By: Clardy H.B. No. 597

A BILL TO BE ENTITLED

AN ACT

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.

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

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

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

(6) "Controlled substance analogue" means:

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

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

SECTION 2. Section 481.1031, Health and Safety Code, is

amended to read as follows:

Sec. 481.1031. PENALTY GROUP 2-A. 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 the following structural classes defined in this section [~~compound that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring cannabinoids, including~~]:

WIN-55,212-2;

Naphthoylindole: any compound [~~naphthoylindoles~~] structurally derived from 3-(1-naphthoyl)indole or 3-(2-naphthoyl)indole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl [~~2-(4-morpholinyl)ethyl~~], whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl [~~napthyl~~] ring to any extent, including:

AM-1220;

AM-2201;

JWH-004;

JWH-007;

JWH-009;

JWH-015;

JWH-016;

JWH-018;

JWH-019;

JWH-020;

JWH-046;

JWH-047;

JWH-048;

JWH-049;

JWH-050;

JWH-073;

JWH-076;

JWH-079;

JWH-080;

JWH-081;

JWH-082;

JWH-083;

JWH-093;

JWH-094;

JWH-095;

JWH-096;

JWH-097;

JWH-098;

JWH-099;

JWH-100;

JWH-116;

JWH-122;

JWH-148;

JWH-149;

JWH-153;

JWH-159;

JWH-164;

JWH-165;

JWH-166;

JWH-180;

JWH-181;

JWH-182;

JWH-189;

JWH-193;

JWH-198;

JWH-200;

JWH-210;

JWH-211;

JWH-212;

JWH-213;

JWH-234;

JWH-235;

JWH-239;

JWH-240;

JWH-241;

JWH-242;

JWH-258;

JWH-259;

JWH-260;

JWH-262;

JWH-267;

JWH-386;

JWH-387;

JWH-394;

JWH-395;

JWH-397;

JWH-398;

JWH-399;

JWH-400;

JWH-412;

JWH-413; and

JWH-414;

Naphthylmethylindole: any compound [~~naphthylmethylindones~~] structurally derived from 1H-indol-3-yl-(1-naphthyl)methane or 1H-indol-3-yl-(2-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl [~~2-(4-morpholinyl)ethyl~~], whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent, including:

JWH-175;

JWH-184;

JWH-185;

JWH-192;

JWH-194;

JWH-195;

JWH-196;

JWH-197; and

JWH-199;

Naphthylindolecarboxamide: any compound structurally derived from N-(naphthalen-1-yl)-1H-indole-3-carboxamide or N-(naphthalen-2-yl)-1H-indole-3-carboxamide by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl or 2-(4-morpholinyl)alkyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent, including:

MN-24 (Other name: NNEI);

Naphthoylpyrrole: any compound [~~naphthoylpyrroles~~] structurally derived from 3-(1-naphthoyl)pyrrole or 3-(2-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl [~~2-(4-morpholinyl)ethyl~~], whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent, including:

JWH-030;

JWH-145;

JWH-146;

JWH-147;

JWH-150;

JWH-156;

JWH-243;

JWH-244;

JWH-245;

JWH-246;

JWH-292;

JWH-293;

JWH-307;

JWH-308;

JWH-309;

JWH-346;

JWH-347;

JWH-348;

JWH-363;

JWH-364;

JWH-365;

JWH-366;

JWH-367;

JWH-368;

JWH-369;

JWH-370;

JWH-371;

JWH-372;

JWH-373; and

JWH-392;

Naphthylmethylindene: any compound [~~naphthylmethylindenes~~] structurally derived from 1-(1-naphthylmethyl)indene or 1-(2-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl [~~2-(4-morpholinyl)ethyl~~], whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent, including:

JWH-171;

JWH-172;

JWH-173; and

JWH-176;

Phenylacetylindole: any compound [~~phenylacetylindoles~~] structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl [~~2-(4-morpholinyl)ethyl~~], whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent, including:

[~~AM-694;~~

[~~AM-1241;~~]

JWH-167;

JWH-203;

JWH-204;

JWH-205;

JWH-206;

JWH-208;

JWH-237;

JWH-248;

JWH-249;

JWH-250;

JWH-251;

JWH-252;

JWH-253;

JWH-302;

JWH-303;

JWH-305;

JWH-306;

JWH-311;

JWH-312;

JWH-313;

JWH-314; [~~and~~]

JWH-315; and

RCS-8;

Benzoylindole: any compound structurally derived from 3-benzoylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or

not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent, including:

AM-630;

AM-679;

AM-694;

AM-1241;

Pravadoline (Other name: WIN 48,098); and

RCS-4;

Adamantoylindole: any compound structurally derived from 3-(1-adamantoyl)indole or 3-(2-adamantoyl)indole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the adamantyl ring to any extent, including:

AB-001; and

AM-1248;

Adamantylindolecarboxamide: any compound structurally derived from N-(adamantan-1-yl)-1H-indole-3-carboxamide or N-(adamantan-2-yl)-1H-indole-3-carboxamide by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or not further substituted in the

indole ring to any extent, whether or not substituted in the adamantyl ring to any extent, including:

APICA; and

STS-135;

Adamantylindazolecarboxamide: any compound structurally derived from N-(adamantan-1-yl)-1H-indazole-3-carboxamide or N-(adamantan-2-yl)-1H-indazole-3-carboxamide by substitution at the 1-position nitrogen atom of the indazole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or not further substituted in the indazole ring to any extent, whether or not substituted in the adamantyl ring to any extent, including:

5-Fluoro AKB-48; and

AKB-48;

Aminooxobutylindazolecarboxamide: any compound structurally derived from N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indazole-3-carboxamide by substitution at the 1-position nitrogen atom of the indazole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or not further substituted in the indazole ring to any extent, including:

AB-PINACA; and

AB-FUBINACA;

Tetramethylcyclopropylindole: any compound structurally derived from 3-(2,2,3,3-tetramethylcyclopropylcarbonyl)indole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the tetramethylcyclopropyl ring to any extent, including:

A-834,735;

A-796,260;

AB-005;

UR-144;

5-Bromo UR-144;

5-Chloro UR-144; and

5-Fluoro UR-144 (Other name: XLR-11);

Tetramethylcyclopropane-thiazole carboxamide: any compound structurally derived from 2,2,3,3-tetramethyl-N-(thiazol-2-ylidene)cyclopropanecarboxamide by substitution at the nitrogen atom of the thiazole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or not further substituted in the

thiazole ring to any extent, whether or not substituted in the tetramethylcyclopropyl ring to any extent, including:

A-836,339;

Quinolinylindolecarboxylate: any compound structurally derived from quinolin-8-yl indole-3-carboxylate by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the quinoline ring to any extent, including:

BB-22;

5-Fluoro PB-22; and

PB-22;

Cyclohexylphenol: any compound [~~cyclohexylphenols~~] structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl [~~2-(4-morpholinyl)ethyl~~], whether or not substituted in the cyclohexyl ring to any extent, including:

CP-55,940;

CP-47,497;

analogues of CP-47,497, including VII, V, VIII, I, II, III, IV, IX, X, XI, XII, XIII, XV, and XVI;

JWH-337;

JWH-344;

JWH-345; and

JWH-405; and

cannabinol derivatives, except where contained in marihuana, including tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives, such as:

Nabilone;

HU-210; and

HU-211[~~, and~~

[~~WIN-55,212-2~~].

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

Sec. 481.106. CLASSIFICATION OF CONTROLLED SUBSTANCE ANALOGUE. 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, [~~and~~] 2, and 2-A include a controlled substance analogue that:

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

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

SECTION 4. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act.

An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

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