

By: Clardy, Price, Turner of Tarrant,  
Villalba, Metcalf, et al.

H.B. No. 595

Substitute the following for H.B. No. 595:

By: Herrero

C.S.H.B. No. 595

A BILL TO BE ENTITLED

AN ACT

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.

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

SECTION 1. Section 481.002(50), Health and Safety Code, is  
amended to read as follows:

(50) "Abuse unit" means:

(A) except as provided by Paragraph (B):

(i) a single unit on or in any adulterant,  
dilutant, or similar carrier medium, including marked or perforated  
blotter paper, a tablet, gelatin wafer, sugar cube, or stamp, or  
other medium that contains any amount of a controlled substance  
listed in Penalty Group 1-A, if the unit is commonly used in abuse  
of that substance; or

(ii) each quarter-inch square section of  
paper, if the adulterant, dilutant, or carrier medium is paper not  
marked or perforated into individual abuse units; or

(B) if the controlled substance is in liquid or  
solid form, 40 micrograms of the controlled substance including any  
adulterant or dilutant.

SECTION 2. Section 481.1021, Health and Safety Code, is  
amended to read as follows:

Sec. 481.1021. PENALTY GROUP 1-A. (a) Penalty Group 1-A

1 consists of:

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

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

7 (A) compounds further modified by:

8 (i) substitution in the phenethylamine ring  
9 at the 4- position to any extent (including alkyl, alkoxy,  
10 alkylenedioxy, haloalkyl, or halide substituents); or

11 (ii) substitution in the benzyl ring to any  
12 extent (including alkyl, alkoxy, alkylenedioxy, haloalkyl, or  
13 halide substituents); and

14 (B) by example, compounds such as:

15 4-Bromo-2,5-dimethoxy-N-(2-methoxybenzyl)  
16 phenethylamine (trade or other names: 25B-NBOMe, 2C-B-NBOMe);

17 4-Chloro-2,5-dimethoxy-N-(2-methoxybenzyl)  
18 phenethylamine (trade or other names: 25C-NBOMe, 2C-C-NBOMe);

19 2,5-Dimethoxy-4-methyl-N-(2-methoxybenzyl)  
20 phenethylamine (trade or other names: 25D-NBOMe, 2C-D-NBOMe);

21 4-Ethyl-2,5-dimethoxy-N-(2-methoxybenzyl)  
22 phenethylamine (trade or other names: 25E-NBOMe, 2C-E-NBOMe);

23 2,5-Dimethoxy-N-(2-  
24 methoxybenzyl)phenethylamine (some trade and other names:  
25 25H-NBOMe, 2C-H-NBOMe);

26 4-Iodo-2,5-dimethoxy-N-(2-methoxybenzyl)  
27 phenethylamine (some trade and other names: 25I-NBOMe,

1 2C-I-NBOMe);  
2 4-Iodo-2,5-dimethoxy-N-  
3 benzylphenethylamine (trade or other name: 25I-NB);  
4 4-Iodo-2,5-dimethoxy-N-(2,3-  
5 methylenedioxybenzyl)phenethylamine (trade or other name:  
6 25I-NBMD);  
7 4-Iodo-2,5-dimethoxy-N-(2-  
8 fluorobenzyl)phenethylamine (trade or other name: 25I-NBF);  
9 4-Iodo-2,5-dimethoxy-N-(2-hydroxybenzyl)  
10 phenethylamine (trade or other name: 25I-NBOH);  
11 2,5-Dimethoxy-4-nitro-N-(2-methoxybenzyl)  
12 phenethylamine (trade or other names: 25N-NBOMe, 2C-N-NBOMe); and  
13 2,5-Dimethoxy-4-(n)-propyl-N-(2-  
14 methoxybenzyl)phenethylamine (some trade and other names:  
15 25P-NBOMe, 2C-P-NBOMe).

16 (b) To the extent Subsection (a)(2) conflicts with another  
17 provision of this subtitle or another law, the other provision or  
18 the other law prevails.

19 SECTION 3. Section [481.103](#), Health and Safety Code, is  
20 amended by amending Subsections (a) and (c) and adding Subsection  
21 (d) to read as follows:

22 (a) Penalty Group 2 consists of:

23 (1) any quantity of the following hallucinogenic  
24 substances, their salts, isomers, and salts of isomers, unless  
25 specifically excepted, if the existence of these salts, isomers,  
26 and salts of isomers is possible within the specific chemical  
27 designation:

1 5-(2-aminopropyl)benzofuran (5-APB);  
 2 6-(2-aminopropyl)benzofuran (6-APB);  
 3 5-(2-aminopropyl)-2,3-dihydrobenzofuran  
 4 (5-APDB);  
 5 6-(2-aminopropyl)-2,3-dihydrobenzofuran  
 6 (6-APDB);  
 7 5-(2-aminopropyl)indole (5-IT,5-API);  
 8 6-(2-aminopropyl)indole (6-IT,6-API);  
 9 1-(benzofuran-5-yl)-N-methylpropan-2-amine  
 10 (5-MAPB);  
 11 1-(benzofuran-6-yl)-N-methylpropan-2-amine  
 12 (6-MAPB);  
 13 Benzothiophenylcyclohexylpiperidine (BTCP);  
 14 8-bromo-alpha-methyl-benzo[1,2-b:4,5-b']difuran-  
 15 4-ethanamine (trade or other name: Bromo-DragonFLY);  
 16 Desoxypipradrol (2-benzhydrylpiperidine);  
 17 ~~[alpha-ethyltryptamine,~~  
 18 ~~[alpha-methyltryptamine,~~  
 19 ~~[4-bromo-2,5-dimethoxyamphetamine (some trade or~~  
 20 ~~other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine,~~  
 21 ~~4-bromo-2,5-DMA);~~  
 22 ~~[4-bromo-2,5-dimethoxyphenethylamine,~~  
 23 ~~[Bufotenine (some trade and other~~  
 24 ~~names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole,~~  
 25 ~~3-(2-dimethylaminoethyl)-5-indolol, N,N-dimethylserotonin,~~  
 26 ~~5-hydroxy-N,N-dimethyltryptamine, mappine);~~  
 27 ~~[Diethyltryptamine (some trade and other~~

1 ~~names: N, N-Diethyltryptamine, DET),]~~  
2                               2, 5-dimethoxyamphetamine (some trade or other  
3 names: 2, 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA);  
4                               Diphenylprolinol               (diphenyl(pyrrolidin-2-yl)  
5 methanol, D2PM);  
6                               ~~[2, 5-dimethoxy-4-ethylamphetamine (trade or~~  
7 ~~other name: DOET),]~~  
8                               ~~[2, 5-dimethoxy-4-(n)-propylthiophenethylamine~~  
9 ~~(trade or other name: 2C-T-7),]~~  
10                              ~~[Dimethyltryptamine (trade or other name: DMT),]~~  
11                              Dronabinol (synthetic) in sesame oil and  
12 encapsulated in a soft gelatin capsule in a U.S. Food and Drug  
13 Administration approved drug product (some trade or other names for  
14 Dronabinol: (a6aR-trans)-6a,7,8,10a-tetrahydro-       6,6,       9-  
15 trimethyl-3-pentyl-6H- dibenzo [b,d]pyran-1-ol or (-)-delta-9-  
16 (trans)- tetrahydrocannabinol);  
17                              Ethylamine Analog of Phencyclidine (some trade or  
18 other               names: N-ethyl-1-phenylcyclohexylamine,               (1-  
19 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine,  
20 cyclohexamine, PCE);  
21                              2-ethylamino-2-(3-methoxyphenyl)cyclohexanone  
22 (trade or other name: methoxetamine);  
23                              Ibogaine (some trade or other names: 7-Ethyl-6,  
24 6, beta 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-  
25 pyrido [1', 2':1, 2] azepino [5, 4-b] indole; tabernanthe iboga.);  
26                              5-iodo-2-aminoindane (5-IAI);  
27                              Mescaline;

1                   ~~[5-methoxy-N, N-diisopropyltryptamine,]~~  
2                   5-methoxy-3, 4-methylenedioxy amphetamine;  
3                   4-methoxyamphetamine (some trade or other  
4 names: 4-methoxy-alpha-methylphenethylamine;  
5 paramethoxyamphetamine; PMA);  
6                   4-methoxymethamphetamine (PMMA);  
7                   2-(2-methoxyphenyl)-2-(methylamino)cyclohexanone  
8 (some trade and other names: 2-MeO-ketamine; methoxyketamine);  
9                   1-methyl- 4-phenyl-4-propionoxypiperidine (MPPP,  
10 PPMP);  
11                   4-methyl-2, 5-dimethoxyamphetamine (some trade  
12 and other names: 4-methyl-2, 5-dimethoxy-alpha-  
13 methylphenethylamine; "DOM"; "STP");  
14                   3,4-methylenedioxy methamphetamine (MDMA, MDM);  
15                   3,4-methylenedioxy amphetamine;  
16                   3,4-methylenedioxy N-ethylamphetamine (Also  
17 known as N-ethyl MDA);  
18                   5,6-methylenedioxy-2-aminoindane (MDAI);  
19                   Nabilone (Another name for nabilone: (+)-trans-  
20 3-(1,1-dimethylheptyl)- 6,6a, 7,8,10,10a-hexahydro-1-hydroxy- 6,  
21 6-dimethyl-9H-dibenzo[b,d] pyran-9-one;  
22                   N-benzylpiperazine (some trade or other  
23 names: BZP; 1-benzylpiperazine);  
24                   N-ethyl-3-piperidyl benzilate;  
25                   N-hydroxy-3,4-methylenedioxyamphetamine (Also  
26 known as N-hydroxy MDA);  
27                   4-methylaminorex;

1 N-methyl-3-piperidyl benzilate;  
2 Parahexyl (some trade or other names: 3-Hexyl-1-  
3 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d]  
4 pyran; Synhexyl);  
5 1-Phenylcyclohexylamine;  
6 1-Piperidinocyclohexanecarbonitrile (PCC);  
7 ~~[Psilocin,~~  
8 ~~[Psilocybin,~~  
9 Pyrrolidine Analog of Phencyclidine (some trade  
10 or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);  
11 Tetrahydrocannabinols, other than marihuana, and  
12 synthetic equivalents of the substances contained in the plant, or  
13 in the resinous extractives of Cannabis, or synthetic substances,  
14 derivatives, and their isomers with similar chemical structure and  
15 pharmacological activity such as:  
16 delta-1 cis or trans tetrahydrocannabinol,  
17 and their optical isomers;  
18 delta-6 cis or trans tetrahydrocannabinol,  
19 and their optical isomers;  
20 delta-3, 4 cis or trans  
21 tetrahydrocannabinol, and its optical isomers; or  
22 compounds of these structures, regardless of  
23 numerical designation of atomic positions, since nomenclature of  
24 these substances is not internationally standardized;  
25 Thiophene Analog of Phencyclidine (some trade or  
26 other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl  
27 Analog of Phencyclidine; TPCP, TCP);

1                   1-pyrrolidine (some trade or other name: TCPy);  
2                   1-(3-trifluoromethylphenyl)piperazine (trade or  
3 other name: TFMPP); and  
4                   3,4,5-trimethoxy amphetamine;  
5                   (2) Phenylacetone (some trade or other  
6 names: Phenyl-2-propanone; P2P, Benzylmethyl ketone, methyl benzyl  
7 ketone);  
8                   (3) unless specifically excepted or unless listed in  
9 another Penalty Group, a material, compound, mixture, or  
10 preparation that contains any quantity of the following substances  
11 having a potential for abuse associated with a depressant or  
12 stimulant effect on the central nervous system:  
13                   Aminorex (some trade or other  
14 names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-  
15 phenyl-2-oxazolamine);  
16                   Amphetamine, its salts, optical isomers, and  
17 salts of optical isomers;  
18                   Cathinone (some trade or other names: 2-amino-1-  
19 phenyl-1-propanone,           alpha-aminopropiophenone,           2-  
20 aminopropiophenone);  
21                   Etaqualone and its salts;  
22                   Etorphine Hydrochloride;  
23                   Fenethylamine and its salts;  
24                   Lisdexamfetamine, including its salts, isomers,  
25 and salts of isomers;  
26                   Mecloqualone and its salts;  
27                   Methaqualone and its salts;



1                   Methcathinone (some trade or other names: 2-  
2 methylamino-propionophenone;     alpha-(methylamino)propionophenone;  
3 2-(methylamino)-1-phenylpropan-1-one;                   alpha-N-  
4 methylaminopropionophenone; monomethylpropion; ephedrone, N-  
5 methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR  
6 1431);

7                   N-Ethylamphetamine, its salts, optical isomers,  
8 and salts of optical isomers; and

9                   N,N-dimethylamphetamine (some trade or other  
10 names: N,N,alpha-trimethylbenzeneethanamine  
11 [~~N,N,alpha-trimethylbenzeneethanamine~~];  
12 N,N,alpha-trimethylphenethylamine), its salts, optical isomers,  
13 and salts of optical isomers; ~~and~~

14                 (4) any compound structurally derived from  
15 2-aminopropanal by substitution at the 1-position with any  
16 monocyclic or fused-polycyclic ring system, including:

17                   (A) compounds further modified by:

18                         (i) substitution in the ring system to any  
19 extent (including alkyl, alkoxy, alkylendioxy, haloalkyl, or  
20 halide substituents), whether or not further substituted in the  
21 ring system by other substituents;

22                         (ii) substitution at the 3-position with an  
23 alkyl substituent; or

24                         (iii) substitution at the 2-amino nitrogen  
25 atom with alkyl, benzyl, ~~[or]~~ dialkyl, or methoxybenzyl groups, or  
26 inclusion of the 2-amino nitrogen atom in a cyclic structure; and

27                   (B) by example, compounds such as:

1 4-Methylmethcathinone (Also known as  
2 Mephedrone);  
3 3,4-Dimethylmethcathinone (Also known as  
4 3,4-DMMC);  
5 3-Fluoromethcathinone (Also known as 3-FMC);  
6 4-Fluoromethcathinone (Also known as  
7 Flephedrone);  
8 3,4-Methylenedioxy-N-methylcathinone (Also  
9 known as Methylone);  
10 3,4-Methylenedioxypyrovalerone (Also known  
11 as MDPV);  
12 alpha-Pyrrolidinopentiophenone (Also known  
13 as alpha-PVP);  
14 Naphthylpyrovalerone (Also known as  
15 Naphyrone);  
16 alpha-Methylamino-valerophenone (Also known  
17 as Pentedrone);  
18 beta-Keto-N-methylbenzodioxolylpropylamine  
19 (Also known as Butylone);  
20 beta-Keto-N-methylbenzodioxolylpentanamine  
21 (Also known as Pentylone);  
22 beta-Keto-Ethylbenzodioxolylbutanamine  
23 (Also known as Eutylone); and  
24 3,4-methylenedioxy-N-ethylcathinone (Also  
25 known as Ethylone);  
26 (5) any compound structurally derived from tryptamine  
27 (3-(2-aminoethyl)indole) or a ring-hydroxy tryptamine:

(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);

1                                   5-methoxy-N, N-diisopropyltryptamine  
2   (5-MeO-DiPT);  
3                                   O-Acetylpsilocin (Trade or other name:  
4   4-Aco-DMT);  
5                                   Psilocin; and  
6                                   Psilocybin;  
7                   (6) 2,5-Dimethoxyphenethylamine and any compound  
8 structurally derived from 2,5-Dimethoxyphenethylamine by  
9 substitution at the 4-position of the phenyl ring to any extent  
10 (including alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide  
11 substituents), including, by example, compounds such as:  
12                               4-Bromo-2,5-dimethoxyphenethylamine (trade or  
13 other name: 2C-B);  
14                               4-Chloro-2,5-dimethoxyphenethylamine (trade or  
15 other name: 2C-C);  
16                               2,5-Dimethoxy-4-methylphenethylamine (trade or  
17 other name: 2C-D);  
18                               4-Ethyl-2,5-dimethoxyphenethylamine (trade or  
19 other name: 2C-E);  
20                               4-Iodo-2,5-dimethoxyphenethylamine (trade or  
21 other name: 2C-I);  
22                               2,5-Dimethoxy-4-nitrophenethylamine (trade or  
23 other name: 2C-N);  
24                               2,5-Dimethoxy-4-(n)-propylphenethylamine (trade  
25 or other name: 2C-P);  
26                               4-Ethylthio-2,5-dimethoxyphenethylamine (trade  
27 or other name: 2C-T-2);

1                   4-Isopropylthio-2,5-dimethoxyphenethylamine  
2 (trade or other name: 2C-T-4); and  
3                   2,5-Dimethoxy-4-(n)-propylthiophenethylamine  
4 (trade or other name: 2C-T-7); and  
5                   (7) 2,5-Dimethoxyamphetamine and any compound  
6 structurally derived from 2,5-Dimethoxyamphetamine by substitution  
7 at the 4-position of the phenyl ring to any extent (including alkyl,  
8 alkoxy, alkylenedioxy, haloalkyl, or halide substituents),  
9 including, by example, compounds such as:  
10                   4-Ethylthio-2,5-dimethoxyamphetamine (trade or  
11 other name: Aleph-2);  
12                   4-Isopropylthio-2,5-dimethoxyamphetamine (trade  
13 or other name: Aleph-4);  
14                   4-Bromo-2,5-dimethoxyamphetamine (trade or other  
15 name: DOB);  
16                   4-Chloro-2,5-dimethoxyamphetamine (trade or  
17 other name: DOC);  
18                   2,5-Dimethoxy-4-ethylamphetamine (trade or other  
19 name: DOET);  
20                   4-Iodo-2,5-dimethoxyamphetamine (trade or other  
21 name: DOI);  
22                   2,5-Dimethoxy-4-methylamphetamine (trade or  
23 other name: DOM);  
24                   2,5-Dimethoxy-4-nitroamphetamine (trade or other  
25 name: DON);  
26                   4-Isopropyl-2,5-dimethoxyamphetamine (trade or  
27 other name: DOIP); and

1                   2,5-Dimethoxy-4-(n)-propylamphetamine (trade or  
2 other name: DOPR).

3           (c) To the extent Subsection (a)(4), (5), (6), or (7)  
4 conflicts with another provision or this subtitle or another law,  
5 the other provision [~~subtitle~~] or the other law prevails. If a  
6 substance listed in this section is also listed in another penalty  
7 group, the listing in the other penalty group controls.

8           (d) If a substance listed in this section is approved by the  
9 Federal Drug Administration, the inclusion of that substance in  
10 this penalty group does not apply, and notwithstanding any other  
11 law, a person may not be convicted for the manufacture or delivery  
12 of the substance under Section 481.113 or for possession of the  
13 substance under Section 481.116.

14           SECTION 4. The change in law made by this Act applies only  
15 to an offense committed on or after the effective date of this Act.  
16 An offense committed before the effective date of this Act is  
17 governed by the law in effect on the date the offense was committed,  
18 and the former law is continued in effect for that purpose. For  
19 purposes of this section, an offense was committed before the  
20 effective date of this Act if any element of the offense occurred  
21 before that date.

22           SECTION 5. This Act takes effect September 1, 2015.