By: Huffman S.B. No. 173

## A BILL TO BE ENTITLED

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. Subdivisions (5) and (6), Section 481.002,
- 8 Health and Safety 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 [<del>or</del>] 2<u>, or 2-A</u>.
- SECTION 2. Section 481.1031, Health and Safety Code, is

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amended to read as follows:
 1
         Sec. 481.1031. PENALTY GROUP 2-A. Penalty Group 2-A
 2
   consists of any material, compound, mixture, or preparation that
 3
4
   contains any quantity of a synthetic chemical substance, including
   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;
11
               Naphthoylindole: any compound [naphthoylindoles]
                    derived
                              from
12
   structurally
                                        3-(1-naphthoyl)indole
                                                                  or
13
   <u>3-(2-naphthoyl)indole</u> by substitution at the nitrogen atom of the
   indole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl,
14
   haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
15
16
   cycloalkylethyl,
                                      (N-methylpiperidin-2-yl)alkyl,
   (4-tetrahydropyran)alkyl,
                                              2-(4-morpholinyl)alkyl
17
                                    or
18
   [2-(4-morpholiny1)ethy1], whether or not further substituted in
   the indole ring to any extent, whether or not substituted in the
19
20
   naphthyl [napthyl] ring to any extent, including:
21
                    AM-1220;
22
                    AM-2201;
                    JWH-004;
23
24
                    JWH-007;
25
                    JWH-009;
26
                    JWH-015;
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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;

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1
                    JWH-386;
 2
                    JWH-387;
 3
                    JWH-394;
 4
                    JWH-395;
 5
                    JWH-397;
                    JWH-398;
 6
 7
                    JWH-399;
                    JWH-400;
 8
 9
                    JWH-412;
10
                    JWH-413; and
11
                    JWH-414;
12
               Naphthylmethylindole: any compound
    [naphthylmethylindones]
13
                                 structurally
                                                  derived
                                                                from
    1H-indol-3-yl-(1-naphthyl)methane
14
                                                                  or
   1H-indol-3-yl-(2-naphthyl)methane by substitution at the nitrogen
15
16
   atom of the indole ring by alkyl, haloalkyl, benzyl, halobenzyl,
17
             haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl,
18
   cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl,
                                              2-(4-morpholinyl)alkyl
   (4-tetrahydropyran)alkyl,
19
                                   or
   [2-(4-morpholinyl)ethyl], whether or not further substituted in
20
   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;
27
                    JWH-194;
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1
                    JWH-195;
 2
                    JWH-196;
                    JWH-197; and
 3
 4
                    JWH-199;
5
               Naphthylindolecarboxamide: any compound structurally
   derived from N-(naphthalen-1-yl)-1H-indole-3-carboxamide
6
                                                                  or
7
   N-(naphthalen-2-yl)-1H-indole-3-carboxamide by substitution at
   the nitrogen atom of the indole ring by alkyl, haloalkyl, benzyl,
8
   halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl,
9
   hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
10
   (N-methylpiperidin-2-yl)alkyl or 2-(4-morpholinyl)alkyl, whether
11
   or not further substituted in the indole ring to any extent, whether
12
13
   or not substituted in the naphthyl ring to any extent, including:
                    MN-24 (Other name: NNEI);
14
               Naphthoylpyrrole: any compound [naphthoylpyrroles]
15
16
   structurally derived
                             from
                                       3-(1-naphthoyl)pyrrole
                                                                  or
   <u>3-(2-naphthoyl)pyrrole</u> by substitution at the nitrogen atom of the
17
   pyrrole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl,
18
   haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
19
20
   cycloalkylethyl,
                                      (N-methylpiperidin-2-yl)alkyl,
   (4-tetrahydropyran)alkyl,
                                              2-(4-morpholinyl)alkyl
21
                                   or
22
   [2-(4-morpholiny1)ethy1], whether or not further substituted in
   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;
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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;

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1
               Naphthylmethylindene: any compound
 2
   [naphthylmethylindenes]
                               structurally
                                                   derived
                                                                from
   1-(1-naphthylmethyl)indene or 1-(2-naphthylmethyl)indene
 3
   substitution at the 3-position of the indene ring by alkyl,
4
   haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy,
5
   cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
6
7
   (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl,
   2-(4-morpholinyl) alkyl [2-(4-morpholinyl) ethyl, whether or not
8
   further substituted in the indene ring to any extent, whether or not
9
   substituted in the naphthyl ring to any extent, including:
10
11
                    JWH-171;
12
                    JWH-172;
13
                    JWH-173; and
                    JWH-176;
14
15
               Phenylacetylindole:
                                                 any compound
16
    [<del>phenylacetylindoles</del>]
                           structurally
                                                  derived
                                                                from
   3-phenylacetylindole by substitution at the nitrogen atom of the
17
18
   indole ring with alkyl, haloalkyl, benzyl, halobenzyl, alkenyl,
   haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
19
20
   cycloalkylethyl,
                                      (N-methylpiperidin-2-yl)alkyl,
   (4-tetrahydropyran)alkyl,
                                              2-(4-morpholinyl)alkyl
21
                                    or
   [2-(4-morpholiny1)ethy1], whether or not further substituted in
22
   the indole ring to any extent, whether or not substituted in the
23
24
   phenyl ring to any extent, including:
25
                    [AM-694;
26
                    [\frac{\Delta M - 1241}{}]
27
                    JWH-167;
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1
                     JWH-203;
 2
                     JWH-204;
 3
                     JWH-205;
 4
                     JWH-206;
 5
                     JWH-208;
                     JWH-237;
 6
 7
                     JWH-248;
                     JWH-249;
8
9
                     JWH-250;
                     JWH-251;
10
                     JWH-252;
11
12
                     JWH-253;
13
                     JWH-302;
14
                     JWH-303;
15
                     JWH-305;
16
                     JWH-306;
17
                     JWH-311;
18
                     JWH-312;
19
                     JWH-313;
                     JWH-314; [and]
20
21
                     JWH-315; <u>and</u>
22
                     RCS-8;
23
               Benzoylindole: any compound structurally derived from
   3-benzoylindole by substitution at the nitrogen atom of the indole
24
   ring with alkyl, haloalkyl, benzyl, halobenzyl, alkenyl,
25
   haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
26
                                    (N-methylpiperidin-2-yl)alkyl,
27
   cycloalkylethyl,
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(4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or
1
2
   not further substituted in the indole ring to any extent, whether or
3
   not substituted in the phenyl ring to any extent, including:
4
                   AM-630;
5
                   AM-679;
6
                   AM-694;
7
                   AM-1241;
8
                   Pravadoline (Other name: WIN 48,098); and
9
                   RCS-4;
              Adamantoylindole: any compound structurally derived
10
11
   from
         3-(1-adamantoyl)indole or 3-(2-adamantoyl)indole by
   substitution at the nitrogen atom of the indole ring with alkyl,
12
13
   haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy,
   cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
14
   (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl,
15
   2-(4-morpholinyl)alkyl, whether or not further substituted in the
16
   indole ring to any extent, whether or not substituted in the
17
   adamantyl ring to any extent, including:
18
                   AB-001; and
19
20
                   AM-1248;
21
              Adamantylindolecarboxamide: any compound structurally
   derived from N-(adamantan-1-yl)-1H-indole-3-carboxamide or
22
23
   N-(adamantan-2-yl)-1H-indole-3-carboxamide by substitution at the
   nitrogen atom of the indole ring by alkyl, haloalkyl, benzyl,
24
   halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl,
25
   hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
26
27
   (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
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1	2-(4-morpholinyl)alkyl, whether or not further substituted in the
2	indole ring to any extent, whether or not substituted in the
3	adamantyl ring to any extent, including:
4	APICA; and
5	STS-135;
6	Adamantylindazolecarboxamide: any compound
7	structurally derived from
8	N-(adamantan-1-yl)-1H-indazole-3-carboxamide or
9	N-(adamantan-2-yl)-1H-indazole-3-carboxamide by substitution at
10	the 1-position nitrogen atom of the indazole ring by alkyl,
11	haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy,
12	cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
13	(N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
14	2-(4-morpholinyl)alkyl, whether or not further substituted in the
15	indazole ring to any extent, whether or not substituted in the
16	adamantyl ring to any extent, including:
17	5-Fluoro AKB-48; and
18	AKB-48;
19	Aminooxobutylindazolecarboxamide: any compound
20	structurally derived from
21	N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indazole-3-carboxamide
22	by substitution at the 1-position nitrogen atom of the indazole
23	ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl,
24	haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
25	cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl,
26	(4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or
27	not further substituted in the indazole ring to any extent

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

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

27

SUBSTANCE

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II, III, IV, IX, X, XI, XII, XIII, XV, and XVI;
1
 2
                     JWH-337;
                     JWH-344;
 3
 4
                     JWH-345; and
                     JWH-405; and
5
                cannabinol derivatives, except where contained
6
7
    marihuana, including tetrahydro derivatives of cannabinol and
    3-alkyl homologues of cannabinol or of its tetrahydro derivatives,
8
9
    such as:
10
                     Nabilone;
11
                     HU-210; and
                     HU-211[<del>; and</del>
12
                     [WIN-55,212-2].
13
          SECTION 3. Section 481.106, Health and Safety Code,
14
15
    amended to read as follows:
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17 ANALOGUE. For the purposes of the prosecution of an offense under

OF

CONTROLLED

- 18 this subchapter involving the manufacture, delivery, or possession
- 19 of a controlled substance, Penalty Groups 1, 1-A, [and] 2, and 2-A
- 20 include a controlled substance analogue that:

Sec. 481.106. CLASSIFICATION

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

16

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

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