By: Clardy H.B. No. 597

## A BILL TO BE ENTITLED

1	7
1	AN ACT

- 2 relating to the designation for criminal prosecution and other
- 3 purposes of certain chemicals commonly referred to as synthetic
- 4 cannabinoids as controlled substances and controlled substance
- 5 analogues under the Texas Controlled Substances Act.
- 6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
- 7 SECTION 1. Sections 481.002(5) and (6), Health and Safety
- 8 Code, are amended to read as follows:
- 9 (5) "Controlled substance" means a substance,
- 10 including a drug, an adulterant, and a dilutant, listed in
- 11 Schedules I through V or Penalty Group [Groups] 1, 1-A, [or] 2, 2-A,
- 12 <u>3, or [through]</u> 4. The term includes the aggregate weight of any
- 13 mixture, solution, or other substance containing a controlled
- 14 substance.
- 15 (6) "Controlled substance analogue" means:
- 16 (A) a substance with a chemical structure
- 17 substantially similar to the chemical structure of a controlled
- 18 substance in Schedule I or II or Penalty Group 1, 1-A, [or] 2, or
- 19 2-A; or
- 20 (B) a substance specifically designed to produce
- 21 an effect substantially similar to, or greater than, the effect of a
- 22 controlled substance in Schedule I or II or Penalty Group 1, 1-A,
- 23  $[\frac{\text{or}}{\text{or}}] 2$ , or 2-A.
- SECTION 2. Section 481.1031, Health and Safety Code, is

```
amended to read as follows:
 1
          Sec. 481.1031. PENALTY GROUP 2-A.
 2
                                                Penalty Group 2-A
   consists of any material, compound, mixture, or preparation that
 3
   contains any quantity of a synthetic chemical substance, including
 4
   its salts, isomers, and salts of isomers, listed by name in this
 5
   section or contained within the following structural classes
 6
   defined in this section [compound that is a cannabinoid receptor
 7
   agonist and mimics the pharmacological effect of naturally
 8
   occurring cannabinoids, including]:
 9
10
                    WIN-55,212-2;
               Naphthoylindole: any compound
                                                 [naphthoylindoles]
11
12
   structurally
                    derived
                                from
                                        3-(1-naphthoyl)indole
   3-(2-naphthoyl)indole by substitution at the nitrogen atom of the
13
    indole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl,
14
   haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
15
   cycloalkylethyl,
                                      (N-methylpiperidin-2-yl)alkyl,
16
17
   (4-tetrahydropyran)alkyl,
                                    or
                                              2-(4-morpholinyl)alkyl
    [2-(4-morpholinyl)ethyl], whether or not further substituted in
18
   the indole ring to any extent, whether or not substituted in the
19
   naphthyl [napthyl] ring to any extent, including:
20
21
                    AM-1220;
22
                    AM-2201;
23
                    JWH-004;
24
                    JWH-007;
25
                    JWH-009;
26
                    JWH-015;
```

JWH-016;

27

1	JWH-018;
2	JWH-019;
3	JWH-020;
4	JWH-046;
5	JWH-047;
6	JWH-048;
7	JWH-049;
8	JWH-050;
9	JWH-073;
10	JWH-076;
11	JWH-079;
12	JWH-080;
13	JWH-081;
14	JWH-082;
15	JWH-083;
16	JWH-093;
17	JWH-094;
18	JWH-095;
19	JWH-096;
20	JWH-097;
21	JWH-098;
22	JWH-099;
23	JWH-100;
24	JWH-116;
25	JWH-122;
26	JWH-148;
27	JWH-149;

1	JWH-153;
2	JWH-159;
3	JWH-164;
4	JWH-165;
5	JWH-166;
6	JWH-180;
7	JWH-181;
8	JWH-182;
9	JWH-189;
10	JWH-193;
11	JWH-198;
12	JWH-200;
13	JWH-210;
14	JWH-211;
15	JWH-212;
16	JWH-213;
17	JWH-234;
18	JWH-235;
19	JWH-239;
20	JWH-240;
21	JWH-241;
22	JWH-242;
23	JWH-258;
24	JWH-259;
25	JWH-260;
26	JWH-262;

27

JWH-267;

```
1
                    JWH-386;
 2
                    JWH-387;
                    JWH-394;
 3
 4
                    JWH-395;
                    JWH-397;
 5
 6
                    JWH-398;
 7
                    JWH-399;
8
                    JWH-400;
 9
                    JWH-412;
                    JWH-413; and
10
11
                    JWH-414;
12
               Naphthylmethylindole: any compound
    [naphthylmethylindones]
                                 structurally
                                                   derived
                                                                 from
13
   1H-indol-3-yl-(1-naphthyl)methane
14
                                                                   or
15
   <u>1H-indol-3-yl-(2-naphthyl)methane</u> by substitution at the nitrogen
16
   atom of the indole ring by alkyl, haloalkyl, benzyl, halobenzyl,
              haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl,
17
   alkenyl,
   cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl,
18
   (4-tetrahydropyran)alkyl,
19
                                    or
                                              2-(4-morpholinyl)alkyl
20
   [2-(4-morpholinyl)ethyl], whether or not further substituted in
   the indole ring to any extent, whether or not substituted in the
21
22
   naphthyl ring to any extent, including:
23
                    JWH-175;
24
                    JWH-184;
25
                    JWH-185;
26
                    JWH-192;
                    JWH-194;
27
```

```
1
                    JWH-195;
 2
                    JWH-196;
 3
                    JWH-197; and
4
                    JWH-199;
5
               Naphthylindolecarboxamide: any compound structurally
   derived from N-(naphthalen-1-yl)-1H-indole-3-carboxamide
6
   N-(naphthalen-2-yl)-1H-indole-3-carboxamide by substitution at
7
8
   the nitrogen atom of the indole ring by alkyl, haloalkyl, benzyl,
   halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl,
9
10
   hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
   (N-methylpiperidin-2-yl)alkyl or 2-(4-morpholinyl)alkyl, whether
11
12
   or not further substituted in the indole ring to any extent, whether
   or not substituted in the naphthyl ring to any extent, including:
13
14
                    MN-24 (Other name: NNEI);
15
              Naphthoylpyrrole: any compound [naphthoylpyrroles]
   structurally
                   derived from
16
                                       3-(1-naphthoyl)pyrrole
17
   3-(2-naphthoyl)pyrrole by substitution at the nitrogen atom of the
   pyrrole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl,
18
   haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
19
   cycloalkylethyl,
20
                                     (N-methylpiperidin-2-yl)alkyl,
   (4-tetrahydropyran)alkyl,
                                             2-(4-morpholinyl)alkyl
21
                                    or
   [2-(4-morpholinyl)ethyl], whether or not further substituted in
22
   the pyrrole ring to any extent, whether or not substituted in the
23
24
   naphthyl ring to any extent, including:
25
                    JWH-030;
26
                    JWH-145;
27
                    JWH-146;
```

1	JWH-147;
2	JWH-150;
3	JWH-156;
4	JWH-243;
5	JWH-244;
6	JWH-245;
7	JWH-246;
8	JWH-292;
9	JWH-293;
10	JWH-307;
11	JWH-308;
12	JWH-309;
13	JWH-346;
14	JWH-347;
15	JWH-348;
16	JWH-363;
17	JWH-364;
18	JWH-365;
19	JWH-366;
20	JWH-367;
21	JWH-368;
22	JWH-369;
23	JWH-370;
24	JWH-371;
25	JWH-372;
26	JWH-373; and
27	JWH-392;

```
1
               Naphthylmethylindene: any
                                                              compound
    [naphthylmethylindenes]
                                  structurally
                                                     derived
 2
                                                                   from
 3
    1-(1-naphthylmethyl)indene
                                  or 1-(2-naphthylmethyl)indene
                                                                     bу
    substitution at the 3-position of the indene ring by alkyl,
 4
 5
   haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy,
    cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
 6
    (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl,
 7
    2-(4-morpholinyl) alkyl [\frac{2-(4-morpholinyl)}{2+(4-morpholinyl)}], whether or not
 8
    further substituted in the indene ring to any extent, whether or not
 9
10
    substituted in the naphthyl ring to any extent, including:
                     JWH-171;
11
12
                     JWH-172;
                     JWH-173; and
13
14
                     JWH-176;
15
               Phenylacetylindole: any compound [phenylacetylindoles]
    structurally derived from 3-phenylacetylindole by substitution at
16
17
    the nitrogen atom of the indole ring with alkyl, haloalkyl, benzyl,
    halobenzyl,
                  alkenyl,
                               haloalkenyl, alkoxy, cyanoalkyl,
18
19
   hydroxyalkyl,
                           cycloalkylmethyl,
                                                      cycloalkylethyl,
   (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl,
20
   2-(4-morpholiny1)alky1 [2-(4-morpholiny1)ethy1], whether or not
21
    further substituted in the indole ring to any extent, whether or not
22
23
    substituted in the phenyl ring to any extent, including:
24
                     [AM - 694;
25
                     \left[\frac{\Delta M-1241}{2}\right]
26
                     JWH-167;
27
                     JWH-203;
```

```
2
                    JWH-205;
 3
                    JWH-206;
 4
                    JWH-208;
 5
                    JWH-237;
 6
                    JWH-248;
 7
                    JWH-249;
8
                    JWH-250;
9
                    JWH-251;
                    JWH-252;
10
                    JWH-253;
11
12
                    JWH-302;
                    JWH-303;
13
14
                    JWH-305;
15
                    JWH-306;
16
                    JWH-311;
17
                    JWH-312;
                    JWH-313;
18
                    JWH-314; [and]
19
20
                    JWH-315; <u>and</u>
21
                    RCS-8;
22
               Benzoylindole: any compound structurally derived from
   3-benzoylindole by substitution at the nitrogen atom of the indole
23
   ring with alkyl, haloalkyl, benzyl, halobenzyl, alkenyl,
24
   haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
25
                                  (N-methylpiperidin-2-yl)alkyl,
26
   cycloalkylethyl,
   (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or
27
```

JWH-204;

1

```
1
   not further substituted in the indole ring to any extent, whether or
   not substituted in the phenyl ring to any extent, including:
2
3
                   AM-630;
4
                   AM-679;
5
                   AM-694;
6
                   AM-1241;
7
                   Pravadoline (Other name: WIN 48,098); and
8
                   RCS-4;
              Adamantoylindole: any compound structurally derived
9
10
   from 3-(1-adamantoyl)indole or 3-(2-adamantoyl)indole by
   substitution at the nitrogen atom of the indole ring with alkyl,
11
12
   haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy,
   cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
13
   (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl,
14
   2-(4-morpholinyl)alkyl, whether or not further substituted in the
15
   indole ring to any extent, whether or not substituted in the
16
   adamantyl ring to any extent, including:
17
                   AB-001; and
18
19
                   AM-1248;
20
              Adamantylindolecarboxamide: any compound structurally
   derived from N-(adamantan-1-yl)-1H-indole-3-carboxamide or
21
22
   N-(adamantan-2-yl)-1H-indole-3-carboxamide by substitution at the
   nitrogen atom of the indole ring by alkyl, haloalkyl, benzyl,
23
   halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl,
24
   hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
25
26
   (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
27
   2-(4-morpholinyl)alkyl, whether or not further substituted in the
```

	n.b. No. 597
1	indole ring to any extent, whether or not substituted in the
2	adamantyl ring to any extent, including:
3	APICA; and
4	STS-135;
5	Adamantylindazolecarboxamide: any compound
6	structurally derived from
7	N-(adamantan-1-yl)-1H-indazole-3-carboxamide or
8	N-(adamantan-2-yl)-1H-indazole-3-carboxamide by substitution at
9	the 1-position nitrogen atom of the indazole ring by alkyl,
10	haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy,
11	cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
12	(N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
13	2-(4-morpholinyl)alkyl, whether or not further substituted in the
14	indazole ring to any extent, whether or not substituted in the
15	adamantyl ring to any extent, including:
16	5-Fluoro AKB-48; and
17	AKB-48;
18	Aminooxobutylindazolecarboxamide: any compound
19	structurally derived from
20	$\underline{\text{N-(1-amino-3-methyl-1-oxobutan-2-yl)-1}\\ \text{H-indazole-3-carboxamide}}$
21	by substitution at the 1-position nitrogen atom of the indazole
22	ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl,
23	haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
24	cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl,
25	(4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or
26	not further substituted in the indazole ring to any extent,
27	including:

1	AB-PINACA; and
2	AB-FUBINACA;
3	Tetramethylcyclopropylindole: any compound
4	structurally derived from
5	3-(2,2,3,3-tetramethylcyclopropylcarbonyl)indole by substitution
6	at the nitrogen atom of the indole ring by alkyl, haloalkyl, benzyl,
7	halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl,
8	hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
9	(N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
10	2-(4-morpholinyl)alkyl, whether or not further substituted in the
11	indole ring to any extent, whether or not substituted in the
12	tetramethylcyclopropyl ring to any extent, including:
13	<u>A-834,735;</u>
14	<u>A-796,260;</u>
15	<u>AB-005;</u>
16	<u>UR-144;</u>
17	5-Bromo UR-144;
18	5-Chloro UR-144; and
19	5-Fluoro UR-144 (Other name: XLR-11);
20	Tetramethylcyclopropane-thiazole carboxamide: any
21	compound structurally derived from
22	2,2,3,3-tetramethyl-N-(thiazol-2-ylidene)cyclopropanecarboxamide
23	by substitution at the nitrogen atom of the thiazole ring by alkyl,
24	haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy,
25	cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
26	(N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
27	2-(4-morpholinyl)alkyl, whether or not further substituted in the

```
H.B. No. 597
```

```
1
   thiazole ring to any extent, whether or not substituted in the
   tetramethylcyclopropyl ring to any extent, including:
2
 3
                    A-836,339;
4
               Quinolinylindolecarboxylate: any compound structurally
5
   derived from quinolin-8-yl indole-3-carboxylate by substitution at
   the nitrogen atom of the indole ring with alkyl, haloalkyl, benzyl,
6
   halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl,
7
8
   hydroxyalkyl,
                   cyc<u>loalkylmethyl</u>,
                                              cycloalkylethyl,
   (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
9
   2-(4-morpholinyl)alkyl, whether or not further substituted in the
10
   indole ring to any extent, whether or not substituted in the
11
12
   quinoline ring to any extent, including:
13
                    BB-22;
14
                    5-Fluoro PB-22; and
15
                    PB-22;
              Cyclohexylphenol: any compound [cyclohexylphenols]
16
   structurally derived from 2-(3-hydroxycyclohexyl)phenol
17
   substitution at the 5-position of the phenolic ring by alkyl,
18
   haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy,
19
   cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
20
   (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl,
21
   2-(4-morpholinyl) alkyl [2-(4-morpholinyl) ethyl], whether or not
22
   substituted in the cyclohexyl ring to any extent, including:
23
24
                    CP-55,940;
                    CP-47,497;
25
26
                    analogues of CP-47,497, including VII, V, VIII, I,
   II, III, IV, IX, X, XI, XII, XIII, XV, and XVI;
27
```

```
1
                    JWH-337;
 2
                    JWH-344;
 3
                    JWH-345; and
                    JWH-405; and
4
5
               cannabinol derivatives, except where contained
   marihuana, including tetrahydro derivatives of cannabinol and
6
   3-alkyl homologues of cannabinol or of its tetrahydro derivatives,
7
8
   such as:
                    Nabilone;
9
10
                    HU-210; and
                    HU-211[; and
11
                    [WIN-55,212-2].
12
          SECTION 3. Section 481.106, Health and Safety Code,
13
```

- 15 Sec. 481.106. CLASSIFICATION OF CONTROLLED SUBSTANCE
- 16 ANALOGUE. For the purposes of the prosecution of an offense under
- 17 this subchapter involving the manufacture, delivery, or possession
- 18 of a controlled substance, Penalty Groups 1, 1-A, [and] 2, and 2-A
- 19 include a controlled substance analogue that:
- 20 (1) has a chemical structure substantially similar to
- 21 the chemical structure of a controlled substance listed in the
- 22 applicable penalty group; or

amended to read as follows:

14

- 23 (2) is specifically designed to produce an effect
- 24 substantially similar to, or greater than, a controlled substance
- 25 listed in the applicable penalty group.
- SECTION 4. The change in law made by this Act applies only
- 27 to an offense committed on or after the effective date of this Act.

- 1 An offense committed before the effective date of this Act is
- 2 governed by the law in effect on the date the offense was committed,
- 3 and the former law is continued in effect for that purpose. For
- 4 purposes of this section, an offense was committed before the
- 5 effective date of this Act if any element of the offense occurred
- 6 before that date.
- 7 SECTION 5. This Act takes effect September 1, 2015.