 (1) who is a child;
- 6-27 (2) who is enrolled in a public or private primary or
6-28 secondary school; or

6-29 (3) who the actor knows or believes intends to deliver
6-30 the controlled substance or marihuana to a person described by
6-31 Subdivision (1) or (2).

6-32 SECTION 10. Sections 551.003(11) and (12), Occupations
6-33 Code, are amended to read as follows:

6-34 (11) "Controlled substance" means a substance,
6-35 including a drug:

6-36 (A) listed in Schedule I, II, III, IV, or V, as
6-37 established by the commissioner of public health under Chapter 481,
6-38 Health and Safety Code, or in Penalty Group 1, 1-A, 2, 2-B, 3, or 4,
6-39 Chapter 481; or

6-40 (B) included in Schedule I, II, III, IV, or V of
6-41 the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21
6-42 U.S.C. Section 801 et seq.).

6-43 (12) "Dangerous drug" means a drug or device that:

6-44 (A) is not included in Penalty Group 1, 2, 2-B, 3,
6-45 or 4, Chapter 481, Health and Safety Code, and is unsafe for
6-46 self-medication; or

6-47 (B) bears or is required to bear the legend:

6-48 (i) "Caution: federal law prohibits
6-49 dispensing without prescription" or "Rx only" or another legend
6-50 that complies with federal law; or

6-51 (ii) "Caution: federal law restricts this
6-52 drug to use by or on the order of a licensed veterinarian."

6-53 SECTION 11. The change in law made by this Act applies only
6-54 to an offense committed on or after the effective date of this Act.
6-55 An offense committed before the effective date of this Act is
6-56 governed by the law in effect when the offense was committed, and
6-57 the former law is continued in effect for that purpose. For purposes
6-58 of this section, an offense was committed before the effective date
6-59 of this Act if any element of the offense occurred before that date.

6-60 SECTION 12. This Act takes effect September 1, 2021.

6-61 * * * * *