

House Bill 2593
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

(6) "Controlled substance analogue" means:

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

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

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

(a) Penalty Group 2 consists of:

(1) any quantity of the following hallucinogenic substances, 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:

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

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

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(5) "Controlled substance" means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 2, 2-A, 2-B, 3, or 4. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Section 121.001, Agriculture Code, or the tetrahydrocannabinols in hemp, except that the term includes a consumable hemp product, as defined by Section 443.001, if the sum of all tetrahydrocannabinol concentrations in the product is more than 0.3 percent on a dry weight basis. [FA1]

(6) "Controlled substance analogue" means:

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

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

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

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4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);
4-methoxymethamphetamine (PMMA);
2-(2-methoxyphenyl)-2-(methylamino)cyclohexanone (some trade and other names: 2-MeO-ketamine; methoxyketamine);
1-methyl-4-phenyl-4-propionoxypiperidine (MPPP, PMP);
4-methyl-2,5-dimethoxyamphetamine (some trade and other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; "STP");
3,4-methylenedioxy methamphetamine (MDMA, MDM);
3,4-methylenedioxy amphetamine;
3,4-methylenedioxy N-ethylamphetamine (Also known as N-ethyl MDA);
5,6-methylenedioxy-2-aminoindane (MDAI);
Nabilone (Another name for nabilone: (+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one;
N-benzylpiperazine (some trade or other names: BZP; 1-benzylpiperazine);
N-ethyl-3-piperidyl benzilate;
N-hydroxy-3,4-methylenedioxyamphetamine (Also known as N-hydroxy MDA);
4-methylaminorex;
N-methyl-3-piperidyl benzilate;
Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl);
1-Phenylcyclohexylamine;
1-Piperidinocyclohexanecarbonitrile (PCC);

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Pyrrolidine Analog of Phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);
~~[Tetrahydrocannabinols, other than marijuana, and synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as:
[delta-1 cis or trans tetrahydrocannabinol, and their optical isomers;
[delta-6 cis or trans tetrahydrocannabinol, and their optical isomers;
[delta-3, 4 cis or trans tetrahydrocannabinol, and its optical isomers; or
[compounds of these structures, regardless of numerical designation of atomic positions, since nomenclature of these substances is not internationally standardized;]~~

Thiophene Analog of Phencyclidine (some trade or other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl Analog of Phencyclidine; TPCP, TCP);
1-pyrrolidine (some trade or other name: TCPy);
1-(3-trifluoromethylphenyl)piperazine (trade or other name: TFMPP); and
3,4,5-trimethoxy amphetamine;
(2) Phenylacetone (some trade or other names: Phenyl-2-propanone; P2P, Benzylmethyl ketone, methyl benzyl ketone);
(3) unless specifically excepted or unless listed in another Penalty Group, a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant or stimulant effect on the central nervous system:

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Aminorex (some trade or other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-phenyl-2-oxazolamine);
Amphetamine, its salts, optical isomers, and salts of optical isomers;
Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone);
Etaqualone and its salts;
Etorphine Hydrochloride;
Fenethylamine and its salts;
Lisdexamfetamine, including its salts, isomers, and salts of isomers;
Mecloqualone and its salts;
Methaqualone and its salts;
Methcathinone (some trade or other names: 2-methylamino-propiofenone; alpha-(methylamino)propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone, N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR 1431);
N-Ethylamphetamine, its salts, optical isomers, and salts of optical isomers; and
N,N-dimethylamphetamine (some trade or other names: N,N,alpha-trimethylbenzeneethanamine; N,N,alpha-trimethylphenethylamine), its salts, optical isomers, and salts of optical isomers;
(4) any compound structurally derived from 2-aminopropanal by substitution at the 1-position with any monocyclic or fused-polycyclic ring system, including:
(A) compounds further modified by:

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- (i) substitution in the ring system to any extent (including alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents), whether or not further substituted in the ring system by other substituents;
 - (ii) substitution at the 3-position with an alkyl substituent;
or
 - (iii) substitution at the 2-amino nitrogen atom with alkyl, benzyl, dialkyl, or methoxybenzyl groups, or inclusion of the 2-amino nitrogen atom in a cyclic structure; and
- (B) by example, compounds such as:
- 4-Methylmethcathinone (Also known as Mephedrone);
 - 3,4-Dimethylmethcathinone (Also known as 3,4-DMMC);
 - 3-Fluoromethcathinone (Also known as 3-FMC);
 - 4-Fluoromethcathinone (Also known as Flephedrone);
 - 3,4-Methylenedioxy-N-methylcathinone (Also known as Methylone);
 - 3,4-Methylenedioxypropylvalerone (Also known as MDPV);
 - alpha-Pyrrolidinopentiophenone (Also known as alpha-PVP);
 - Naphthylpyrovalerone (Also known as Naphyrone);
 - alpha-Methylamino-valerophenone (Also known as Pentedrone);
 - beta-Keto-N-methylbenzodioxolylpropylamine (Also known as Butylone);
 - beta-Keto-N-methylbenzodioxolylpentanamine (Also known as Pentylone);
 - beta-Keto-Ethylbenzodioxolylbutanamine (Also known as Eutylone); and
 - 3,4-methylenedioxy-N-ethylcathinone (Also known as Ethylone);
- (5) any compound structurally derived from tryptamine (3-(2-aminoethyl)indole) or a ring-hydroxy tryptamine:

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(A) by modification in any of the following ways:

- (i) by substitution at the amine nitrogen atom of the sidechain to any extent with alkyl or alkenyl groups or by inclusion of the amine nitrogen atom of the side chain (and no other atoms of the side chain) in a cyclic structure;
- (ii) by substitution at the carbon atom adjacent to the nitrogen atom of the side chain (alpha-position) with an alkyl or alkenyl group;
- (iii) by substitution in the 6-membered ring to any extent with alkyl, alkoxy, haloalkyl, thioalkyl, alkylendioxy, or halide substituents; or
- (iv) by substitution at the 2-position of the tryptamine ring system with an alkyl substituent; and

(B) including:

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

(ii) by example, compounds such as:

alpha-ethyltryptamine;

alpha-methyltryptamine;

Bufotenine (some trade and other names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole;

3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine);

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

Dimethyltryptamine (trade or other name: DMT);

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

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

Psilocin; and

Psilocybin;

(6) 2,5-Dimethoxyphenethylamine and any compound structurally derived from 2,5-Dimethoxyphenethylamine by

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

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

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

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

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

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

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

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

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

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

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

(7) 2,5-Dimethoxyamphetamine and any compound structurally derived from 2,5-Dimethoxyamphetamine by substitution at the 4-position of the phenyl ring to any extent (including alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents), including, by example, compounds such as:

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

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

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4-Bromo-2,5-dimethoxyamphetamine (trade or other name: DOB);
4-Chloro-2,5-dimethoxyamphetamine (trade or other name: DOC);
2,5-Dimethoxy-4-ethylamphetamine (trade or other name: DOET);
4-Iodo-2,5-dimethoxyamphetamine (trade or other name: DOI);
2,5-Dimethoxy-4-methylamphetamine (trade or other name: DOM);
2,5-Dimethoxy-4-nitroamphetamine (trade or other name: DON);
4-Isopropyl-2,5-dimethoxyamphetamine (trade or other name: DOIP); and
2,5-Dimethoxy-4-(n)-propylamphetamine (trade or other name: DOPR).

SECTION 3. Subchapter D, Chapter 481, Health and Safety Code, is amended by adding Section 481.1032 to read as follows:

Sec. 481.1032. PENALTY GROUP 2-B. (a) Penalty Group 2-B consists of any quantity of the following substances, 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: Tetrahydrocannabinols, other than marihuana, and synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as: delta-1 cis or trans tetrahydrocannabinol, and their optical isomers;

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delta-6 cis or trans tetrahydrocannabinol, and their optical isomers;
delta-3, 4 cis or trans tetrahydrocannabinol, and its optical isomers; or
compounds of these structures, regardless of numerical designation of atomic positions, since nomenclature of these substances is not internationally standardized.
(b) For the purposes of this section, the term "isomer" includes an optical, position, or geometric isomer.

SECTION 4. Section 481.106, Health and Safety Code, is amended to read as follows:

Sec. 481.106. CLASSIFICATION OF CONTROLLED SUBSTANCE ANALOGUE. For the purposes of the prosecution of an offense under this subchapter involving the manufacture, delivery, or possession of a controlled substance, Penalty Groups 1, 1-A, 2, ~~[and] 2-A,~~ and 2-B include a controlled substance analogue that:

- (1) has a chemical structure substantially similar to the chemical structure of a controlled substance listed in the applicable penalty group; or
- (2) is specifically designed to produce an effect substantially similar to, or greater than, a controlled substance listed in the applicable penalty group.

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

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

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SECTION 5. Same as House version.

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

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

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

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

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

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

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

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

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

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SECTION 7. Same as House version.

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

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

(11) "Controlled substance" means a substance, including a drug:

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

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

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

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

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

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

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

SECTION 11. 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 when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was

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committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 12. This Act takes effect September 1, 2021.

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