

BILL ANALYSIS

Senate Research Center
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S.B. 263
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

K2 (aka Spice, Genie, Fire & Ice) is marketed as incense, but is actually a product that has been sprayed with a chemical compound that mimics the effects of THC, the active ingredient in marijuana, and is being smoked to produce intoxicating effects. S.B. 331, 82nd Legislature, Regular Session, 2011, made K2 an illegal substance, but is reportedly still being sold at gas stations and smoke shops across Texas, as well as online, to Texans of all ages. Unfortunately, manufacturers of synthetic cannabinoids are changing their formulas slightly to skirt the law, and sellers in turn continue to stock their shelves with K2.

Unbeknownst to the user, smoking K2 can have dangerous consequences that put the user's health at great risk. The reported side-effects include hallucination, severe agitation, elevated heart rate and/or blood pressure, chest pains, black outs, tremors, seizures, and cardiac infraction. According to the Texas Poison Center Network, there were 470 K2-related calls in 2012.

The problem is clearly spreading across Texas and use amongst people of all ages and all walks of life is increasing. S.B. 263 seeks to address this problem by adding various new synthetic cannabinoid compounds that have been created since the passage of S.B. 331, by adding Penalty Group 2A to the analogue statute, and by defining the term "Isostere" to make illegal any substance that is a molecular or structural cousin of a synthetic cannabinoid.

As proposed, S.B. 263 amends current law relating to the designation of certain synthetic cannabinoids as controlled substances and controlled substance analogues under the Texas Controlled Substances Act.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 481.002, Health and Safety Code, by amending Subdivision (6) to redefine "controlled substance analogue" and adding Subdivision 54 to define "isostere."

SECTION 2. Amends Section 481.1031, Health and Safety Code, as follows:

Sec. 481.1031. PENALTY GROUP 2-A. Provides that Penalty Group 2-A consists of any quantity of a synthetic chemical compound that is a cannabinoid receptor agonist, including:

(1) certain compounds structurally derived from indole or from any isostere of indole by substitution at both the 1-position of the indole ring system with any alkyl group, cycloalkyl group, or (cycloalkyl)alkyl group, or with an isostere or derivative of any of these groups, and the 3-position of the indole ring system with any alkyl group, cycloalkyl group, or (cycloalkyl)alkyl group, or with an isostere or derivative of any of these groups regardless of whether the indole ring system is further substituted to any extent at other ring system positions by additional groups, including certain groups. Adds to the existing list, the

following groups: AKB-48, AM-679, AM-694, AM-1235, AM-1241, AM-2232, EAM-2201, JWH-167, JWH-171, JWH-172, JWH-173, JWH-175, JWH-176, JWH-184, JWH-185, JWH-192, JWH-194, JWH-195, JWH-196, JWH-197, JWH-199, JWH-203, JWH-204, JWH-205, JWH-206, JWH-208, JWH-237, JWH-248, JWH-249, JWH-250, JWH-251, JWH-252, JWH-254, JWH-302, JWH-303, JWH-305, JWH-306, JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, MAM-2201, UR-144, AND XLR-11;

(2) compounds structurally derived from pyrrole or from any isostere of pyrrole by substitution at both the 1-position of the pyrrole ring system with any alkyl group, cycloalkyl group, or (cycloalkyl)alkyl group, or with an isostere or derivative of any of these groups, and the 3-position of the pyrrole ring system with any alkyl group, cycloalkyl group, or (cycloalkyl)alkyl group, or with an isostere or derivative of any of these groups regardless of whether the pyrrole ring system is further substituted to any extent at other ring system positions by additional groups, including certain groups;

(3) compounds structurally derived from 2-cyclohexylphenol, or from any isostere of 2-cyclohexylphenol, by substitution at the 5-position of the phenyl ring with any alkyl group, a cycloalkyl group, or a (cycloalkyl)alkyl group, or with an isostere of any of these groups, regardless of whether further substituted in the cyclohexyl ring or in the phenyl ring to any extent, including certain groups; and

(4) cannabinol derivatives, except where contained in marijuana, including tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives, such as Nabilone, HU-210, HU-211, and WIN-55,212-2.

Deletes existing text providing that Penalty Group 2-A consists of any quantity of a synthetic chemical 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 naphthyl ring to any extent, including certain groups. Deletes existing text relating to naphthylmethylandones 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 to any extent, whether or not substituted in the naphthyl ring to any extent. Deletes existing text relating to naphthylmethylandenes 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, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl whether or not substituted in the cyclohexyl ring to any extent.

SECTION 3. Amends Section 481.106, Health and Safety Code, as follows:

Sec. 481.106. CLASSIFICATION OF CONTROLLED SUBSTANCE ANALOGUE. Provides that 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, 2, and 2-A include a controlled substance analogue that has a chemical structure substantially similar to the chemical structure of a controlled substance listed in the applicable penalty group, or is specifically designed to produce an effect substantially similar to, or greater than, a controlled substance listed in the applicable penalty group.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2013.