

## **BILL ANALYSIS**

S.B. 263  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

K2 (aka Spice, Genie, Fire & Ice) is marketed as incense, but is actually a product that has been sprayed with a chemical compound that mimics the effects of THC, the active ingredient in marijuana, and is being smoked to produce intoxicating effects. S.B. 331, 82nd Legislature, Regular Session, 2011, made K2 an illegal substance, but is reportedly still being sold at gas stations and smoke shops across Texas, as well as online, to Texans of all ages. Unfortunately, manufacturers of synthetic cannabinoids are changing their formulas slightly to skirt the law, and sellers in turn continue to stock their shelves with K2.

Unbeknownst to the user, smoking K2 can have dangerous consequences that put the user's health at great risk. The reported side-effects include hallucination, severe agitation, elevated heart rate and/or blood pressure, chest pains, black outs, tremors, seizures, and cardiac infraction. According to the Texas Poison Center Network, there were 470 K2-related calls in 2012.

The problem is clearly spreading across Texas and use amongst people of all ages and all walks of life is increasing. S.B. 263 seeks to address this problem by adding various new synthetic cannabinoid compounds that have been created since the passage of S.B. 331, by adding Penalty Group 2A to the analogue statute, and by defining the term "Isostere" to make illegal any substance that is a molecular or structural cousin of a synthetic cannabinoid.

S.B. 263 amends current law relating to the designation for criminal prosecution and other purposes of certain chemicals commonly referred to as synthetic cannabinoids as controlled substances and controlled substance analogues under the Texas Controlled Substances Act.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **ANALYSIS**

SECTION 1. Amends Section 481.002, Health and Safety Code, by amending Subdivisions (5) and (6) to redefine "controlled substance" and "controlled substance analogue."

SECTION 2. Amends Section 481.1031, Health and Safety Code, as follows:

Sec. 481.1031. PENALTY GROUP 2-A. Provides that Penalty Group 2-A consists of any material, compound, mixture, or preparation that contains any quantity of a synthetic chemical substance, including its salts, isomers, and salts of isomers, listed by name in this section or contained within certain structural classes defined in this section, rather than providing that Penalty Group 2-A consists of any quantity of a synthetic chemical compound that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring cannabinoids. Sets forth the list of included chemical substances.

SECTION 3. Amends Section 481.106, Health and Safety Code, as follows:

Sec. 481.106. CLASSIFICATION OF CONTROLLED SUBSTANCE ANALOGUE. Provides that 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 include a controlled substance analogue that has a chemical structure substantially similar to the chemical structure of a controlled substance listed in the applicable penalty group, or is specifically designed to produce an effect substantially similar to, or greater than, a controlled substance listed in the applicable penalty group.

SECTION 4. Makes application of this Act prospective.

**EFFECTIVE DATE**

Effective date: September 1, 2013.