

By: Perry

S.B. No. 1868

A BILL TO BE ENTITLED

1 AN ACT
2 relating to adding certain substances to the Texas Controlled
3 Substances Act and prohibiting the production, manufacture,
4 distribution, delivery, sale, and possession of certain
5 hallucinogenic substances; creating criminal offenses.

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

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

9 Sec. 481.102. PENALTY GROUP 1. Penalty Group 1 consists 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 Allylprodine;
16 Alphacetylmethadol;
17 Benzethidine;
18 Betaprodine;
19 Clonitazene;
20 Diampromide;
21 Diethylthiambutene;
22 Difenoquin not listed in Penalty Group 3 or 4;
23 Dimenoxadol;
24 Dimethylthiambutene;

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

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

5 Acetorphine;
6 Acetyldihydrocodeine;
7 Benzylmorphine;
8 Codeine methylbromide;
9 Codeine-N-Oxide;
10 Cyprenorphine;
11 Desomorphine;
12 Dihydromorphine;
13 Drotebanol;
14 Etorphine, except hydrochloride salt;
15 Heroin;
16 Hydromorphanol;
17 Methyldesorphine;
18 Methyldihydromorphine;
19 Monoacetylmorphine;
20 Morphine methylbromide;
21 Morphine methylsulfonate;
22 Morphine-N-Oxide;
23 Myrophine;
24 Nicocodeine;
25 Nicomorphine;
26 Normorphine;
27 Pholcodine; and

1 Thebacon;

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

4 (A) Opium and opiate not listed in Penalty Group
5 3 or 4, and a salt, compound, derivative, or preparation of opium or
6 opiate, other than thebaine derived butorphanol, nalmefene and its
7 salts, naloxone and its salts, and naltrexone and its salts, but
8 including:

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

27 (B) a salt, compound, isomer, derivative, or

1 preparation of a substance that is chemically equivalent or
2 identical to a substance described by Paragraph (A), other than the
3 isoquinoline alkaloids of opium;

4 (C) Opium poppy and poppy straw;

5 (D) Cocaine, including:

6 (i) its salts, its optical, position, and
7 geometric isomers, and the salts of those isomers;

8 (ii) coca leaves and a salt, compound,
9 derivative, or preparation of coca leaves; and

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

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

18 (F) kratom and kratom products, including:

19 (i) Mitragynine, mitragynine naturally
20 contained in the plant Mitragyna speciosa Korth, synthetic
21 equivalents of the substances contained in the plant, and their
22 isomers, esters, ethers, salts, and salts of isomers, esters, and
23 ethers; and

24 (ii) 7-Hydroxymitragynine, 7-
25 hydroxymitragynine naturally contained in the plant Mitragyna
26 speciosa Korth, synthetic equivalents of the substances contained
27 in the plant, and their isomers, esters, ethers, salts, and salts of

1 isomers, esters, and ethers; and

2 (G) Tianeptine;

3 (4) the following opiates, including their isomers,
4 esters, ethers, salts, and salts of isomers, if the existence of
5 these isomers, esters, ethers, and salts is possible within the
6 specific chemical designation:

7 Alphaprodine;

8 Anileridine;

9 Bezitramide;

10 Dihydrocodeine not listed in Penalty Group 3 or 4;

11 Diphenoxylate not listed in Penalty Group 3 or 4;

12 Isomethadone;

13 Levomethorphan;

14 Levorphanol;

15 Metazocine;

16 Methadone;

17 Methadone-Intermediate, 4-cyano-2-dimethylamino-
18 4, 4-diphenyl butane;

19 Moramide-Intermediate, 2-methyl-3-morpholino-1,
20 1-diphenyl-propane-carboxylic acid;

21 PEPAP (1-(2-phenethyl)-4-phenyl-4-
22 acetoxypiperidine);

23 Pethidine (Meperidine);

24 Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
25 phenylpiperidine;

26 Pethidine-Intermediate-B, ethyl-4-
27 phenylpiperidine-4 carboxylate;

- 1 Pethidine-Intermediate-C, 1-methyl-4-
2 phenylpiperidine-4-carboxylic acid;
3 Phenazocine;
4 Piminodine;
5 Racemethorphan; and
6 Racemorphan;
7 (5) Flunitrazepam (trade or other name: Rohypnol);
8 (6) Methamphetamine, including its salts, optical
9 isomers, and salts of optical isomers;
10 (7) Phenylacetone and methylamine, if possessed
11 together with intent to manufacture methamphetamine;
12 (8) Phencyclidine, including its salts;
13 (9) Gamma hydroxybutyric acid (some trade or other
14 names: gamma hydroxybutyrate, GHB), including its salts;
15 (10) Ketamine;
16 (11) Phenazepam;
17 (12) U-47700;
18 (13) AH-7921;
19 (14) ADB-FUBINACA;
20 (15) AMB-FUBINACA; and
21 (16) MDMB-CHMICA.

22 SECTION 2. Subtitle C, Title 6, Health and Safety Code, is
23 amended by adding Chapter 491 to read as follows:

24 CHAPTER 491. HALLUCINOGENIC SUBSTANCES

25 SUBCHAPTER A. GENERAL PROVISIONS

26 Sec. 491.001. DEFINITION. In this chapter, "hallucinogenic
27 substance" means any part, portion, or derivative of any of the

1 following plants or fungi:

- 2 (1) Brugmansia arborea;
- 3 (2) Amanita muscaria;
- 4 (3) Conocybe spp.;
- 5 (4) Panaeolus spp.;
- 6 (5) Psilocybe spp.;
- 7 (6) Stropharia spp.;
- 8 (7) Vinca rosea;
- 9 (8) Ipomoea violacea;
- 10 (9) Datura spp.;
- 11 (10) Pancreatium trianthum;
- 12 (11) Kaempferia galanga;
- 13 (12) Olmedioperebea sclerophylla;
- 14 (13) Mesembryanthemum spp.;
- 15 (14) Virola spp.;
- 16 (15) Anadenanthera peregrina;
- 17 (16) Anadenanthera colubrina;
- 18 (17) Erythina spp.;
- 19 (18) Genista canariensis;
- 20 (19) Mimosa hostilis;
- 21 (20) Rhynchosia spp.;
- 22 (21) Sophora secundiflora;
- 23 (22) Peganum harmala;
- 24 (23) Banisteriopsis spp.;
- 25 (24) Tetrapterys methystica;
- 26 (25) Heimia salicifolia;
- 27 (26) Tabernanthe iboga;

- 1 (27) *Prestonia amazonica*;
- 2 (28) *Lagochilus inebrians*;
- 3 (29) *Rivea corymbosa*;
- 4 (30) *Salvia divinorum*;
- 5 (31) *Atropa belladonna*;
- 6 (32) *Hyoscyamus niger*;
- 7 (33) *Mandragora officinarum*;
- 8 (34) *Brunfelsia spp.*;
- 9 (35) *Methysticodendron amesianum*;
- 10 (36) *Latua pubiflora*;
- 11 (37) *Calea Zacatechichi*;
- 12 (38) *Physalis subglabrata*;
- 13 (39) *Solanum carolinense*; and
- 14 (40) *Amanita pantherina*.

15 SUBCHAPTER B. PROHIBITED ACTS; PENALTIES

16 Sec. 491.051. OFFENSE: PRODUCTION, MANUFACTURE,
17 DISTRIBUTION, DELIVERY, SALE, OR POSSESSION OF HALLUCINOGENIC
18 SUBSTANCE. (a) A person commits an offense if the person knowingly
19 produces, manufactures, distributes, delivers, sells, or possesses
20 with intent to produce, manufacture, distribute, deliver, or sell a
21 material, compound, mixture, or preparation that contains a
22 hallucinogenic substance.

23 (b) A person commits an offense if the person knowingly
24 possesses a material, compound, mixture, or preparation that
25 contains a hallucinogenic substance.

26 (c) An offense under Subsection (a) is a state jail felony.

27 (d) An offense under Subsection (b) is a Class B

1 misdemeanor.

2 (e) If conduct constituting an offense under this section
3 also constitutes an offense under another provision of law, the
4 person may be prosecuted under either this section or the other
5 provision.

6 Sec. 491.052. CIVIL PENALTY. (a) The attorney general or a
7 district, county, or city attorney may institute an action in
8 district court to collect a civil penalty from a person who
9 produces, manufactures, distributes, delivers, sells, or possesses
10 with intent to produce, manufacture, distribute, deliver, or sell a
11 material, compound, mixture, or preparation that contains a
12 hallucinogenic substance.

13 (b) The civil penalty may not exceed \$25,000 a day for each
14 offense. Each day an offense is committed constitutes a separate
15 violation for purposes of the penalty assessment.

16 (c) Venue for a suit brought under this section is in the
17 city or county in which the offense occurred or in Travis County.

18 (d) A civil penalty recovered in a suit instituted by a
19 local government under this section shall be paid to that local
20 government.

21 Sec. 491.053. NO DEFENSE. In a prosecution or civil action
22 under this subchapter, the fact that the hallucinogenic substance
23 was in packaging labeled with "Not for Human Consumption," or other
24 wording indicating the substance is not intended to be ingested, is
25 not a defense.

26 Sec. 491.054. PENALTIES UNDER OTHER LAW. A penalty imposed
27 for an offense under this subchapter is in addition to any civil or

1 administrative penalty or other sanction imposed by law.

2 SECTION 3. Chapter 444, Health and Safety Code, as added by
3 Chapter 2 (S.B. 497), Acts of the 88th Legislature, Regular
4 Session, 2023, is repealed.

5 SECTION 4. The change in law made by this Act applies only
6 to an offense committed on or after the effective date of this Act.
7 An offense committed before the effective date of this Act is
8 governed by the law in effect on the date the offense was committed,
9 and the former law is continued in effect for that purpose. For
10 purposes of this section, an offense was committed before the
11 effective date of this Act if any element of the offense occurred
12 before that date.

13 SECTION 5. To the extent of any conflict, this Act prevails
14 over another Act of the 89th Legislature, Regular Session, 2025,
15 relating to nonsubstantive additions to and corrections in enacted
16 codes.

17 SECTION 6. This Act takes effect September 1, 2025.