

BILL ANALYSIS

Senate Research Center

S.B. 172
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Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A continuing trend in legal synthetic drugs is designer psychedelics which, when ingested, mimic the effects of LSD or ecstasy, commonly referred to as 25-I. 25-I and its chemical cousins are an extremely dangerous class of synthetic drugs being sold in Texas. These drugs seek to mimic the effects of LSD but are substantially more potent with deadly consequences.

Teens and young people everywhere are overdosing or dying from ingesting this nonpunishable drug. In early 2014, the crime laboratory of the Texas Department of Public Safety reported over 54 cases where 25-I was identified.

None of these cases could be effectively prosecuted because the substance is not currently listed in the Controlled Substances Act. The Department of State Health Services has banned the 25-I, allowing prosecutors to pursue up to a Class A misdemeanor only. S.B. 172 adds certain substances to Penalty Group 2 of the Texas Controlled Substances Act, including 25I-NBOMe.

S.B. 172 amends current law relating to the addition of certain substances to Penalty Groups 1-A and 2 of the Texas Controlled Substances Act for criminal prosecution and other purposes.

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(50), Health and Safety Code, to redefine "abuse unit."

SECTION 2. Amends Section 481.1021, Health and Safety Code, as follows:

Sec. 481.1021. PENALTY GROUP 1-A. (a) Creates this subsection from existing text. Provides that Penalty Group 1-A consists of lysergic acid diethylamide (LSD), including its salts, isomers, and salts of isomers and certain compounds as set forth.

(b) Provides that to the extent Subsection (a)(2) (relating to the certain compounds set forth) conflicts with another provision of this subtitle or another law, the other provision or the other law prevails.

SECTION 3. Amends Sections 481.103, Health and Safety Code, by amending Subsections (a) and (c) and adding Subsection (d), as follows:

(a) Provides that Penalty Group 2 consists of any quantity of certain hallucinogenic substances, unless as specifically excepted, as set forth.

(c) Provides that to the extent Subsection (a)(4), (5), (6), or (7) conflicts with another provision or this subtitle or another law, the other provision, rather than subtitle, or the other law prevails. Provides that if a substance listed in this section is also listed in another penalty group, the listing in the other penalty group controls.

(d) Provides that if a substance listed in this section is approved by the Federal Drug Administration, the inclusion of that substance in this penalty group does not apply and a person may not be convicted for the manufacture or delivery of the substance under Section 481.113 (Offense: Manufacture or Delivery of Substance in Penalty Group 2 or 2-A) or for possession of the substance under Section 481.116 (Offense: Possession of Substance in Penalty Group 2), notwithstanding any other law.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2015.