By: Huffman, et al. S.B. No. 173
(Clardy, Herrero)

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. (a) In this section:

(1) "Core component" is one of the following: azaindole, benzimidazole, benzothiazole, carbazole, imidazole, indane, indazole, indene, indole, pyrazole, pyrazolopyridine, pyridine, or pyrrole.

(2) "Group A component" is one of the following: adamantane, benzene, cycloalkylmethyl, isoquinoline, methylpiperazine, naphthalene, phenyl, quinoline, tetrahydronaphthalene, tetramethylcyclopropane, amino oxobutane, amino dimethyl oxobutane, amino phenyl oxopropane, methyl methoxy oxobutane, methoxy dimethyl oxobutane, methoxy phenyl oxopropane, or an amino acid.

(3) "Link component" is one of the following functional groups: carboxamide, carboxylate, hydrazide, methanone (ketone), ethanone, methanediyl (methylene bridge), or methine.

(b) Penalty Group 2-A consists of any material, compound, mixture, or preparation that contains any quantity of a natural or synthetic chemical substance, including its salts, isomers, and salts of isomers, listed by name in this subsection or contained within one of the structural classes defined in this subsection:

(1) WIN-55,212-2;

(2) Cyclohexylphenol: any compound [~~that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring cannabinoids, including:~~

[~~naphthoylindoles structurally derived from 3-(1-naphthoyl)indole by substitution at the nitrogen atom of the~~

~~indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the napthyl ring to any extent, including:~~

~~[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;~~

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[~~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;~~

[~~naphthylmethylindones structurally derived from 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 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;~~

[~~naphthoylpyrroles structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 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,~~

[~~naphthylmethylindenes structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 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,~~

[~~phenylacetylindoles structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 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;~~

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

JWH-337;

JWH-344;

CP-55,940;

CP-47,497; and

analogues of CP-47,497;

(3) Cannabinol[~~, 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;

(4) Tetramethylcyclopropyl thiazole: 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, 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;

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

Naphthoylindane;

Naphthoylindazole (THJ-018);

Naphthyl methyl indene (JWH-171);

Naphthoylindole (JWH-018);

Quinolinoyl pyrazole carboxylate (Quinolinyl fluoropentyl fluorophenyl pyrazole carboxylate);

Naphthoyl pyrazolopyridine; and

Naphthoylpyrrole (JWH-030);

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

Naphthoylbenzimidazole (JWH-018 Benzimidazole); and

Naphthoylimidazole;

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

Naphthoyl benzothiazole; and

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

Naphthoylcarbazole (EG-018) [~~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.