

1-1 By: Huffman S.B. No. 173
1-2 (In the Senate - Filed November 10, 2014; January 27, 2015,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 16, 2015, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; March 16, 2015,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Burton	X		
1-12	Creighton	X		
1-13	Hinojosa	X		
1-14	Menéndez	X		
1-15	Perry	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 173 By: Huffman

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the designation for criminal prosecution and other
1-20 purposes of certain chemicals commonly referred to as synthetic
1-21 cannabinoids as controlled substances and controlled substance
1-22 analogues under the Texas Controlled Substances Act.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Sections 481.002(5) and (6), Health and Safety
1-25 Code, are amended to read as follows:

1-26 (5) "Controlled substance" means a substance,
1-27 including a drug, an adulterant, and a dilutant, listed in
1-28 Schedules I through V or Penalty Group ~~[Groups]~~ 1, 1-A, ~~[or]~~ 2, 2-A,
1-29 3, or ~~[through]~~ 4. The term includes the aggregate weight of any
1-30 mixture, solution, or other substance containing a controlled
1-31 substance.

1-32 (6) "Controlled substance analogue" means:

1-33 (A) a substance with a chemical structure
1-34 substantially similar to the chemical structure of a controlled
1-35 substance in Schedule I or II or Penalty Group 1, 1-A, ~~[or]~~ 2, or
1-36 2-A; or

1-37 (B) a substance specifically designed to produce
1-38 an effect substantially similar to, or greater than, the effect of a
1-39 controlled substance in Schedule I or II or Penalty Group 1, 1-A,
1-40 ~~[or]~~ 2, or 2-A.

1-41 SECTION 2. Section 481.1031, Health and Safety Code, is
1-42 amended to read as follows:

1-43 Sec. 481.1031. PENALTY GROUP 2-A. (a) In this section:

1-44 (1) "Core component" means one of the following
1-45 functional groups: benzimidazole, benzothiazole, carbazole,
1-46 imidazole, indane, indazole, indene, indole, pyrazole,
1-47 pyrazolopyridine, or pyrrole.

1-48 (2) "Group A component" means one of the following
1-49 functional groups: adamantane, benzene, cycloalkylmethyl,
1-50 isoquinoline, methylpiperazine, naphthalene, phenyl, quinoline,
1-51 tetrahydronaphthalene, tetramethylcyclopropane, amino oxobutane,
1-52 amino dimethyl oxobutane, amino phenyl oxobutane, methyl methoxy
1-53 oxobutane, methoxy dimethyl oxobutane, methoxy phenyl oxobutane,
1-54 or an amino acid.

1-55 (3) "Link component" means one of the following
1-56 functional groups: carboxamide, carboxylate, methanone (ketone),
1-57 ethanone, methanediyl (methylene bridge), or methine.

1-58 (b) Penalty Group 2-A consists of any material, compound,
1-59 mixture, or preparation that contains any quantity of a natural or
1-60 synthetic chemical substance, including its salts, isomers, and

- 2-1 salts of isomers, listed by name in this subsection or contained
 2-2 within one of the structural classes defined in this subsection:
- 2-3 (1) WIN-55,212-2;
- 2-4 (2) Cyclohexylphenol: any compound [~~that is a~~
 2-5 ~~cannabinoid receptor agonist and mimics the pharmacological effect~~
 2-6 ~~of naturally occurring cannabinoids, including:~~
 2-7 ~~[naphthoylindoles structurally derived from~~
 2-8 ~~3-(1-naphthoyl)indole by substitution at the nitrogen atom of the~~
 2-9 ~~indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,~~
 2-10 ~~or 2-(4-morpholinyl)ethyl, whether or not further substituted in~~
 2-11 ~~the indole ring to any extent, whether or not substituted in the~~
 2-12 ~~naphthyl ring to any extent, including:~~
- 2-13 [AM-2201,
- 2-14 [JWH-004,
- 2-15 [JWH-007,
- 2-16 [JWH-009,
- 2-17 [JWH-015,
- 2-18 [JWH-016,
- 2-19 [JWH-018,
- 2-20 [JWH-019,
- 2-21 [JWH-020,
- 2-22 [JWH-046,
- 2-23 [JWH-047,
- 2-24 [JWH-048,
- 2-25 [JWH-049,
- 2-26 [JWH-050,
- 2-27 [JWH-073,
- 2-28 [JWH-076,
- 2-29 [JWH-079,
- 2-30 [JWH-080,
- 2-31 [JWH-081,
- 2-32 [JWH-082,
- 2-33 [JWH-083,
- 2-34 [JWH-093,
- 2-35 [JWH-094,
- 2-36 [JWH-095,
- 2-37 [JWH-096,
- 2-38 [JWH-097,
- 2-39 [JWH-098,
- 2-40 [JWH-099,
- 2-41 [JWH-100,
- 2-42 [JWH-116,
- 2-43 [JWH-122,
- 2-44 [JWH-148,
- 2-45 [JWH-149,
- 2-46 [JWH-153,
- 2-47 [JWH-159,
- 2-48 [JWH-164,
- 2-49 [JWH-165,
- 2-50 [JWH-166,
- 2-51 [JWH-180,
- 2-52 [JWH-181,
- 2-53 [JWH-182,
- 2-54 [JWH-189,
- 2-55 [JWH-193,
- 2-56 [JWH-198,
- 2-57 [JWH-200,
- 2-58 [JWH-210,
- 2-59 [JWH-211,
- 2-60 [JWH-212,
- 2-61 [JWH-213,
- 2-62 [JWH-234,
- 2-63 [JWH-235,
- 2-64 [JWH-239,
- 2-65 [JWH-240,
- 2-66 [JWH-241,
- 2-67 [JWH-242,
- 2-68 [JWH-258,
- 2-69 [JWH-259,

- 3-1 [JWH-260,
3-2 [JWH-262,
3-3 [JWH-267,
3-4 [JWH-386,
3-5 [JWH-387,
3-6 [JWH-394,
3-7 [JWH-395,
3-8 [JWH-397,
3-9 [JWH-398,
3-10 [JWH-399,
3-11 [JWH-400,
3-12 [JWH-412,
3-13 [JWH-413, and
3-14 [JWH-414,
3-15 [~~naphthylmethylinrones structurally derived from~~
3-16 ~~1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen~~
3-17 ~~atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl,~~
3-18 ~~cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not further~~
3-19 ~~substituted in the indole ring to any extent, whether or not~~
3-20 ~~substituted in the naphthyl ring to any extent, including:~~
3-21 [JWH-175,
3-22 [JWH-184,
3-23 [JWH-185,
3-24 [JWH-192,
3-25 [JWH-194,
3-26 [JWH-195,
3-27 [JWH-196,
3-28 [JWH-197, and
3-29 [JWH-199,
3-30 [~~naphthoylpyrroles structurally derived from~~
3-31 ~~3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the~~
3-32 ~~pyrrole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,~~
3-33 ~~or 2-(4-morpholinyl)ethyl, whether or not further substituted in~~
3-34 ~~the pyrrole ring to any extent, whether or not substituted in the~~
3-35 ~~naphthyl ring to any extent, including:~~
3-36 [JWH-030,
3-37 [JWH-145,
3-38 [JWH-146,
3-39 [JWH-147,
3-40 [JWH-150,
3-41 [JWH-156,
3-42 [JWH-243,
3-43 [JWH-244,
3-44 [JWH-245,
3-45 [JWH-246,
3-46 [JWH-292,
3-47 [JWH-293,
3-48 [JWH-307,
3-49 [JWH-308,
3-50 [JWH-309,
3-51 [JWH-346,
3-52 [JWH-347,
3-53 [JWH-348,
3-54 [JWH-363,
3-55 [JWH-364,
3-56 [JWH-365,
3-57 [JWH-366,
3-58 [JWH-367,
3-59 [JWH-368,
3-60 [JWH-369,
3-61 [JWH-370,
3-62 [JWH-371,
3-63 [JWH-372,
3-64 [JWH-373, and
3-65 [JWH-392,
3-66 [~~naphthylmethylindenes structurally derived from~~
3-67 ~~1-(1-naphthylmethyl)indene by substitution at the 3-position of~~
3-68 ~~the indene ring by alkyl, alkenyl, cycloalkylmethyl,~~
3-69 ~~cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not further~~

- 4-1 ~~substituted in the indene ring to any extent, whether or not~~
- 4-2 ~~substituted in the naphthyl ring to any extent, including:~~
- 4-3 ~~[JWH-171,~~
- 4-4 ~~[JWH-172,~~
- 4-5 ~~[JWH-173, and~~
- 4-6 ~~[JWH-176,~~
- 4-7 ~~[phenylacetylindoles structurally derived from~~
- 4-8 ~~3-phenylacetylindole by substitution at the nitrogen atom of the~~
- 4-9 ~~indole ring with alkyl, alkenyl, cycloalkylmethyl,~~
- 4-10 ~~cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not further~~
- 4-11 ~~substituted in the indole ring to any extent, whether or not~~
- 4-12 ~~substituted in the phenyl ring to any extent, including:~~
- 4-13 ~~[AM-694,~~
- 4-14 ~~[AM-1241,~~
- 4-15 ~~[JWH-167,~~
- 4-16 ~~[JWH-203,~~
- 4-17 ~~[JWH-204,~~
- 4-18 ~~[JWH-205,~~
- 4-19 ~~[JWH-206,~~
- 4-20 ~~[JWH-208,~~
- 4-21 ~~[JWH-237,~~
- 4-22 ~~[JWH-248,~~
- 4-23 ~~[JWH-249,~~
- 4-24 ~~[JWH-250,~~
- 4-25 ~~[JWH-251,~~
- 4-26 ~~[JWH-252,~~
- 4-27 ~~[JWH-253,~~
- 4-28 ~~[JWH-302,~~
- 4-29 ~~[JWH-303,~~
- 4-30 ~~[JWH-305,~~
- 4-31 ~~[JWH-306,~~
- 4-32 ~~[JWH-311,~~
- 4-33 ~~[JWH-312,~~
- 4-34 ~~[JWH-313,~~
- 4-35 ~~[JWH-314, and~~
- 4-36 ~~[JWH-315,~~
- 4-37 ~~[cyclohexylphenols] structurally derived from~~
- 4-38 ~~2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of~~
- 4-39 ~~the phenolic ring [by alkyl], (N-methylpiperidin-2-yl)alkyl,~~
- 4-40 ~~(4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl [alkenyl,~~
- 4-41 ~~cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl],~~
- 4-42 ~~whether or not substituted in the cyclohexyl ring to any extent,~~
- 4-43 ~~including:~~
- 4-44 ~~JWH-337;~~
- 4-45 ~~JWH-344;~~
- 4-46 ~~CP-55,940;~~
- 4-47 ~~CP-47,497; and~~
- 4-48 ~~analogues of CP-47,497;~~
- 4-49 ~~(3) Cannabinol[, including VII, V, VIII, I, II, III,~~
- 4-50 ~~IV, IX, X, XI, XII, XIII, XV, and XVI,~~
- 4-51 ~~[JWH-337,~~
- 4-52 ~~[JWH-344,~~
- 4-53 ~~[JWH-345, and~~
- 4-54 ~~[JWH-405, and~~
- 4-55 ~~[cannabinol] derivatives, except where contained in~~
- 4-56 ~~marihuana, including tetrahydro derivatives of cannabinol and~~
- 4-57 ~~3-alkyl homologues of cannabinol or of its tetrahydro derivatives,~~
- 4-58 ~~such as:~~
- 4-59 ~~Nabilone;~~
- 4-60 ~~HU-210; and~~
- 4-61 ~~HU-211;~~
- 4-62 ~~(4) Tetramethylcyclopropyl thiazole: any compound~~
- 4-63 ~~structurally derived from 2,2,3,3-tetramethyl-N-(thiazol-~~
- 4-64 ~~2-ylidene)cyclopropanecarboxamide by substitution at the nitrogen~~
- 4-65 ~~atom of the thiazole ring, whether or not further substituted in the~~
- 4-66 ~~thiazole ring to any extent, whether or not substituted in the~~
- 4-67 ~~tetramethylcyclopropyl ring to any extent, including:~~
- 4-68 ~~A-836,339;~~
- 4-69 ~~(5) any compound containing a core component~~

5-1 substituted at the 1-position to any extent, and substituted at the
5-2 3-position with a link component attached to a group A component,
5-3 whether or not the core component or group A component are further
5-4 substituted to any extent, including:

- 5-5 Naphtoylindane;
- 5-6 Naphthoylindazole (THJ-018);
- 5-7 Naphthyl methyl indene (JWH-171);
- 5-8 Naphthoylindole (JWH-018);
- 5-9 Quinolinoyl pyrazole carboxylate (Quinolinyl
- 5-10 fluoropentyl fluorophenyl pyrazole carboxylate);
- 5-11 Naphthoyl pyrazolopyridine; and
- 5-12 Naphthoylpyrrole (JWH-030);

5-13 (6) any compound containing a core component
5-14 substituted at the 1-position to any extent, and substituted at the
5-15 2-position with a link component attached to a group A component,
5-16 whether or not the core component or group A component are further
5-17 substituted to any extent, including:

5-18 Naphthoylbenzimidazole (JWH-018 Benzimidazole);
5-19 and

5-20 Naphthoylimidazole;

5-21 (7) any compound containing a core component
5-22 substituted at the 3-position to any extent, and substituted at the
5-23 2-position with a link component attached to a group A component,
5-24 whether or not the core component or group A component are further
5-25 substituted to any extent, including:

5-26 Naphthoyl benzothiazole; and

5-27 (8) any compound containing a core component
5-28 substituted at the 9-position to any extent, and substituted at the
5-29 3-position with a link component attached to a group A component,
5-30 whether or not the core component or group A component are further
5-31 substituted to any extent, including:

5-32 Naphthoylcarbazole (EG-018) [~~and~~
5-33 [WIN-55,212-2].

5-34 SECTION 3. Section 481.106, Health and Safety Code, is
5-35 amended to read as follows:

5-36 Sec. 481.106. CLASSIFICATION OF CONTROLLED SUBSTANCE
5-37 ANALOGUE. For the purposes of the prosecution of an offense under
5-38 this subchapter involving the manufacture, delivery, or possession
5-39 of a controlled substance, Penalty Groups 1, 1-A, [~~and~~] 2, and 2-A
5-40 include a controlled substance analogue that:

5-41 (1) has a chemical structure substantially similar to
5-42 the chemical structure of a controlled substance listed in the
5-43 applicable penalty group; or

5-44 (2) is specifically designed to produce an effect
5-45 substantially similar to, or greater than, a controlled substance
5-46 listed in the applicable penalty group.

5-47 SECTION 4. The change in law made by this Act applies only
5-48 to an offense committed on or after the effective date of this Act.
5-49 An offense committed before the effective date of this Act is
5-50 governed by the law in effect on the date the offense was committed,
5-51 and the former law is continued in effect for that purpose. For
5-52 purposes of this section, an offense was committed before the
5-53 effective date of this Act if any element of the offense occurred
5-54 before that date.

5-55 SECTION 5. This Act takes effect September 1, 2015.

5-56 * * * * *