

BILL ANALYSIS

S.B. 264
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The most recent trend in legal synthetic drugs is designer psychedelics which, when ingested, mimic the effects of LSD or ecstasy. During the late summer of 2013, two young Harris County residents died shortly after taking an extremely potent designer psychedelic commonly referred to as 25I. One of the victims was a 21-year-old man, while the other was a 15-year-old girl. Both victims died within hours of ingesting the drug.

25I-NBOMe was first developed 10 years ago as a research tool to aid neuro-scientists, but is now being sold legally online and by dealers at clubs and parties.

S.B. 264 adds certain substances to Penalty Group 2 of the Texas Controlled Substances Act, including 25I-NBOMe.

S.B. 264 amends current law relating to the addition of certain substances to Penalty Groups 1-A and 2 of the Texas Controlled Substances Act for criminal prosecution and other purposes.

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(50), Health and Safety Code, to redefine " abuse unit."

SECTION 2. Amends Section 481.1021, Health and Safety Code, as follows:

Sec. 481.1021. PENALTY GROUP 1-A. (a) Creates this subsection from existing text. Provides that Penalty Group 1-A consists of:

(1) lysergic acid diethylamide (LSD), including its salts, isomers, and salts of isomers; and

(2) compounds structurally derived from 2,5-dimethoxyphenethylamine by substitution at the 1-amino nitrogen atom with a benzyl substituent, including:

(A) compounds further modified by substitution in the phenethylamine ring at the 4- position to any extent or substitution in the benzyl ring to any extent; and

(B) certain compounds in the 2C family of psychedelic phenethylamines and derivatives.

(b) Provides that to the extent Subsection (a)(2) conflicts with this subtitle (Substance Abuse Regulation and Crimes) or another law, the subtitle or other law prevails.

SECTION 3. Amends Section 481.103(a) and (c), Health and Safety Code, as follows:

(a) Provides that Penalty Group 2 consists of:

(1) certain hallucinogenic substances, their salts, isomers, and salts of isomers, excluding 4-bromo-2, 5-dimethoxyamphetamine (some trade or other names: 4-bromo-2, 5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2, 5-DMA); 4-bromo-2, 5-dimethoxyphenethylamine; 2, 5-dimethoxy-4-ethylamphetamine (trade or other name: DOET); and 2, 5-dimethoxy-4-(n)-propylthiophenethylamine (trade or other name: 2C-T-7);

(2)-(3) Makes no changes to these subdivisions;

(4) certain compounds structurally derived from 2-aminopropanal by substitution at the 1-position with any monocyclic or fused-polycyclic ring system, including alpha-Methylamino-valerophenone (Pentedrone);

(5) 2,5-Dimethoxyphenethylamine and any compound structurally derived from it by substitution at the 4-position of the phenyl ring to any extent (including alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents); and

(6) 2,5-Dimethoxyamphetamine and any compound structurally derived from it by substitution at the 4- position of the phenyl ring to any extent (including alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents).

(c) Provides that to the extent Subsection (a)(4), (5), or (6) conflicts with this subtitle or another law, the subtitle or other law prevails.

SECTION 4. Makes application of this Act prospective.

EFFECTIVE DATE

Effective date: September 1, 2013.