

By: Crockett

H.B. No. 3169

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the substances listed in Penalty Group 2 under the Texas
3 Controlled Substances Act.

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

5 SECTION 1. Section 481.103(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) Penalty Group 2 consists of:

8 (1) any quantity of the following hallucinogenic
9 substances, their salts, isomers, and salts of isomers, unless
10 specifically excepted, if the existence of these salts, isomers,
11 and salts of isomers is possible within the specific chemical
12 designation:

13 5-(2-aminopropyl)benzofuran (5-APB);

14 6-(2-aminopropyl)benzofuran (6-APB);

15 5-(2-aminopropyl)-2,3-dihydrobenzofuran
16 (5-APDB);

17 6-(2-aminopropyl)-2,3-dihydrobenzofuran
18 (6-APDB);

19 5-(2-aminopropyl)indole (5-IT,5-API);

20 6-(2-aminopropyl)indole (6-IT,6-API);

21 1-(benzofuran-5-yl)-N-methylpropan-2-amine
22 (5-MAPB);

23 1-(benzofuran-6-yl)-N-methylpropan-2-amine
24 (6-MAPB);

1 Benzothiophenylcyclohexylpiperidine (BTCP);
2 8-bromo-alpha-methyl-benzo[1,2-b:4,5-b']difuran-
3 4-ethanamine (trade or other name: Bromo-DragonFLY);
4 Desoxypipradrol (2-benzhydrylpiperidine);
5 2, 5-dimethoxyamphetamine (some trade or other
6 names: 2, 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA);
7 Diphenylprolinol (diphenyl(pyrrolidin-2-yl)
8 methanol, D2PM);
9 Dronabinol (synthetic) in sesame oil and
10 encapsulated in a soft gelatin capsule in a U.S. Food and Drug
11 Administration approved drug product (some trade or other names for
12 Dronabinol: (a6aR-trans)-6a,7,8,10a-tetrahydro- 6,6, 9-
13 trimethyl-3-pentyl-6H- dibenzo [b,d]pyran-1-ol or (-)-delta-9-
14 (trans)- tetrahydrocannabinol);
15 Ethylamine Analog of Phencyclidine (some trade or
16 other names: N-ethyl-1-phenylcyclohexylamine, (1-
17 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine,
18 cyclohexamine, PCE);
19 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone
20 (trade or other name: methoxetamine);
21 Ibogaine (some trade or other names: 7-Ethyl-6, 6,
22 beta 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-
23 pyrido [1', 2':1, 2] azepino [5, 4-b] indole; tabernanthe iboga.);
24 5-iodo-2-aminoindane (5-IAI);
25 Mescaline;
26 5-methoxy-3, 4-methylenedioxy amphetamine;
27 4-methoxyamphetamine (some trade or other names:

1 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine;
2 PMA);
3 4-methoxymethamphetamine (PMMA);
4 2-(2-methoxyphenyl)-2-(methylamino)cyclohexanone
5 (some trade and other names: 2-MeO-ketamine; methoxyketamine);
6 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP,
7 PPMP);
8 4-methyl-2,5-dimethoxyamphetamine (some trade
9 and other names: 4-methyl-2,5-dimethoxy-alpha-
10 methylphenethylamine; "DOM"; "STP");
11 3,4-methylenedioxy methamphetamine (MDMA, MDM);
12 3,4-methylenedioxy amphetamine;
13 3,4-methylenedioxy N-ethylamphetamine (Also
14 known as N-ethyl MDA);
15 5,6-methylenedioxy-2-aminoindane (MDAI);
16 Nabilone (Another name for nabilone: (+)-trans-
17 3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,
18 6-dimethyl-9H-dibenzo[b,d]pyran-9-one;
19 N-benzylpiperazine (some trade or other names:
20 BZP; 1-benzylpiperazine);
21 N-ethyl-3-piperidyl benzilate;
22 N-hydroxy-3,4-methylenedioxyamphetamine (Also
23 known as N-hydroxy MDA);
24 4-methylaminorex;
25 N-methyl-3-piperidyl benzilate;
26 Parahexyl (some trade or other names: 3-Hexyl-1-
27 hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b, d]

1 pyran; Synhexyl);
2 1-Phenylcyclohexylamine;
3 1-Piperidinocyclohexanecarbonitrile (PCC);
4 Pyrrolidine Analog of Phencyclidine (some trade
5 or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);
6 ~~[Tetrahydrocannabinols, other than marijuana, and~~
7 ~~synthetic equivalents of the substances contained in the plant, or~~
8 ~~in the resinous extractives of Cannabis, or synthetic substances,~~
9 ~~derivatives, and their isomers with similar chemical structure and~~
10 ~~pharmacological activity such as:~~
11 ~~[delta-1 cis or trans tetrahydrocannabinol,~~
12 ~~and their optical isomers;~~
13 ~~[delta-6 cis or trans tetrahydrocannabinol,~~
14 ~~and their optical isomers;~~
15 ~~[delta-3, 4 cis or trans~~
16 ~~tetrahydrocannabinol, and its optical isomers; or~~
17 ~~[compounds of these structures, regardless~~
18 ~~of numerical designation of atomic positions, since nomenclature of~~
19 ~~these substances is not internationally standardized,]~~
20 Thiophene Analog of Phencyclidine (some trade or
21 other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl
22 Analog of Phencyclidine; TPCP, TCP);
23 1-pyrrolidine (some trade or other name: TCPy);
24 1-(3-trifluoromethylphenyl)piperazine (trade or
25 other name: TFMPP); and
26 3,4,5-trimethoxy amphetamine;
27 (2) Phenylacetone (some trade or other names:

1 Phenyl-2-propanone; P2P, Benzylmethyl ketone, methyl benzyl
2 ketone);

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

8 Aminorex (some trade or other names: aminoxaphen;
9 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-
10 phenyl-2-oxazolamine);

11 Amphetamine, its salts, optical isomers, and
12 salts of optical isomers;

13 Cathinone (some trade or other names: 2-amino-1-
14 phenyl-1-propanone, alpha-aminopropiophenone, 2-
15 aminopropiophenone);

16 Etaqualone and its salts;

17 Etorphine Hydrochloride;

18 Fenethylamine and its salts;

19 Lisdexamfetamine, including its salts, isomers,
20 and salts of isomers;

21 Mecloqualone and its salts;

22 Methaqualone and its salts;

23 Methcathinone (some trade or other names: 2-
24 methylamino-propionophenone; alpha-(methylamino)propionophenone;

25 2-(methylamino)-1-phenylpropan-1-one; alpha-N-

26 methylaminopropionophenone; monomethylpropion; ephedrone, N-

27 methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR

1 1431);

2 N-Ethylamphetamine, its salts, optical isomers,
3 and salts of optical isomers; and

4 N,N-dimethylamphetamine (some trade or other
5 names: N,N,alpha-trimethylbenzeneethanamine;
6 N,N,alpha-trimethylphenethylamine), its salts, optical isomers,
7 and salts of optical isomers;

8 (4) any compound structurally derived from
9 2-aminopropanal by substitution at the 1-position with any
10 monocyclic or fused-polycyclic ring system, including:

11 (A) compounds further modified by:

12 (i) substitution in the ring system to any
13 extent (including alkyl, alkoxy, alkylendioxy, haloalkyl, or
14 halide substituents), whether or not further substituted in the
15 ring system by other substituents;

16 (ii) substitution at the 3-position with an
17 alkyl substituent; or

18 (iii) substitution at the 2-amino nitrogen
19 atom with alkyl, benzyl, dialkyl, or methoxybenzyl groups, or
20 inclusion of the 2-amino nitrogen atom in a cyclic structure; and

21 (B) by example, compounds such as:

22 4-Methylmethcathinone (Also known as
23 Mephedrone);

24 3,4-Dimethylmethcathinone (Also known as
25 3,4-DMMC);

26 3-Fluoromethcathinone (Also known as 3-FMC);

27 4-Fluoromethcathinone (Also known as

- 1 Flephedrone);
- 2 3,4-Methylenedioxy-N-methylcathinone (Also
3 known as Methylone);
- 4 3,4-Methylenedioxypropylvalerone (Also known
5 as MDPV);
- 6 alpha-Pyrrolidinopentiophenone (Also known
7 as alpha-PVP);
- 8 Naphthylpropylvalerone (Also known as
9 Naphyrone);
- 10 alpha-Methylamino-valerophenone (Also known
11 as Pentedrone);
- 12 beta-Keto-N-methylbenzodioxolylpropylamine
13 (Also known as Butylone);
- 14 beta-Keto-N-methylbenzodioxolylpentanamine
15 (Also known as Pentylone);
- 16 beta-Keto-Ethylbenzodioxolylbutanamine
17 (Also known as Eutylone); and
- 18 3,4-methylenedioxy-N-ethylcathinone (Also
19 known as Ethylone);
- 20 (5) any compound structurally derived from tryptamine
21 (3-(2-aminoethyl)indole) or a ring-hydroxy tryptamine:
- 22 (A) by modification in any of the following ways:
- 23 (i) by substitution at the amine nitrogen
24 atom of the sidechain to any extent with alkyl or alkenyl groups or
25 by inclusion of the amine nitrogen atom of the side chain (and no
26 other atoms of the side chain) in a cyclic structure;
- 27 (ii) by substitution at the carbon atom

1 adjacent to the nitrogen atom of the side chain (alpha-position)
2 with an alkyl or alkenyl group;

3 (iii) by substitution in the 6-membered
4 ring to any extent with alkyl, alkoxy, haloalkyl, thioalkyl,
5 alkylenedioxy, or halide substituents; or

6 (iv) by substitution at the 2-position of
7 the tryptamine ring system with an alkyl substituent; and

8 (B) including:

9 (i) ethers and esters of the controlled
10 substances listed in this subdivision; and

11 (ii) by example, compounds such as:

12 alpha-ethyltryptamine;

13 alpha-methyltryptamine;

14 Bufotenine (some trade and other names:

15 3-(beta-Dimethylaminoethyl)-5-hydroxyindole;

16 3-(2-dimethylaminoethyl)- 5- indolol; N, N-dimethylserotonin;

17 5-hydroxy-N, N- dimethyltryptamine; mappine);

18 Diethyltryptamine (some trade and
19 other names: N, N-Diethyltryptamine, DET);

20 Dimethyltryptamine (trade or other
21 name: DMT);

22 5-methoxy-N, N-diisopropyltryptamine
23 (5-MeO-DiPT);

24 O-Acetylpsilocin (Trade or other name:
25 4-Aco-DMT);

26 Psilocin; and

27 Psilocybin;

1 (6) 2,5-Dimethoxyphenethylamine and any compound
2 structurally derived from 2,5-Dimethoxyphenethylamine by
3 substitution at the 4-position of the phenyl ring to any extent
4 (including alkyl, alkoxy, alkylendioxy, haloalkyl, or halide
5 substituents), including, by example, compounds such as:

6 4-Bromo-2,5-dimethoxyphenethylamine (trade or
7 other name: 2C-B);

8 4-Chloro-2,5-dimethoxyphenethylamine (trade or
9 other name: 2C-C);

10 2,5-Dimethoxy-4-methylphenethylamine (trade or
11 other name: 2C-D);

12 4-Ethyl-2,5-dimethoxyphenethylamine (trade or
13 other name: 2C-E);

14 4-Iodo-2,5-dimethoxyphenethylamine (trade or
15 other name: 2C-I);

16 2,5-Dimethoxy-4-nitrophenethylamine (trade or
17 other name: 2C-N);

18 2,5-Dimethoxy-4-(n)-propylphenethylamine (trade
19 or other name: 2C-P);

20 4-Ethylthio-2,5-dimethoxyphenethylamine (trade
21 or other name: 2C-T-2);

22 4-Isopropylthio-2,5-dimethoxyphenethylamine
23 (trade or other name: 2C-T-4); and

24 2,5-Dimethoxy-4-(n)-propylthiophenethylamine
25 (trade or other name: 2C-T-7); and

26 (7) 2,5-Dimethoxyamphetamine and any compound
27 structurally derived from 2,5-Dimethoxyamphetamine by substitution

1 at the 4-position of the phenyl ring to any extent (including alkyl,
2 alkoxy, alkylendioxy, haloalkyl, or halide substituents),
3 including, by example, compounds such as:

4 4-Ethylthio-2,5-dimethoxyamphetamine (trade or
5 other name: Aleph-2);

6 4-Isopropylthio-2,5-dimethoxyamphetamine (trade
7 or other name: Aleph-4);

8 4-Bromo-2,5-dimethoxyamphetamine (trade or other
9 name: DOB);

10 4-Chloro-2,5-dimethoxyamphetamine (trade or
11 other name: DOC);

12 2,5-Dimethoxy-4-ethylamphetamine (trade or other
13 name: DOET);

14 4-Iodo-2,5-dimethoxyamphetamine (trade or other
15 name: DOI);

16 2,5-Dimethoxy-4-methylamphetamine (trade or
17 other name: DOM);

18 2,5-Dimethoxy-4-nitroamphetamine (trade or other
19 name: DON);

20 4-Isopropyl-2,5-dimethoxyamphetamine (trade or
21 other name: DOIP); and

22 2,5-Dimethoxy-4-(n)-propylamphetamine (trade or
23 other name: DOPR).

24 SECTION 2. 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 3. This Act takes effect September 1, 2021.